
**CANADIAN BROADCAST STANDARDS COUNCIL
ONTARIO REGIONAL PANEL**

CIII-TV (Global Ontario) re *Global News* reports (“Bluffs Danger”)

(CBSC Decision 05/06-0500)

Decided May 18, 2006

R. Stanbury (Chair), M. Ziniak (Vice-Chair), D. Braun (*ad hoc*),
R. Deverell (*ad hoc*), H. Hassan, J. Pungente

THE FACTS

On October 4 and 5, 2005, during its 5:30 pm *Global News* show, Global Ontario (CIII-TV) broadcast reports about safety issues on the Scarborough Bluffs, a (roughly) 14-kilometre stretch of cliffs along the shore of Lake Ontario just east of Toronto. Provoked by the rescue of three young persons from a crumbling cliffside on October 3, the two news reports dealt with safety issues relating to the Bluffs.

During the first broadcast, at 5:56 pm, Global Ontario aired a teaser for the upcoming story, which began with an aerial shot of the Bluffs, followed by a street level shot of paramedics wheeling the one injured teenager on a gurney. Anchorman Leslie Roberts said, “But first, a cliffhanger. A dramatic rescue on the Scarborough Bluffs shines a spotlight on other dangerous areas. We’ll take you there live in 60 seconds.” Following a commercial break, from 5:58 to 6:00 pm, the station aired the following “Bluffs Danger” report by Antony Robart (which was introduced by news anchor Leslie Roberts):

Roberts: Well, how many more close calls will it take until security measures are beefed up around the Scarborough Bluffs? Last night our *Global News* chopper captured a dramatic live rescue. Emergency officials rescued a teenager who had fallen down the embankment. One of several rescues, in fact, this summer. Well, today we discovered another part of the Bluffs that’s an accident waiting to happen. Here’s Global’s Antony Robart with our story.

The report began with close-up and medium shots of an orange plastic fence around a parking lot situated near a housing development. The caption at the bottom of the screen indicated that this was the “Scarborough Bluffs”.

Robart: The first sign of trouble: a flimsy plastic fence, nothing more than a Band-Aid.

[Scene of a man digging. A close-up of yellow caution tape in a pile on the ground.]

Robart: Work crews are putting up something more permanent, but even they aren't optimistic.

[A man pointed to a chain-link fence and said “Anybody can climb over there.” This was followed by an aerial shot of the Bluffs, with the caption “Monday Evening”.]

Robart: Certainly three kids can. Proof even a permanent fence couldn't prevent what happened Monday.

[Following that comment, there was a scene of paramedics loading a gurney into an ambulance.]

Robart: There was a happy ending to this story. The next one may not be.

[There was a close-up of asphalt breaking away from the parking lot and the reporter was shown standing nearby with the housing development in the background.]

Robart: And this week's slide is not the only one people in this neighbourhood are worried about. Look what we found just 200 yards away. Six months ago, this used to be a parking lot. Now it is completely eroding. And, look, it's clear even kids are playing here [picks up a ball] and nothing is being done about it.

[A woman walked down the embankment with a little white dog that was unleashed.]

Robart: Veronica Warren walks her dog here every day. On this occasion, Spike, who's deaf, ended up on the wrong side of the fence.

[Veronica Warren picked up her dog and carried him back up the embankment. She was then shown kneeling on the eroding parking lot with the on-screen identifying caption “Resident”. She said, “I'm cheesed off about this. Apart from the fact we have nowhere, because we can't park here, it's, it's dangerous.”]

Robart: Dangerous. So we tried to find out who should be fixing this. We started with the property manager.

[Robart was shown on his cell phone saying “Are you going to, are you going to fix the parking lot, sir?” The sound of a man's voice on the other end of the line was heard saying “I'm, I'm not going to answer any questions. I'm hanging up on you.”]

Robart: Nothing. And, he did hang up on us. [Close-up of cell phone] Moments later we were met by someone who told us she was a member of the board.

[A woman standing beside a car talking to someone noticed that she was being filmed and covered the camera lens with her hand.]

Robart: Still, no answers. It's clear they don't want you to see this.

[The reporter's next comment was over a scene of four teenage boys walking along a wooded path.]

Robart: Nor do they want you to see where these kids took us, just metres away from the sinking parking lot. Over a single wire fence down a steep, narrow, well-used path.

[In the next visual, the boys were seated on the Bluffs, overlooking the water.]

Robart: They call this the quiet getaway on the edge.

Boy #1: Kids are gonna want to take a look at stuff like this.

Boy #2: Because the park's closed, they should probably just, uh, close it off.

Boy #3: Either that or, I don't know, make it a little more sturdy, 'cause this is –

Boy #1: Even here is –

Boy #3: – like look, it's like a clear drop.

[The next shot was of the edge of the cliff and the pant-leg and foot of one of the boys, who was standing near the edge.]

Robart: This has to be one of the most dangerous places in all of Toronto.

[The report cut to a man in uniform standing by the embankment, who was saying, "Stay away from this area. That's the best thing." It was followed by a shot of the crumbling parking lot.]

Robart: So who's responsible for fixing this? No one really seems to know.

[There was a final scene of the four boys on the Bluffs looking out at the water.]

Robart: This cliffhanger in Scarborough doesn't seem to be going anywhere soon. This is Global's Antony Robart reporting.

On October 5, Global Ontario aired a follow-up story to the previous day's report about the Bluffs. Once again, there was a teaser for this story at 5:46 pm, which showed a shot of the Bluffs and a chain-link fence. That imagery was accompanied by news anchor Leslie Roberts' narration, "But first, blame over the Bluffs. Who's responsible for fixing danger spots along the Scarborough Bluffs? We are going back for answers tonight." The report was broadcast from 5:50 to 5:52 pm.

Roberts: A *Global News* follow-up now. The dangers posed by one of Scarborough's most scenic locales. The local news chopper is live over the Scarborough Bluffs tonight. [Aerial shot of Bluffs] While scenic, the Bluffs can also be a dangerous place, as we saw two nights ago when three people had to be rescued from the cliff. Global's Antony Robart now with why little has been done to make the Bluffs safer despite the appeals by area residents.

[Shot of a boy's foot on the edge of the Bluffs.]

Robart: Three hundred feet is definitely a long way down. [Shot of Bluffs] To appreciate this beauty, you put your life on the line, literally. Open access to the edge, a parking lot that's going down the cliff. [Close-up of eroding parking lot] What's going on here? That's what this area's city councillor's asking.

David Soknacki, City Councillor: There is a finger-pointing exercise over, uh, the issue of whether something ought to have been built there or not. In retrospect, hundred percent, nothing should've been built there. Trouble is, something's been built there and property owners are now saying "But we have this investment".

[Scene of Veronica Warren walking Spike on a leash in the crumbling parking lot.]

Robart: A number of residents have launched complaints. But on this property owned by Newton Trelawney Management, nothing has been done.

Soknacki: It's not as if it's a park. Because if it's a park, we could make the phone call and the fences would be up like that [snaps his fingers]. It's private property. And people regard that as if you would your own backyard.

[Scene of Warren walking her dog in the parking lot.]

Robart: And many share this backyard. The Conservation Authority says it offered to help. [Close-up of orange plastic fence around parking lot] It gave the owners ideas on what it needs to do. That was three weeks ago.

[Scene of fire captain walking in the area.]

Robart: The fire captain does not want any more preventable rescue efforts on the Bluffs.

[Aerial shot of Bluffs.]

Capt. Doug Silver, Fire Rescue: The, uh, edge of the Bluffs are always unpredictable on when they're going to break away, so the best advice I can give you is that's what these fences are for. The fences tell you not to go over to the other side.

[Shot of reporter Robart standing on edge of the Bluffs.]

Robart: The scary thing is that is not the only area that is a major safety concern. All along the edge of the Scarborough Bluffs there are many, many open access points that lead to a cliff that, with erosion, has become very unstable and obviously very dangerous [aerial shot of Robart on cliff]. So, will anything be done to this dangerous part of the Bluffs? [Scene of Robart talking to Soknacki] This city councillor vowed on the record pressure will be put on the owners. [Aerial shot of house on the Bluffs] But with the finger-pointing in full swing, the residents' trust is in short supply. If nothing's done soon, the Bluffs won't be the only thing to erode. This is Global's Antony Robart reporting.

The woman who was identified as "a member of the board" in the first report filed a complaint dated October 5. She expressed her concerns about numerous aspects of the two reports and of the news team's conduct, which were outlined

(in part) as follows (the full text of all correspondence can be found in the Appendix):

I would like to report an incident of trespassing on private property, verbal assault, and endangering the safety of minor children, committed by a Global Television News crew on September [sic] 4th, 2005, at a Lakeside Village townhouse complex in Scarborough.

I live in this townhouse condominium at Livingston Rd. in Scarborough. Yesterday, a Global Television news crew entered our property to do a story about public safety with the Toronto fire department. I am currently the president of the condominium board and when I learned there was a fire truck at the property, I went to find out what was happening. As I walked toward the fire department staff, I noticed several people who were just leaving an area of our property that had been fenced off due to bluff erosion.

I immediately walked toward them asking what they were doing inside the fenced-off area. When I noticed the TV camera, I asked them to identify themselves. I didn't get an answer. I asked them to leave, as this is a private property (clearly identified at the entrance). At that moment the "reporter" started to shout and yell at me. I didn't know what to do. I turned and walked to the fire department staff as they were the only "uniform" in sight. As I was walking, the "reporter" followed me and continued shouting and yelling at me. I guess they were supposed to be questions, but there was no time in between them to actually give an answer – just a stream of accusations and insinuations.

[...]

I believe that news people are not above the law, and cannot behave in a way that violates other people under the pretence of "getting the story". [...]

After the TV crew had left, I learned from the Fire Department staff that in order to shoot their story, the *Global News* team gathered children at our property (all excited that TV was here) and sent them to the edge of the cliff, so they got their shot. They did that AFTER the fire department people refused to walk there because it is unsafe, in an area that is outside of our property boundaries, without the children's parents' knowledge or permission. I consider that another violation of basic journalistic ethics, with potentially serious consequences to the safety of our residents.

The Global TV story about safety was shot violating every safety requirement, violating other people's privacy, putting them in danger, and trespassing on private property. As much as I understand the inquisitive nature of news, I also believe that personal harassment cannot be justified and hide behind the mask of a "well, it's the news" attitude.

The complainant sent additional information to the CBSC on October 25:

I've gathered additional information that I believe is relevant to my situation, and I urge you to review the footage of Scarborough Bluffs safety stories broadcast by Global TV in Toronto on October 4th and 5th, 2005.

First of all, I'd like to correct the event date – I was harassed by Global TV news crew on October 4th, not September 4th, as originally stated.

[...]

I strongly object to the fact that my image was used in the story without my consent, and that by including incorrect information in the story, Global TV News damaged my reputation in the community where I live. As I stated in my original complaint, I asked the crew (not knowing they were a TV crew) why were they in an area that was clearly marked as off-limits and to identify themselves. Instead of answering, they started asking me questions about public safety on Scarborough Bluffs. At that point, I noticed the camera and told them ours was a private property, and since they wouldn't identify themselves, I asked them to leave. I also covered the camera lens, which I believe should be a sufficient indication that I didn't wish to be included in their story. I started walking away and they followed me. They only stopped when I asked the fire department staff for assistance. Of course, none of this was included in the broadcast, except the moment when I noticed the camera and covered its lens. By editing the story the way they did, they imply that I have something to hide (with the reporter stating it in very suggestive terms), and that I could somehow be responsible for an accident that happened the day before.

In a follow-up story (October 5th), they re-used some footage from the day before, stating that the property belongs to Newton-Trelawney, which is incorrect. It is collectively owned by the unit owners of a condominium corporation, governed by a volunteer board of directors who serve the community in their spare time, without remuneration of any kind. By associating my image with the bluffs erosion and narration 'someone who says they are on the board', the story implies that I am associated with the property management firm which is also incorrect.

Further, after singling out our property as a 'problem area', the story shows several eroded areas of the Bluffs that are on city property, without explicitly mentioning that fact. This leaves the impression that the condominium corporation is negligent in maintaining safety around the bluffs. In fact, a short walk around the property and adjacent parks will show that our safety measures are sufficient and far exceed those on public property. [...]

The story is not based on any research, it seems, but it is clear that they were aware of being on a private property. It is clear I didn't wish my image to be included in the story. It is clear they misrepresented facts by omitting the distinction between public land and our property. It is clear they asked teenage children to enter a very dangerous area (which is on PUBLIC land, not on our property) to get their story. Whether or not the children went along voluntarily does not change anything about this being a potentially criminal behaviour. It is clear they taped and selectively showed a telephone conversation with our property manager and that as well happened without his knowledge or consent.

Until I had actually seen the story as broadcast, my complaint was about the way I was approached and treated by the crew. From your reply I understand that "The CBSC will not adjudicate off-air events, despite the provision in some Code clauses which would seem to entitle it to do so." But after seeing it the way it was broadcast in its edited form, I have no choice than to reiterate and expand on my complaint.

I believe the story is sensationalist, bordering on slanderous, and the footage was obtained by illegal means. I can assure you that I will pursue any venue to any length to clear up my reputation so viciously attacked by the station. I believe your organization's mandate is to carefully consider my complaint as it is

related to at least two of your industry codes. [...] I strongly suggest you obtain a copy of the relevant broadcast stories and put it to test against your own published *Code of Ethics* [...].

Global Ontario responded to the complainant on November 25 with the following information:

Let me begin by stating that the *Global News* team strives to uphold the highest level of journalistic integrity and ethics at all times. Our producers, reporters and other journalists are dedicated to produce material that is balanced, fair and in accordance with community standards and with the Canadian Association of Broadcasters' (CAB) *Code of Ethics* as well as the Radio Television News Directors Association of Canada (RTNDA) *Code of Ethics*.

On Tuesday, October 4, 2005 a *Global News* crew was assigned a follow-up story on the dangers posed by the crumbling Scarborough bluffs. The original story that aired on Monday, October 3rd related to three minors who were rescued after going over the side of the bluffs. During pursuit of the follow-up story, a *Global News* crew of three (reporter, producer and cameraman) happened on a crumbling parking lot several hundred yards from where the original incident took place. My response to your concerns are based on three independent written accounts of the events that transpired that day from members of the *Global News* crew that were present.

After interviewing a local resident, who was frustrated by the potential danger posed by a crumbling parking lot on a property adjacent to the Scarborough Bluffs, *Global News* placed a call to the property manager who refused to discuss the situation and terminated the call abruptly. A woman, Ms. [K.], who refused to immediately identify herself, then approached the *Global News* crew. In addition to clearly visible Global markings on the crew's electronic field production equipment, the Global crew verbally identified themselves. At no time were images of Ms. [K.] taken in a clandestine fashion without her knowledge. At no time was the *Global News* crew asked by Ms. [K.] to leave the property. All three members of the crew insist that at no time did any of them shout at Ms. [K.]. Questions regarding public safety were repeatedly asked but Ms. [K.] refused to answer them. At one point Ms. [K.] grew frustrated with the interview and attempted to cover the lens of the *Global News* camera with her hand.

I am satisfied that the reason a *Global News* crew was at a dangerous part of the Scarborough Bluffs was to pursue a story of public interest and safety. I am satisfied that the *Global News* crew clearly identified itself. I am fully satisfied that the story that aired on *Global News* on October 4th was accurate and did not take Ms. [K.]'s remarks out of context nor did it misrepresent her in any way. I also believe our news crew did not invade Ms. [K.]'s privacy, as she was the one who approached the crew. I am also satisfied that the crew treated Ms. [K.] respectfully.

On December 6, the complainant filed her Ruling Request accompanied by a note and a detailed document which elaborated on her concerns. At her request, the detailed document was not forwarded to the broadcaster. Consequently, while it is included in the correspondence which can be found in the Appendix, it has not played a role of significance in the drafting of this decision.

THE DECISION

The Ontario Regional Panel examined the complaint under the following provisions of the Canadian Association of Broadcaster's (CAB) *Code of Ethics* and the Radio-Television News Directors Association of Canada's (RTNDA) *Code of (Journalistic) Ethics*.

CAB Code of Ethics, Clause 5(1) - News

It shall be the responsibility of broadcasters to ensure that news shall be represented with accuracy and without bias. [...]

CAB Code of Ethics, Clause 6 – Full, Fair and Proper Presentation

It is recognized that the full, fair and proper presentation of news, opinion, comment and editorial is the prime and fundamental responsibility of each broadcaster. This principle shall apply to all radio and television programming, whether it relates to news, public affairs, magazine, talk, call-in, interview or other broadcasting formats in which news, opinion, comment or editorial may be expressed by broadcaster employees, their invited guests or callers.

RTNDA Code of (Journalistic) Ethics, Article 1 – Accuracy

Broadcast journalists will inform the public in an accurate, comprehensive and fair manner about events and issues of importance.

RTNDA Code of (Journalistic) Ethics, Article 3 – Authenticity

Broadcast journalists will present the news and public affairs without distortion. Interviews may be edited provided that the meaning is not changed or misrepresented. [...]

RTNDA Code of (Journalistic) Ethics, Article 4 – Privacy

Broadcast journalists will respect the dignity, privacy and well-being of everyone with whom they deal, and will make every effort to ensure that news gathering and reporting does not unreasonably infringe privacy except when necessary in the public interest. Hidden audio and video recording devices should only be used when it is necessary to the credibility or accuracy of a story in the public interest.

RTNDA Code of (Journalistic) Ethics, Article 8 – Decency and Conduct

Broadcast journalists will treat people who are subjects and sources with decency. They will use special sensitivity when dealing with children. They will strive to conduct themselves in a courteous and considerate manner, keeping broadcast equipment as unobtrusive as possible. They will strive to prevent their presence from distorting the character or importance of events.

The Ontario Panel Adjudicators reviewed all of the correspondence and viewed tapes of the two news reports in question. The Panel concludes that both news reports are so linked together in their treatment of their subject matter that they constitute a unit for purposes of this decision. While the Panel will deal separately with each of the issues reported on, it concludes that the broadcast reports are in violation of Clauses 5 and 6 of the *CAB Code of Ethics*, as well as Articles 1 and 3 of the *RTNDA Code of (Journalistic) Ethics*. The broadcasts were not, however, in violation of Articles 4 or 8 of the *RTNDA Code of (Journalistic) Ethics*.

Off-Air Events

The concerns of the complainant were basically of two kinds; namely, those relating to what was said on air, and those relating to what may or may not have been recorded but was not in the end aired. For example, a number of the concerns involved: criticisms about how the news crew gained access to the property, how they introduced themselves, what the nature of the questioning was, what the tone of voice was (i.e. shouting or simply querying), and the complainant's allegations that the news crew either "harassed" or were otherwise inconsiderate towards her.

Since the CBSC is not a gatherer of evidence or finder of fact, it can generally only rule on the actual content of the broadcast. See, for example, *CKVR-TV re News Item (Car Troubles)* (CBSC Decision 97/98-0235, July 28, 1998), in which the Ontario Regional Panel made the following statements regarding certain off-air events relating to the complaint in question:

In circumstances where there may be any conflict between two versions of what transpired in an off-air telephone conversation, as in this case, the Panel is not in a position to make any determination on that issue since the CBSC does not hear witnesses, carry on investigations or gather evidence in any other way. As stated in *CFRN-TV re Eyewitness News* (CBSC Decision 96/97-0149, December 16, 1997), where there are not agreed facts regarding an off-air matter, the Panel is limited to being able to deal with the "on-air" portion of the complaint.

[...]

Circumstances often do arise which depend on off-air issues and where there is either agreement on the off-air facts or there is no materially different view of those facts. In such cases, the CBSC is free to express its view of matters, provided they fall under the Codes or standards relating to broadcaster membership.

Except in those rare circumstances when there is agreement between the complainant and the broadcaster about off-air occurrences, and the type of off-air behaviour is anticipated by the *CAB Code of Ethics* or the *RTNDA Code of Ethics*, there is no way for the CBSC to get to the bottom of factual disputes. The current processes do not allow for such forms of inquiry. Accordingly, the CBSC

is not in a position to comment on either the substance of the complaint dealing with those matters or the broadcaster's position on those assertions.

A Slight Exception to the Foregoing

Notwithstanding the foregoing section, the Panel notes that there are *some* matters on which it must comment since these relate to the appearance of the material actually broadcast, despite the fact that the factual background is not crystal-clear. These relate to off-air occurrences that inform the on-air configuration of the report. Examples relate to the editing of the videotaped material. Without re-investigating the entire reporting on the two dates, including the review of the raw material, the crew's filming locations, the full pre-edited sequences with the complainant and the property manager, and so on, the Panel *must* rely on some representations. In this case, they are primarily those of the complainant, who has provided lengthy and detailed descriptions of what she experienced and what she knows, as a decade-long resident of the Bluffs. The Panel finds many of the explanations of the complainant balanced and credible. Some parts of its conclusions are, therefore, reflective of the interpretation of events relating to the on-air content of the news reports provided by the complainant.

Privacy

The complainant stated that the October 4 report invaded her privacy as well as that of the property manager. The Panel does not agree. While it does find that Global Ontario's broadcast of the interaction with the two individuals was distorted and not fair and proper (see below), it does not consider that their privacy was breached. Fundamentally, it considers that the story was in the public interest and that, properly handled, the positions and views of the two individuals might have been an important component of the story. In *CTV re Canada AM (Airborne Hazing)*, (CBSC Decision 94/95-0159, March 12, 1996), for example, a viewer complained about the news coverage of the Airborne Regiment's hazing practices and the invasion of privacy of the persons shown in the news report. In its *Airborne Hazing* decision, the Panel said

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

While the two individuals in the matter at hand whose image, in the one case, and voice, in the other, were not *as* essential to the story as the images of the

individuals in the Airborne Hazing matter, they were not without relevance and the broadcast of their image/voice was potentially a matter of interest to viewers. Moreover, they were not identified by name in the broadcast. In a not radically different circumstance, namely, *CKCO-TV re News Report (Police Arrest)* (CBSC Decision 96/97-0174, February 20, 1998), this Panel noted

that the report in question does not mention the name of either the accused or, for that matter, the victim of the assault, and no other indicators were given in the report which would permit the identification of the two persons portrayed by persons other than those who already knew them. The Ontario Regional Council also finds [...] that there was a justifiable interest in using the unidentified but relevant images to illustrate a story about which the public had an interest in learning.

In the end, the problem relates to the use the broadcaster chose to make of the images, not to their use *at all*. On the former issue, the Panel finds no fault. On the latter, it does (see the section on Sensationalization and Distortion below).

Inaccuracy: Property Ownership

For the reasons explained above, the Panel is not in a position to assess the accuracy of statements made regarding the actual safety conditions of the Bluffs, whether or not the Conservation Authority ever offered to help the housing development, and the like. On the other hand, *some* of the matters that relate to which areas of the Bluffs are public property and which are private and whether or not residents had lodged complaints may be said to fall so closely and obviously within the knowledge of the complainant that the Panel is prepared to accept her explanation of such matters.

Where, for example, the broadcaster asserted that the “property [is] owned by Newton Trelawney Management”, it appears that the report was in error. As the complainant explained, the property “is collectively owned by the unit owners of a condominium corporation, governed by a volunteer board of directors who serve the community in their spare time, without remuneration of any kind.” The Panel assumes that this factual assertion could easily have been verified before broadcast. If it could not have been, making the statement was at risk of being inaccurate and, in either case, amounted to a violation of Clause 5 of the *CAB Code of Ethics* and Article 1 of the *RTNDA Code of (Journalistic) Ethics*.

Inaccuracy: Representation of Venues

The Panel finds the undisclosed mixing of venues an even more material matter. First, the Bluffs are *kilometres* long and it appears that the broadcaster chose video clips from different locations without indicating that they were not related to the location that was principally associated with the venue of their report. Indeed, in the report itself, the reporter said, “Nor do they want you to see where

these kids took us, *just metres* away from the sinking parking lot. [Emphasis added.]” The complainant explained that the footage in question was on public property, rather than on that owned by the condominium association, and, as she later clarified, it is at “a distance of at least 100 metres on the ground.” Even though the News Director explained that “a *Global News* crew of three (reporter, producer and cameraman) happened on a crumbling parking lot several hundred yards from where the original incident took place,” that was not disclosed in the follow-up on-air report. It appears that the opening shot of the October 5 segment was taken at some distance from the housing development.

In all, the Panel considers that much of the undisclosed description of the relative locations of the on-air footage bears a similarity to the matters decided by this Panel in *CKVR-TV re a News Report (Penned Hunt)* (CBSC Decision 00/01-0761, June 7, 2002). In that dossier, this Panel examined a news report about an individual who had filed an application to establish a deer-hunting park on his property. The report included interviews with people involved in the issue, including the owner of the hunt park on his wooded piece of land. The report also included footage of deer in a penned unwooded area. The complaint came from the hunt park owner's neighbour who stated that the deer shown in the clip were actually deer from his breeding operation. He was concerned, first, that, by filming his deer without his permission, the news crew had violated his privacy, and, second, that the broadcast misrepresented both the hunt park and his breeding operation. The broadcaster explained that there had been no deer at the hunt park at the time of filming, which was problematic since “We are a visual medium and so it was important for us to show our viewers the type of animals we were referring to in our story.” Consequently, they decided that they had to fill that gap, which they did by obtaining footage from a property down the road. The Panel found no breach with respect to invasion of privacy, but it did find a breach for the broadcaster's failure to identify the footage of the deer as not belonging to the hunt park. The Panel explained the reasons for its finding of breach in the following terms:

At no time has the broadcaster made the audience aware that the scenes were shot at two separate properties. The reporter's statement that the woman is opposed to plans for animals to be hunted "in a fenced-in area" directly overlying the visuals of animals in a penned open field leaves the viewer with the distinct impression that those are in fact the animals to be hunted and that the enclosure shown is indeed the hunt park terrain. Should this not have been the case (and, as matters turned out in fact, it was not), it would have been important and, indeed, accurate to indicate in some manner, such as a "file footage" caption at the bottom of screen or a brief statement that they were discussing "animals *like* these", that the images of the deer in the open field had been obtained at some location *other than* the hunt park which was the subject of the report.

The broadcaster claims that "there were visuals of deer and elk but it was neither said nor suggested that these were the specific animals to be hunted [...]." The Panel finds no justification for the broadcaster's choices in that statement. While it may not have been *said* that those were the animals to be hunted, *it was suggested* that they were. Had the broadcaster been careful with respect to this

story, it *ought* to have indicated that they were not the animals in question and that the circumstances of their disposition in open fields bore little or no relevance to its story on the hunt park. Television journalism tells stories primarily through visual images. The accurate juxtaposition of visuals and words in the television context are key to disseminating news in such a way as "to enable people to know what is happening, and to understand events so that they may form their own conclusions," as required by the *CAB Code of Ethics*. In disseminating an image, a broadcaster must assume, unless it advises the audience otherwise, that that visual component is a part of the story it is telling. It is not justifiable for it to expect that, *unless* it advises the viewer that it *is a part* of the story, the viewer is not reasonably entitled to draw *that* conclusion. The Panel does not consider that the broadcaster was intending to mislead its audience. Nonetheless, while attempting to help its viewers, it has, in the view of the Panel, done them a disservice in its misrepresentation of the nature of the hunt park. The broadcaster is thus in breach of Clause 6 [now Clause 5] of the *CAB Code of Ethics*, and of Article 1 of the *RTNDA Code of (Journalistic) Ethics*.

For the foregoing reasons, the Panel concludes that the October broadcasts are in violation of Clause 5 of the *CAB Code of Ethics* and Article 1 of the *RTNDA Code of (Journalistic) Ethics*.

Sensationalization and Distortion

The sensationalization and distortion of news stories frequently, but not invariably, go hand-in-hand. After all, the reason for either action is the same, namely, to render a news item more appealing to the audience. Where this is successfully accomplished, the reputation of the news organization and its product will be enhanced. That goal is fair enough. The issue for the Panel is how it is achieved. Has it been accomplished by sensationalizing a story beyond its inherent nature? Has the filming been edited so as to distort what was actually said? Have the facts been knitted together so as to leave a different, or unwarranted, picture from that which would reasonably or fairly have flowed from a straightforward presentation of them? In sum, has the presentation breached the standards codified in Clause 6 of the *CAB Code of Ethics* or Article 3 of the *RTNDA Code of (Journalistic) Ethics*?

Before reviewing the substance of the two news reports, it should also be noted that it must be assumed that almost any interview or news report will be reduced for broadcast purposes. In its decision in *CTV re W5 ("Lawn Wars")* (CBSC Decision 95/96-0187, October 21, 1996), this Panel said on this point:

The CBSC agrees with the view expressed by CTV's Vice President, News, that "While not everything you said was used, [this is] a normal practice in television." It is, in the Council's view, important that members of the public appreciate that this is the case. All news and public affairs stories, whether in the print or electronic media, begin large and are pruned small. The result is that, in all likelihood, only a *part* of what any interviewee says to a reporter in any medium will be used. The question ultimately relates to the *choice* which is made.

It follows that the Panel can be expected to find no difficulty with the reality that there was editing of the interviews with the complainant or the property manager. Nor is it problematic to the Panel that bits and pieces of footage have been blended together. The question is how.

The answer to that question is that the Panel has found several problems with the broadcast. First, there is the representation of accessibility, which is reflected in the comments relating to the allegation that “even kids are playing here” and that a dog being walked by its owner has easily got on the wrong (i.e. dangerous) side of the fence. The first part of the point has been made by the reporter picking up a ball. There was *no* other indication that children had played in the eroding parking lot and no proof whatsoever of how the ball got onto that lot. Having just shown a dog in the segment, it is at least possible that it or some other pet picked up the ball and dropped it there. There was absolutely no evidence provided in the report to establish that a child had played in that eroding location. As to the presence of the dog on the wrong side of the fence with its owner, the complainant explained that “the undisputed fact is that there are signs all over our property clearly indicating that dogs must be on a leash.” It would appear to the Panel that, on the assumption that such signs are broadly present, it was unfair for the broadcaster to leave a sense of dereliction of duty on the part of the condominium association. It would have been reasonable for the broadcaster to find a way to inform the viewing audience that there were at least warnings to that effect. In other words, to the extent that the issue for *Global News* was that “nothing is being done about it [the accessibility],” the impression left was distorted, incomplete and unfair.

Then there is the question of the “interviews”. The broadcaster has left an impression of a refusal to co-operate on the part of the property management company (referred to incorrectly in the October 5 news report as “private property owned by Newton Trelawney Management”). First, there was the report that, to the question “Are you gonna fix the parking lot, sir?”, the property manager replied, “I am not going to answer any questions, I am hanging up on you,” followed by the reporter concluding “Nothing, and he did hang up on us.” Then there was the confrontation with the complainant. The reporter began, “Moments later we were met by someone who told us she was a member of the board.” The scene began with a woman standing beside a car talking to someone. It then showed her covering the camera lens with her hand, following which the reporter commented, “Still, no answers. It’s clear they don’t want you to see this.”

By selectively choosing the moment of the hanging-up of the telephone by the property manager without any context (which has been provided by the complainant), the broadcaster appears to have distorted the reason for the manager’s action. Of greater concern to the Panel, though, is the conclusion its reporter has drawn from the complainant’s hand over the camera lens. “It’s clear they don’t want you to see this” is, according to her explanation, an unjustifiable

concluding tag-line to her action, which, she explains, was because she wanted the news crew off the private property. Indeed, it is hard for the Panel to understand what the complainant could have been hiding at that moment, since there appeared to be nothing problematic in the line of sight. In the view of the Panel, these editing choices were made to advance the point of view the reporter and station News Director had selected. They do not appear to the Panel to have been justified. The broadcasts are, for the foregoing reasons, not full, fair and proper and are in breach of Clause 6 of the *CAB Code of Ethics* and Article 3 of the *RTNDA Code of (Journalistic) Ethics*.

Endangering the Lives of Minors

The complainant asserted that the news team endangered the safety of the four teenage boys by accompanying them to a dangerous area of the Bluffs. From the point of view of the Panel, there is simply no evidence of that. The news report of course consists of edited pieces and, short of receiving a shot list, a location list and details of the lenses used, there can be no indication of precisely where the boys were when they were filmed. Viewing the small screen as best it could, the Panel is unsure that the filming was done at a perpendicular location. The bluffs at that point appeared to be steep but not suicidal. Moreover, the Panel is not convinced that the members of the news crew would have put *themselves*, much less *children*, in any immediate danger. That being said, to argue that they may have wished to create the filmed *illusion* of danger is possible, if not likely. That was, after all, the purpose of the news reports. It hardly equates to endangering the *lives* of children. Nor does the action, in any way, extend to being what the complainant has alleged to be “potentially criminal behaviour”. The Panel finds that a particularly regrettable characterization by the complainant.

Broadcaster Responsiveness

The CBSC always assesses the broadcaster’s responsiveness to the complainant, which is a responsibility of membership in the Council. It expects that response to be thoughtful and focussed on the substance of the complaint. The Panel does consider that Global Ontario did reply sufficiently to discharge its obligation of responsiveness on this occasion. The Panel wishes to point out that, although Global Ontario was 10 days late in responding to the complainant, this delay was not sufficiently problematic to constitute a breach of the obligation of responsiveness. That being said, the Panel does advise the broadcaster to be timelier in its future responses to complainants who generally have themselves made a significant commitment in providing the CBSC with a *written* complaint in the first place.

ANNOUNCEMENT OF THE DECISION

Global Ontario is required to: 1) announce the 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 during the time period in which *Global News* was broadcast; 2) within the fourteen days following the broadcasts of the announcements, to provide written confirmation of the airing of the statement to the complainant who filed the Ruling Request; and 3) at that time, to provide the CBSC with a copy of that written confirmation and with air check copies of the broadcasts of the two announcements which must be made by Global Ontario.

The Canadian Broadcast Standards Council has found that Global Ontario breached provisions of the Canadian Association of Broadcasters' and Radio-Television News Directors Association's *Codes of Ethics* in the news reports dealing with safety issues on the Scarborough Bluffs which aired on *Global News* on October 4 and 5, 2005. The news reports contained inaccurate information about the ownership of a condominium property and the venues at which its news story had been shot, contrary to Clause 5 of the *CAB Code of Ethics* and Article 1 of the *RTNDA Code of (Journalistic) Ethics*. The news reports were also found to distort the ease of accessibility to the eroding parking area and the provision of notices regarding that endangered area, as well as the reaction of the property manager and a board member of the condominium association to the Global reporter's questions, contrary to Clause 6 of the *CAB Code of Ethics* and Article 3 of the *RTNDA Code of (Journalistic) Ethics*.

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

APPENDIX

CBSC Decision 05/06-0500 CIII-TV (Global Ontario) re *Global News* reports (“Bluffs Danger”)

The Complaint

The following complaint was sent to the CRTC on October 5, 2005 and forwarded to the CBSC in due course:

Dear Sir/Madam,

I would like to report an incident of trespassing on private property, verbal assault, and endangering the safety of minor children, committed by a Global Television News crew on September 4th [sic], 2005, at a Lakeside Village townhouse complex in Scarborough.

I live in this townhouse condominium at Livingston Rd in Scarborough. Yesterday, a Global Television news crew entered our property to do a story about public safety with the Toronto fire department. I am currently the president of the condominium board and when I learned there was a fire truck at the property, I went to find out what was happening. As I walked toward the fire department staff, I noticed several people who were just leaving an area of our property that had been fenced off due to bluff erosion.

I immediately walked toward them asking what they were doing inside the fenced-off area. When I noticed the TV camera, I asked them to identify themselves. I didn't get an answer. I asked them to leave, as this is a private property (clearly identified at the entrance). At that moment the "reporter" started to shout and yell at me. I didn't know what to do. I turned and walked to the fire department staff as they were the only "uniform" in sight. As I was walking, the "reporter" followed me and continued shouting and yelling at me. I guess they were supposed to be questions, but there was no time in between them to actually give an answer – just a stream of accusations and insinuations.

I reached the fire department staff and asked them for help. One advised me just to "walk away". I had to compose myself as I felt much violated. And I walked away. The reporter didn't follow me anymore.

I believe that news people are not above the law, and cannot behave in a way that violates other people under the pretense of "getting the story". If an unidentified man verbally attacks you in this fashion, refusing to leave your property ... isn't that violence?

After the TV crew had left, I learned from the Fire Department staff that in order to shoot their story, the *Global News* team gathered children at our property (all excited that TV was here) and sent them to the edge of the cliff, so they got their shot. They did that AFTER the fire department people refused to walk there because it is unsafe, in an area that is outside of our property boundaries, without the children's parents' knowledge or permission. I consider that another violation of basic journalistic ethics, with potentially serious consequences to the safety of our residents.

The Global TV story about safety was shot violating every safety requirement, violating other

people's privacy, putting them in danger, and trespassing on private property. As much as I understand the inquisitive nature of news, I also believe that personal harassment cannot be justified and hide behind the mask of a "well, it's the news" attitude.

The complainant sent additional information on October 25:

Dear Sir/Madam,

Thank you for your reply to my complaint (Reference 269501). Since then, I've gathered additional information that I believe is relevant to my situation, and I urge you to review the footage of Scarborough Bluffs safety stories broadcast by Global TV in Toronto on October 4th and 5th, 2005.

First of all, I'd like to correct the event date - I was harassed by Global TV news crew on October 4th, not September 4th, as originally stated. As you may understand, I was quite upset (and I still am) about the whole situation, hence the mistake. It does not change the essence of what happened, though. To ensure I was properly informed about the way Global TV News covered the story, I have obtained a copy of the particular broadcast.

Reference:

GLOBAL NEWS (17:30) (CIII-TV), 4/10/2005, 17:58 Length:00:02, Ref:5323B2-20
SCARBOROUGH: BLUFFS RESCUE LAST NIGHT HIGHLIGHT NEED FOR GREATER;
GLOBAL NEWS (17:30) (CIII-TV), 5/10/2005, 17:50 Length:00:02, Ref:534533-14,
SCARBOROUGH: FOLLOW-UP ON PREVIOUS SEGMENT ON SCARBOROUGH
BLUFFS.

I strongly object to the fact that my image was used in the story without my consent, and that by including incorrect information in the story, Global TV News damaged my reputation in the community where I live. As I stated in my original complaint, I asked the crew (not knowing they were a TV crew) why were they in an area that was clearly marked as off-limits and to identify themselves. Instead of answering, they started asking me questions about public safety on Scarborough Bluffs. At that point, I noticed the camera and told them ours was a private property, and since they wouldn't identify themselves, I asked them to leave. I also covered the camera lens, which I believe should be a sufficient indication that I didn't wish to be included in their story. I started walking away and they followed me. They only stopped when I asked the fire department staff for assistance. Of course, none of this was included in the broadcast, except the moment when I noticed the camera and covered its lens. By editing the story the way they did, they imply that I have something to hide (with the reporter stating it in very suggestive terms), and that I could somehow be responsible for an accident that happened the day before.

In a follow-up story (October 5th), they re-used some footage from the day before, stating that the property belongs to Newton-Trelawney, which is incorrect. It is collectively owned by the unit owners of a condominium corporation, governed by a volunteer board of directors who serve the community in their spare time, without remuneration of any kind. By associating my image with the bluffs erosion and narration 'someone who says they are on the board', the story implies that I am associated with the property management firm which is also incorrect.

Further, after singling out our property as a 'problem area', the story shows several eroded areas of the Bluffs that are on city property, without explicitly mentioning that fact. This leaves the impression that the condominium corporation is negligent in maintaining safety

around the bluffs. In fact, a short walk around the property and adjacent parks will show that our safety measures are sufficient and far exceed those on public property. Your reply stated that "the CBSC is unable to pursue your complaint". I disagree. From the two stories broadcast, there is plenty of sources to follow according to your process – "The CBSC complaints-resolution process involves the review of all correspondence from both the broadcaster and the complainant as well as a review of any tapes of the broadcast in question."

The story is not based on any research, it seems, but it is clear that they were aware of being on a private property. It is clear I didn't wish my image to be included in the story. It is clear they misrepresented facts by omitting the distinction between public land and our property. It is clear they asked teenage children to enter a very dangerous area (which is on PUBLIC land, not on our property) to get their story. Whether or not the children went along voluntarily does not change anything about this being a potentially criminal behaviour. It is clear they taped and selectively showed a telephone conversation with our property manager and that as well happened without his knowledge or consent.

Until I had actually seen the story as broadcast, my complaint was about the way I was approached and treated by the crew. From your reply I understand that "The CBSC will not adjudicate off-air events, despite the provision in some Code clauses which would seem to entitle it to do so." But after seeing it the way it was broadcast in its edited form, I have no choice than to reiterate and expand on my complaint.

I believe the story is sensationalist, bordering on slanderous, and the footage was obtained by illegal means. I can assure you that I will pursue any venue to any length to clear up my reputation so viciously attacked by the station. I believe your organization's mandate is to carefully consider my complaint as it is related to at least two of your industry codes. You state that "The CBSC is a national voluntary self-regulatory organization created by Canada's private broadcasters to deal with complaints made by viewers or listeners about programs which they have seen or heard broadcast on a member station. The CBSC administers four industry codes, namely a code of ethics, a code concerning television violence, a code concerning sex-role stereotyping and a code of journalistic ethics, which set out the guidelines for television and radio programming."

I strongly suggest you obtain a copy of the relevant broadcast stories and put it to test against your own published *Code of Ethics* (<http://www.cbsc.ca/english/codes/rtn dacode/rtn da.htm>).

Article One (Accuracy)

Broadcast journalists will inform the public in an accurate, comprehensive and fair manner about events and issues of importance.

Article Three (Authenticity)

Broadcast journalists will present news and public affairs without distortion. Interviews may be edited provided that the meaning is not changed or misrepresented. Broadcast journalists will not present news that is rehearsed or re-enacted without informing the audience. Newsrooms should take steps to ensure the authenticity of amateur video and audio tape before broadcasting it. Editorials and commentary will be identified as such.

Article Four (Privacy)

Broadcast journalists will respect the dignity, privacy and well-being of everyone with whom they deal, and will make every effort to ensure that news gathering and reporting does not unreasonably infringe privacy except when necessary in the public interest. Hidden audio and video recording devices should only be used when it is necessary to the credibility or

accuracy of a story in the public interest.

Article Seven (Corrections)

Errors will be quickly acknowledged and publicly corrected.

Article Eight (Decency and Conduct)

Broadcast journalists will treat people who are subjects and sources with decency. They will use special sensitivity when dealing with children. They will strive to conduct themselves in a courteous and considerate manner, keeping broadcast equipment as unobtrusive as possible. They will strive to prevent their presence from distorting the character or importance of events.

On November 22, the complainant sent the following e-mail to the CBSC:

Regardless of all the nice promises, the Global TV station never replied to me in any form or manner. 21 days is long gone – it seems that CBSC is not taken seriously by Global TV station.

What is the action you advise now? What is the protection you actually offer? What are the tools you can use to enforce your standards?

That same day, she also filled out the CBSC's Ruling Request web form with the following note:

I was advised that the broadcaster will contact me within 21 days. My concern was sent to Global TV station on October 26th. Today it is 27 days and I have received no response. As I have only 2 weeks after the "response deadline" to contact you, I wanted to inform you that your standards are not followed by the station. It is yet another clear indication of the station's arrogant disrespect of the rules, the law, individual personal rights, and objectivity in reporting.

Broadcaster Response

The broadcaster responded to the complainant on November 25:

Your correspondence to the Canadian Broadcast Standards Council has been forwarded to me for reply.

Let me begin by stating that the *Global News* team strives to uphold the highest level of journalistic integrity and ethics at all times. Our producers, reporters and other journalists are dedicated to produce material that is balanced, fair and in accordance with community standards and with the Canadian Association of Broadcasters' (CAB) *Code of Ethics* as well as the Radio Television News Directors Association of Canada (RTNDA) *Code of Ethics*.

On Tuesday, October 4, 2005 a *Global News* crew was assigned a follow-up story on the dangers posed by the crumbling Scarborough Bluffs. The original story that aired on Monday, October 3rd related to three minors who were rescued after going over the side of the bluffs. During pursuit of the follow-up story, a *Global News* crew of three (reporter, producer and cameraman) happened on a crumbling parking lot several hundred yards from

where the original incident took place. My response to your concerns are based on three independent written accounts of the events that transpired that day from members of the *Global News* crew that were present.

After interviewing a local resident, who was frustrated by the potential danger posed by a crumbling parking lot on a property adjacent to the Scarborough Bluffs, *Global News* placed a call to the property manager who refused to discuss the situation and terminated the call abruptly. A woman, Ms. [K.], who refused to immediately identify herself, then approached the *Global News* crew. In addition to clearly visible Global markings on the crew's electronic field production equipment, the Global crew verbally identified themselves. At no time were images of Ms. [K.] taken in a clandestine fashion without her knowledge. At no time was the *Global News* crew asked by Ms. [K.] to leave the property. All three members of the crew insist that at no time did any of them shout at Ms. [K.]. Questions regarding public safety were repeatedly asked but Ms. [K.] refused to answer them. At one point Ms. [K.] grew frustrated with the interview and attempted to cover the lens of the *Global News* camera with her hand.

I am satisfied that the reason a *Global News* crew was at a dangerous part of the Scarborough Bluffs was to pursue a story of public interest and safety. I am satisfied that the *Global News* crew clearly identified itself. I am fully satisfied that the story that aired on *Global News* on October 4th was accurate and did not take Ms. [K.]'s remarks out of context nor did it misrepresent her in any way. I also believe our news crew did not invade Ms. [K.]'s privacy, as she was the one who approached the crew. I am also satisfied that the crew treated Ms. [K.] respectfully.

In conclusion, I believe that we are in compliance with sections 1, 3, 4, 7 and 8 of the RTNDA referred to in Ms. [K.]'s letter.

Additional Correspondence

The complainant re-submitted her Ruling Request on December 6 along with additional comments:

Global Television Network has finally replied to my complaint from October 11, 2005, regarding a story related to public safety at Scarborough Bluffs in Toronto. Global TV's response did not address any of my concerns, and it went further in denying events at our property that led to my complaint in first place, regardless of easily verifiable facts from their own footage and the aired broadcast.

It is upsetting to learn that while the subjects of my initial complaint, the members of the *Global News* crew, obviously had the benefit of reading my side of the story, I didn't have the benefit of reading theirs. All I got was an arrogant, superficial response by News Director [R. W.], in which only few sentences were relevant to the actual complaint. The fact that he did not care to respond in the required 21 day limit, and the superficiality of his response indicate his lack of interest in finding out the truth, and his disrespect to me, as well as CBSC.

I expect that in further inquiry, CBSC will obtain copies of the two broadcasts in question, and compare them with the detailed breakdown of the stories that I prepared and forwarded to [the] CBSC Correspondence Officer. Only that will allow CBSC to see the actual facts, and the ethical and legal problems with how the story was presented, with an obvious bias against my community, and violation of my personal rights.

I also request that this letter, as well as any further correspondence is NOT shared with Global TV, but only with an independent panel of broadcast experts who can decide without any undue influence from Global TV management. So far, I feel that the CBSC's complaint resolution process favours the broadcaster against a single individual.

The complainant also sent the following e-mail and attached letter:

As the actual Ruling Request form available on your website doesn't allow for attachments, I am forwarding my letter to you. I identified in the ruling request that my detailed breakdown of the story was sent to you. Please pass it to the appropriate people.

Thank you for facilitating the complaint process.

Attachment

As you are aware, Global Television Network has finally replied to my complaint from October 11, 2005, regarding a story related to public safety at Scarborough Bluffs in Toronto. Global TV's response did not address any of my concerns, and it went further in denying events at our property that led to my complaint in the first place, regardless of easily verifiable facts from their own footage and the aired broadcast.

Before I continue, let me state that I don't appreciate that while the subjects of my initial complaint, the members of the *Global News* crew, obviously had the benefit of reading my side of the story, I didn't have the benefit of reading theirs. All I got was an arrogant, superficial response by News Director [R. W.], in which only few sentences were relevant to the actual complaint. The fact that he did not care to respond in the required 21-day limit, and the superficiality of his response indicate his lack of interest in finding out the truth, and his disrespect to me, as well as CBSC.

[The News Director] supposedly based his letter on "three independent written accounts of the events that transpired that day from members of the *Global News* crew that were present". I believe it would be prudent to attach them. I would very much like to read those written accounts to see how "independent" they were, and how the crew continue to misrepresent facts. Based on his response, I have no reason to have any faith in the accuracy and objectivity of [News Director]'s investigation.

I expect that in further inquiry, CBSC will obtain copies of the two broadcasts in question, and compare them with the detailed breakdown of the stories that follows. Only that will allow CBSC to see the actual facts, and the ethical and legal problems with how the story was presented, with an obvious bias against my community, and violation of my personal rights.

I also request that this letter, as well as any further correspondence is NOT shared with Global TV, but only with an independent panel of broadcast experts who can decide without any undue influence from Global TV management. So far, I feel that the CBSC's complaint resolution process favours the broadcaster against a single individual.

My complaint concerns two broadcasts, one on October 4th, and a follow-up on October 5th, 2005. I purchased the aired program, and the breakdown below refers to the copy of the program. I will deal with each program separately.

I. The October 4th broadcast

The story starts with someone off-camera removing temporary fencing that was put in place around a section of our parking lot to prevent an accidental access to the damaged area.

Reporter: *“The first sign of trouble – a flimsy plastic fence, nothing more than a band-aid.”*

The way the story opens suggests the attitude with which the crew approached the rest of it. Its very first sentence shows the bias with which the reporter treats the whole issue.

Who gave the TV crew permission to remove the fence? Is it legal for them to do so? I very much doubt it. What they failed to mention is that it is a considerable distance from the temporary fencing to the actual damaged area.

At approximately 6 seconds, they cut to a shot of maintenance workers repairing a fence.

Reporter: *“Work crews are putting up something more permanent, but even they aren’t optimistic.”*

This comment suggests that the fence had not been there before the work. In fact, this is a part of the fence that was cut just the day before, when an unfortunate accident happened after a teenager climbed over the fence that is over five feet high (5’4”). The fence was cut open on October 3rd to allow emergency rescue crews gain access to the Bluffs. It was being repaired the very next day after the accident. It shows that both our condominium and the property managers take safety of our residents very seriously.

At 26 seconds, a close shot of the damaged area of the parking lot is shown, accompanied by a reporter’s comment:

“Look what we found just two hundred yards away ...”

followed by another comment a few seconds later:

“... and look: it’s clear even kids are playing here, and nothing is being done about it.”

How does a presence of a toy prove that children are playing in that area is beyond me, especially in light of a following shot showing a resident’s dog going into the troubled spot – just seconds later. How is that for accurate and responsible reporting? It is a conjecture, nothing more. According to our condominium rules, children must be supervised when playing on the property. It is far less likely a child would be allowed to play anywhere near the damaged area, than a dog snatching a toy at the playground and dropping it there. If someone finds a toy in a garbage dump, does that mean that children play there?

In my opinion, a responsible reporter takes only the relevant fact, and makes the conclusions that have the simplest explanation – but that is not done by a reporter who has made up his mind about what he wants to show and how he wants to tell a story.

At 43 seconds, a shot of one of our residents shows her to retrieve [*sic*] her dog, followed by a reporter’s comment:

“Veronica Warren walks her dog here every day. On this occasion, Spike, who is deaf, ended up on the wrong side of the fence.”

While we may be sympathetic to Ms. Warren and her dog, the undisputed fact is that there are signs all over our property clearly indicating that dogs must be on a leash. How did Spike end up on the wrong side of the fence, and where exactly was Ms. Warren walking her dog? Those are safety issues as well, ones that are solely the responsibility of the residents. We are a condominium, not a police state. Safety is everyone's concern, and it is ironic that a person that chooses to violate her own safety responsibilities is the one used in the story to somehow suggest that the condominium is negligent.

Unfortunately, the reporter chose to portray someone who was caught on camera not following basic common sense safety precautions as a frustrated resident, in contrast with how they chose to portray me later in the story.

At 59 seconds, more shots of the damaged area follow, with reporter's comments:

"Dangerous – so we tried to find out who should be fixing this. We started with the property manager." (cut) "Are you gonna fix the parking lot, sir?"

Property manager's response heard from the speaker phone:

"I am not going to answer any questions, I am hanging up on you."

The reporter failed to mention how long that phone call took. The aggressive and confrontational style of the reporter's questioning increasingly frustrated our property manager, eventually prompting him to put the phone down. They didn't inform the property manager that the conversation was being taped. Recording and broadcasting a telephone conversation without the other party's knowledge and consent is illegal in Canada, as [the News Director] surely knows. Yet he has the audacity to defend this clearly illegal behaviour of his crew.

The next concern is the way the crew gained access to our property. From the story, it is clear they were aware of being on a private property. They had not received a prior permission to record footage at our property, as is evidenced by the fact that they only called the property manager after they had entered the property. The property manager is not authorized to make these sorts of decisions without an approval by the condominium board, and that was the reason he eventually ended a call that led nowhere, with the reporter not acknowledging the limits of what the property manager could legally do.

Instead, the next comment – *"Nothing. And – he did hang up on us."* – suggests unwillingness to cooperate, which was clearly the reporter's own fault.

At 1:15, the story cut to my image. At the risk of being redundant, let me restate what happened:

When I went outside to find out why there was a fire truck at our property, I did what any reasonable person would do, especially in the context of the accident the day before: I challenged strangers lingering on our property, in an area marked off-limits by temporary fencing. I did not approach A TV CREW. I approached TRESPASSERS – people who were NOT members of my community, who were putting themselves in danger by crossing into an area marked off-limits, thus creating a potential liability for the whole condominium. Anyone who is concerned about public safety would do the same.

I was not aware that they were a TV crew until I started to talk to one of the individuals. At that point, I was not even aware of the camera because the other person was further inside

the fenced-off area. This is quite obvious from closely looking at the footage.

At the cut, I am shown talking to someone off-camera, while the camera keeps moving from the area behind the person I talked to, finally resting on me. It was only then I noticed the camera. [The News Director] refers to “clearly visible Global markings on the crew’s electronic field production equipment”, but all I saw was the lens. I didn’t have a chance to identify any markings, and the people did not introduce themselves. [News Director] and his crew refer to this as an ‘*interview*’. Let me break the news to them: An interview is something the subject agrees to, is aware of, and doesn’t object to. What happened here was a paparazzi-style ambush on an unsuspecting person who acted and behaved in the best interest of the community and its safety.

During the shot, the reporter comments:

“Moments later, we were met by someone who told us she was a member of the board. Still, no answer.”

In reality, my voice can be heard, albeit unintelligibly, behind the reporter’s comment. Clearly, I did give them SOME answer, and that answer was that they were trespassing on a private property, and that they should leave.

Had [the News Director] actually reviewed the raw footage, before it was so creatively edited by the news crew, he would see and hear me clearly state they should leave the property immediately. He would also see me walking away, with the cameraman following me, and the person I had talked to shouting something in the sense “*So you think that because this is a private property, it’s not a public safety issue?*”

I am sorry – I don’t cooperate with people who behave like this. Obviously, [the News Director] was not shown that incriminating footage, otherwise he wouldn’t be able to stand behind his crew with such vehemence he has shown in his reply:

“I am fully satisfied that the story that aired on Global News on October 4th was accurate and did not take Ms. [K.]’s remarks out of context nor did it misrepresent her in any way. I also believe our news crew did not invade Ms.[K.]’s privacy, as she was the one who approached the crew. I am also satisfied that the crew treated Ms. [K.] respectfully.”

It is not surprising that people who have no problem twisting or editing out verifiable facts also have no problem denying their own illegal and unethical behaviour.

Once again – I object very strongly to the way my footage was obtained, that it was taken on my private property to which the crew had not gained a lawful access, and that it was broadcast despite my obvious objections, without my permission, and in a wrong context. The simplest explanation for my covering the lens (not wishing to be recorded) is misinterpreted by the reporter as “*It’s clear they don’t want you to see this.*”

At 1:24, a shot of several teenagers climbing over a fence follows, with a comment:

“Nor do they want you to see where these kids took us, just metres away from the sinking parking lot – over a single-wire fence, down the steep, narrow, well-used path. They call this ‘The quiet getaway on the edge.’”

The reporter makes it sound as though this area is also on our property. In fact, right at the beginning of this segment, as one of the teenagers is climbing over the wires, a 5-foot and 4-inches high fence can be seen in the background. That fence separates our property from

City of Toronto's South Marine Park. All the footage that follows until a cut at 1:55 is on the public property, and is not *"just metres away"*. It is a distance of at least 100 metres on the ground. Contrary to the reporter's sensational statement, I don't have any reason why I would want to hide the danger in a public area close to my own home.

Once again, the reporter chose to seek a sensation, rather than responsibly, objectively, and accurately state the facts. It is also in a strong contrast with the claim by City Councillor David Soknacki in the follow-up story – but I'll get to that later.

The 'teenager' sequence also shows utter disregard for other people's safety. If the crew themselves choose to enter a dangerous area to pursue a story (as is claimed in [the News Director]'s response, "I am satisfied that the reason a *Global News* crew was at a dangerous part of the Scarborough Bluffs was to pursue a story of public interest and safety"), I might accept that. But they clearly encouraged the teenagers to 'take them there', as was witnessed by some residents and the fire department crew on site, who themselves refused to go there for safety reasons.

So, here we have a crew that is doing a story on public safety, and that doesn't hesitate to endanger lives of minors to put some sensation into it. I can hardly think of anything more shameful and unethical a journalist can do. But according to [the News Director], it's all right.

Finally, at 1:58, they cut back to the crumbling parking lot, with a grand finale comment:

"So who is responsible for fixing this? No one really seems to know. This cliffhanger in Scarborough doesn't seem to be going anywhere soon."

All the crew needed to do is to use a proper way to gain access to our property, our board members, and City of Toronto's Conservation Authority in whose jurisdiction repairing of collapsed bluffs belongs.

II. The October 5th broadcast

The story starts with the anchor commenting while we see a shot of two people standing at the edge of the Bluffs:

"The Global News' chopper is live over the Scarborough Bluffs tonight. While scenic, the Bluffs can also be a dangerous place, as we saw two nights ago, when three people had been rescued from the cliff. Global's Antony Robart now with how little has been done to make the Bluffs safer, despite the appeals of area residents."

This narration, while reasonable on the surface, when taken in context with the previous broadcast and the rest of this one, gives an impression that the unfenced area in the shot is also part of the property that had been singled out as a 'problem'. Anyone who knows Scarborough Bluffs area will immediately see that this shot was taken several kilometres away from our community.

At 0:16, a fancy transition follows – from a shot of the Bluffs falling straight into Lake Ontario, to a shot that shows a clearly visible stretch of shoreline restoration project at the bottom of the Bluffs. Several kilometres apart, but that doesn't stop Mr. Robart from presenting it as one and the same. Very accurate and objective, indeed.

At 0:21, a cut follows from a shot that shows the area adjacent to our property, to a completely unprotected area in City of Toronto's Guildwood Park, about a kilometre east of our property, an area to which there is no immediate access from our community. The

reporter comments:

"To appreciate this beauty, you put your life on the line, literally. Open access to the edge ..."

Cut to a shot of the parking lot at our community:

"... parking lot that's going down the cliff. What's going on here?"

At 0:30, a cut follows to an interview with City Councillor David Soknacki, with reporter's narration:

"That's what this area's City Councillor is asking", and then Mr. Soknacki's opinion:

"... it is a finger-pointing exercise over the issue whether something ought to be built up there or not." Seconds later (at 0:43), he continues "... and property owners are now saying 'but we have this investment'", followed by a cut back to our community's troubled parking lot (at 0:46), with the reporter saying:

"A number of residents have lodged complaints, but on this private property owned by Newton Trelawney Management, nothing has been done."

This is a double lie. If there are any complaints regarding the Bluffs from OUR residents, I as a board member would definitely know about it. If Mr. Robart's information about any lodged complaints was correct and verified, he would also know that our property is NOT owned by Newton Trelawney Management. It is pure imagination on Mr. Robart's part that makes him utter unsubstantiated statements and present them as the truth.

At 0:53, Mr. Soknacki's interview continues: *"It's not as if it is a park, because if it's a park, we could make the phone call, and the fences would be up like that"* (snapping his fingers).

It's disturbing enough that a city councillor would make a statement that is contrary to the truth (as I believe I have shown). What is doubly disturbing is that the reporter would leave this obvious falsehood without a challenge, or at least a comment. Truly objective and accurate reporting, Mr. Robart and [the News Director]!

At 0:59, Mr. Soknacki continues: *"It's private property, and people regard that as you would your own backyard."*

At 01:04, cut back to our property, with reporter's comment: *"And many share this backyard. The Conservation Authority says it offered to help, ??? the owner ideas on what it needs to do. That was three weeks ago."*

That information is inaccurate. There has been no offer from the Conservation Authority. They prohibited our condominium to do any repairs until a geological assessment was completed. No offer to help, no suggestion on who and how should fix [sic] the collapsed area. Mr. Robart did absolutely nothing to verify his information, only slanderously put all the blame on our condominium.

At 1:19, a fire department captain has some words of wisdom:

"The Bluffs are always unpredictable ... when they're going to break away, so the best advice I can give you is 'that's what these fences are for'. The fences tell you not to go over to the other side."

It is precisely the same advice with which I approached the trespassers (who turned out to be a TV crew) the day before. The crew chose to portray me as a paranoid, secretive board member who 'doesn't want you to see this'.

At 1:29, the reporter continues (with a shot from Guildwood Park, NOT our property):

"The scary thing is – that is not the only area that is a major safety concern. All along the edge of the Bluffs, there are many, many open access points that lead to a cliff, and with erosion has become very unstable, and obviously, very dangerous."

While I have to acknowledge this attempt by the reporter to include some additional context to the story, I must say it is too little, too late. Moreover, he reverts back to the overall theme of the story (at 1:43), putting blame on our property:

"So will anything be done to this dangerous part of the Bluffs? The city councillor vowed on the record that pressure will be put on the owners, but with the finger-pointing in full-swing, the residents' trust is in short supply. If nothing is done soon, the Bluffs won't be the only thing to erode."

This may seem quite reasonable, except like in any finger-pointing exercise, my position is the city needs to clean its own house first.

Out of about ten kilometres of Scarborough Bluffs, our property is just a few hundred metres long, and it is much better protected than any of the publicly-owned areas of the Bluffs. To suggest otherwise is incorrect, and to broadcast it on TV is slanderous.

Our property is safe and very well maintained. In the ten years I've lived here, the accident on October 3rd, 2005 was the first of its kind that happened on our property, through no fault of the property manager, the condominium board, or any of our residents. The person who climbed over the fence was not even our resident. Not only was she trespassing, she had shown a complete absence of common sense, that can put anyone in danger at any time, fences or no fences.

Several hundred metres of our property is immediately adjacent to the Bluffs. The whole length is protected by a metal fence 5'4" feet high. About ten metres in length collapsed last spring due to natural erosion of the Bluffs, and was immediately fenced off to prevent any accidental access. We have done all attempts [*sic*] to resolve the issues of safety, ownership, jurisdiction, and environmental protection, and all delays in repairing the fence are caused by the Conservation Authority's extremely slow response.

Then one day, an obnoxious TV reporter shows up and singles out our property as if it is a disaster waiting to happen. Out of ten kilometres of the Bluffs, much of which is on public land, they took ten metres (about one tenth of a percent) and built a whole story around it. As I have shown above, Global TV, its reporter Mr. Robart, the crew, and finally the News Director [R. W.] have no problem misrepresenting verifiable facts, making far-fetched conclusions, and making liberal editing decisions to structure the story to fit their preconceived ideas. It is no wonder they have no problem lying about the events that took place off-camera, or were edited out and conveniently deleted.

I have no other choice than ask CBSC for a review and issue a following ruling on this broadcast:

1. Global TV violated Article One of CBSC Code of Ethics:

Broadcast journalists will inform the public in an **accurate, comprehensive and fair manner** about events and issues of importance.

As I have shown above, on several occasions in the two broadcasts, Global TV omitted or misrepresented facts. While I have no objection to previous coverage of the accident that took place on October 3rd, I object to the fact that they did not perform basic journalistic fact checking before appearing on our property for a follow-up story. They misrepresented who the owners of this property are, they portrayed me contrary to the events that actually took place. They failed to seek an informed opinion on the status of the collapsed Bluffs environment. They presented several parts of publicly owned lands as part of our property, painting a picture of a property owner that disregards its obligations to its residents. They have shown strong bias in the way they chose to portray my community, and me as one of its representatives. I was the only identifiable person in the story connected to the property's ownership and management, and the story's bias has jeopardized my reputation.

2. Global TV violated Article Three (Authenticity):

Broadcast journalists will present news and public affairs without distortion. **Interviews may be edited provided that the meaning is not changed or misrepresented.**

The unauthorized recording of a telephone conversation with our property manager was edited to suggest that he refused any communication whatsoever. In reality, he was trying to communicate that he was not authorized to give interviews regarding the property without a prior authorization by its owners represented by the condominium board of directors. He grew increasingly frustrated with Global TV's demands, and eventually hung up.

The unauthorized recording of my conversation with one of the crew members took place without prior notice, and was edited out of context. My response was edited out, leaving out of the broadcast the fact that I challenged the crew's reason for being on our property, and asked them to leave.

3. Global TV violated Article Four (Privacy):

Broadcast journalists will respect the **dignity, privacy and well-being of everyone with whom they deal**, and will make every effort to ensure that news gathering and reporting **does not unreasonably infringe privacy** except when necessary in the public interest.

The crew entered a private property unannounced and without permission. They illegally removed temporary fencing put in place to restrict access to a crumbled area of the parking lot. They refused to leave the property when asked to do so. The crew did not introduce themselves and did not treat me with respect. They recorded and broadcast my image without my permission, and they followed me with their recording equipment as I was walking away from them, shouting insinuating questions to which I had no answers. I never gave consent to an interview or to have my image shown on air.

To make a story of public interest, they chose to single me out at my private property that is much safer than any of the adjacent areas of Scarborough Bluffs. Entering our property and including it in the story was not in the general public interest.

4. In light of the points 1.-3. above and point 5. below, Global TV violated Article Seven (Corrections):

Errors will be quickly acknowledged and publicly corrected.

In my original complaint, as well as in this letter, I have shown multiple errors in the two broadcasts. Some of those errors the broadcaster must have been aware of at the time of

producing the story. Namely, they made multiple misrepresentations with regards to private and public property ownership, and presented the repair of an existing fence cut for rescue workers as an installation of a brand-new fence that had not been there before (presumably only after an accident happened).

I demand that Global TV air a correction story, in a prime-time news segment, with all the relevant facts verified and checked, a story that restores the reputation of my condominium, myself, and our property manager. I demand that I review the correction before it is broadcast. Finally, I demand a letter of apology that is signed by a member of Global TV's senior management.

5. Global TV violated Article Eight (Decency and Conduct):

Broadcast journalists will treat people who are subjects and sources with decency. **They will use special sensitivity when dealing with children. They will strive to conduct themselves in a courteous and considerate manner.**

Global TV violated this article by encouraging children to enter an unprotected area of the Bluffs, outside of our property, knowing well that it is an extremely dangerous place.

As an identifiable subject of their story, I demand that Global TV produce the necessary permissions to enter my private property, and record and broadcast my image.

Last but not least: In the total of 4:11 minutes of the combined story time, 3:20 minutes are directly showing or were recorded at the edge of Scarborough Bluffs. Only 1:41 of that is showing our property, yet the whole story is presented as a particular owner being negligent in maintaining public safety measures. This story can be called many things – slanderous, biased, unethical. Objective, accurate, or balanced it is not.