

---

## CANADIAN BROADCAST STANDARDS COUNCIL

### BRITISH COLUMBIA REGIONAL PANEL

#### CKWX-AM re news reports about SkyTrain

(CBSC Decision 06/07-1127)

Decided August 19, 2008

S. Warren (Chair), R. Cohen (*ad hoc*), J. Doobay, G. Leighton, O. Mowatt, N. Spector

---

### THE FACTS

CKWX-AM (News1130) is an all-news radio station in Vancouver. Throughout the afternoon of May 1, 2007, the station's top story focussed on statements made by Doug Kelsey, the CEO of the SkyTrain public transportation system, about that transit service. There were additional related stories broadcast on May 3 and 4 to which reference will also be made in this exposition of the facts. The principal focus of the complaint, however, related to the May 1 story, which was promoted numerous times in short audio clips, or teasers, prior to each principal newscast. Variations of the story were broadcast every half hour throughout the afternoon, from 2:00 to 6:00 pm.

Since the point arises during the course of the following teasers and news stories, it should be noted that SkyTrain is Vancouver's light rapid transit system. It falls under the authority of TransLink (the South Coast British Columbia Transportation Authority), which operates a much larger integrated transportation system functioning in and beyond Greater Vancouver.

Although the following summary and transcription of the teasers and the news stories is provided in what may appear to be occasional repetitiveness, the details are essential to an appreciation of flavour and emphasis of CKWX's treatment of the story. To assist the reader's understanding of the broadcast material, the afternoon transcripts are segregated by half hours. Because the statements by Doug Kelsey were not broadcast

in full on CKWX, they are not part of the following transcription; they can, however, be read as a part of the letter of complaint from TransLink to CBSC, which is quoted in its entirety below.

### The 2:00 pm story

The promotions for the story began at around 2:00 pm. The first one was as follows:

Don Lehn: [...] Here's what's making news this hour.

Jim Goddard: Would you let your children travel alone late at night on SkyTrain? I'm Jim Goddard. The boss of the rapid transit system says he wouldn't.

Katharine Kitts: And I'm Katharine Kitts. The violence has people young, old, male and female watching over their shoulders when taking SkyTrain.

The full story aired at 2:03 pm:

Jim Goddard: A shocking admission about how SkyTrain is perceived.

Don Lehn: News1130's Jim Goddard says the CEO of SkyTrain has weighed in on safety.

Jim Goddard: Doug Kelsey says he wouldn't let his kids ride SkyTrain late at night on their own or use the Broadway commercial station late at night unless they had buddies with them. He says it's just the prudent thing to do. Critics of SkyTrain safety are also calling for more surveillance cameras. Kelsey says it may not keep you safer.

Doug Kelsey: A camera is probably not going to stop a crime. But a camera is absolutely instrumental, as it was in London [England], about the reconstruction, the ability to respond quickly, to focus where you need to focus.

Jim Goddard: Kelsey believes the introduction of transit police and improved lighting at SkyTrain stations have made rapid transit use safer. Jim Goddard, News1130.

Don Lehn: News1130's Katharine Kitts continues our team coverage, speaking with people who depend on SkyTrain. They're saying the recent violence has them very concerned.

Katharine Kitts: Whether it's a woman who depends on SkyTrain every day to get to work or the man that owns the coffee shop next door, the recent violence we've seen lately has everyone taking extra precautions. Many say they refuse to take SkyTrain late at night and this woman, well, she tells me she's felt safer taking transit in cities larger than Vancouver.

Woman: The last transit system was New York City. I felt safer there than I do on SkyTrain here.

Katharine Kitts: Any reasons why, I wonder?

Woman: Um, it felt more secure.

Katharine Kitts: The feeling from people at the 29<sup>th</sup> Avenue SkyTrain station today is a combination of concern and frustration that their daily routines have suddenly been subjected to violence. Katharine Kitts, News1130.

### The 2:30 pm story

Another promo aired at 2:15, narrated by Jim Bennie:

Jim Bennie: I'm Jim Bennie, looking at our top stories. The head of TransLink says he wouldn't let his kids ride SkyTrain at night unless going with friends. One passenger we've spoken with says she felt more secure on the New York subway than on SkyTrain.

Bennie narrated a slightly lengthier promo a few minutes later at 2:23 pm:

Jim Bennie: Let's take a look at the top story we're working on for you this hour. Surprising news out of the CEO of the rapid transit system says he wouldn't let his kids ride SkyTrain alone at night. Says they'd have to take friends. Same thing if they're hanging around the Broadway SkyTrain station. We've talked to people in that area, what they think about these comments and if they feel safe as well. We'll have that for you and our other top stories coming up at two thirty.

At 2:30 pm, Jim Goddard informed listeners about their upcoming coverage of the SkyTrain issue:

Jim Goddard: Even the boss of SkyTrain says he wouldn't let his kids travel alone late at night on the system. I'm Jim Goddard. The comment comes as people raise concerns about safety on rapid transit.

Katharine Kitts: And I'm Katharine Kitts. Speaking with people who live, work and play near SkyTrain stations and are getting used to taking extra precautions.

The full story then aired two minutes later:

Jim Bennie: Just how safe is it to use SkyTrain late at night? News1130's Jim Goddard reports the CEO of the rapid transit system has some reservations about it.

Jim Goddard: Would you let your kids ride alone late at night on SkyTrain? The boss of SkyTrain, Doug Kelsey, says he would be leery about that.

Doug Kelsey: I don't want my kids by themselves at midnight on SkyTrain and I don't want them at Broadway and Commercial at midnight by themselves.

Jim Goddard: Kelsey says there's nothing shocking about that. He says travelling with others late at night is just the prudent thing to do. He also says adding more surveillance cameras may not deter crime, although they do help catch crooks. Kelsey believes the introduction of transit cops and better lighting around SkyTrain has made it safer to use rapid transit. Jim Goddard, News1130.

Jim Bennie: News1130's Katharine Kitts continues our team coverage asking people what they're doing to stay safe when using SkyTrain.

Katharine Kitts: For people who take SkyTrain every day, they tell me this week their daily routines are somewhat different. The recent violence is on many people's minds:

young, old, male and female. This frequent SkyTrain customer says Vancouver needs to step up to the plate when it comes to security.

Woman: Even my sister's in Toronto and she says it's nothing like here, you know. The system is a lot more efficient there, there's more people, so there's not, more likely people doing things 'cause it's busy all day long.

Katharine Kitts: The late night SkyTrain trips are a common worry for many out here today who tell me there's [*sic*] been many incidents where they felt very vulnerable when travelling alone with no security in sight. At the 29<sup>th</sup> Avenue SkyTrain station, Katharine Kitts, News1130.

### The 3:00 pm story

Two more brief promos ran at 2:45 pm and 2:54 pm, respectively:

Don Lehn: Our top stories. A high-ranking SkyTrain official doesn't have nice things to say about the service that he oversees.

Don Lehn: Our top story. SkyTrain safety and the critics from within the system. The latest on this and gearing up for Game 4 with the Canucks and Ducks. That and more at three o'clock with Jim Bennie.

The three o'clock newscast began with the following introduction:

Jim Goddard: Safety on SkyTrain is even a concern for the boss of the system. I'm Jim Goddard. He says he wouldn't let his kids travel on it by themselves late at night.

A fuller story then followed at 3:03 pm:

Jim Goddard: Question now: How safe is SkyTrain?

Jim Bennie: News1130's Jim Goddard reports the CEO of the rapid transit system would have reservations about his wife and kids using SkyTrain late at night.

Jim Goddard: Doug Kelsey says he wouldn't let his kids travel alone on SkyTrain late at night, nor would he allow them to go solo to the Broadway-Commercial station late in the evening or early in the morning. He doesn't believe there's anything shocking about that.

Doug Kelsey: Prudence would show that travel in a group, travel safe, travel in well-lit areas. It's not a SkyTrain thing. It's a societal thing.

Jim Goddard: Kelsey also doesn't agree with critics who think more surveillance cameras would reduce SkyTrain-related crime. He does believe they're useful at catching crooks. Kelsey also thinks rapid transit has become safer since the addition of more lighting and the transit police. Jim Goddard, News1130.

Jim Bennie: Our team coverage continues with News1130's Katharine Kitts asking people how safe they feel using SkyTrain.

Katharine Kitts: The recent violence has everyone worried, whether they work, live or depend on SkyTrain. But there's also a real feeling of frustration that daily routines are being affected by violence. This woman tells me there's only so much one person can do to protect themself [*sic*].

Woman: What you have to understand is these girls probably had a job, they have to support themselves, they have, they have children at home that they have to support, single moms. They don't have a choice to work between nine and five.

Katharine Kitts: The common concern out here today doesn't revolve around taking SkyTrain during the day as much as it's focused on late night trips, an option many say they'd never consider, choosing expensive cab fare instead of a cheaper ride home. At the 29<sup>th</sup> Avenue SkyTrain station, Katharine Kitts, News1130.

### The 3:30 pm story

A different promo aired a few minutes later:

Jim Bennie: The CEO of TransLink says he wouldn't let his kids travel alone on SkyTrain, or on the street for that matter, late at night. But Doug Kelsey says rapid transit has become safer since the transit police and more lighting was put in place.

And again at 3:23 pm:

Jim Bennie: Our top story this hour: Concerns are being raised by SkyTrain [*sic*] late at night by none other than the CEO of SkyTrain. Doug Kelsey has weighed in on safety. He's talking about safety overall in the city. Says he wouldn't want his kids out on city streets late at night including SkyTrain. We have the latest on this. We'll talk to SkyTrain patie-, er, patrons and people who work and live near the SkyTrain line. Do they feel it's safe? That's all coming up at three thirty.

At 3:30 pm, the story was introduced as follows:

Jim Goddard: Would you let your children travel alone late at night on SkyTrain? I'm Jim Goddard. The boss of the rapid transit system says he wouldn't.

Katharine Kitts: And I'm Katharine Kitts. The violence has people young, old, male and female watching over their shoulders when taking SkyTrain.

A more complete story, very similar to that from 2:03 pm and reusing an on-the-street interview from that broadcast, aired three minutes later:

Don Lehn: Concerns are being raised about taking SkyTrain late at night.

Jim Bennie: News1130's Jim Goddard says the CEO of SkyTrain has weighed in on safety.

Jim Goddard: Doug Kelsey says he wouldn't let his kids ride SkyTrain late at night on their own or use the Broadway-Commercial station late at night unless they had buddies with them. He says it's just the prudent thing to do. Critics of SkyTrain say they are also calling for more surveillance cameras. Kelsey says it may not keep you safer.

Doug Kelsey: A camera is probably not going to stop a crime. But a camera is absolutely instrumental, as it was in London, about the reconstruction, the ability to respond quickly, to focus where you need to focus.

Jim Goddard: Kelsey believes the introduction of transit police and improved lighting at SkyTrain stations have made rapid transit use safer. Jim Goddard, News1130.

Jim Bennie: As Kelsey stresses, besides SkyTrain stations, he doesn't want his kids anywhere on city streets late at night.

Don Lehn: News1130's Katharine Kitts continues our team coverage, speaking with people who depend on SkyTrain. They're saying the recent violence has them concerned.

Katharine Kitts: Whether it's a woman who depends on SkyTrain every day to get to work or the man that owns the coffee shop next door, the recent violence we've seen lately has everyone taking extra precautions. Many say they refuse to take SkyTrain late at night. And this woman, well, she tells me she felt safer taking transit in cities larger than Vancouver.

Woman: The last transit [?] was New York City. I felt safer there than on SkyTrain here.

Katharine Kitts: Any reasons why, I wonder?

Woman: Um, it felt more secure.

Katharine Kitts: The feeling from people at the 29<sup>th</sup> Avenue SkyTrain station today is a combination of concern and frustration that their daily routines have suddenly been subjected to violence. Katharine Kitts, News1130.

### The 4:00 pm story

At 4:00 pm, News1130 aired the exact same news report as had aired at 2:32 pm. The story was promoted again on two occasions later in that half hour:

Jim Bennie: The head of SkyTrain doesn't want his kids out alone at night, including on SkyTrain.

Jim Bennie: Our top story this hour: The head of TransLink says he wouldn't let his kids use SkyTrain at night unless going with friends. Doug Kelsey says he'd rather not have his kids out anywhere at night. We'll update the situation of how people perceive SkyTrain, safe or not. We'll talk to people who have to use it and people who have stores nearby. That coming up with our other top stories at four thirty.

### The 4:30 pm story

The version of the story that aired at 4:30 pm was virtually identical to that which aired at 3:02 pm, including the on-the-street interview by Katharine Kitts. More promos were then broadcast at 4:45 pm and 4:54 pm:

Don Lehn: The CEO of SkyTrain echoes what many of us have said about SkyTrain safety issues for quite some time.

Jim Bennie: Our top story: the CEO of SkyTrain has some reservations about late-night safety *on* the train as well as the streets of Greater Vancouver. The latest on this and accurately predicting crime hot spots before they happen. That and more coming up at five o'clock.

### The 5:00 pm story

The 5:00 pm report was the same as that which had aired at 2:03 pm, but Jim Bennie introduced the Katharine Kitts interview segment with the following remarks:

Jim Bennie: Now Kelsey stresses *besides* SkyTrain stations, he really doesn't want his kids anywhere on city streets late at night. News1130's Katharine Kitts continues our team coverage, speaking with people who depend on SkyTrain, saying the recent violence has them very concerned.

Reports and promos similar to those described above aired periodically for at least another hour on the station.

### The May 3 story

On May 3, News1130 covered another incident that had occurred near a SkyTrain station. The story was introduced at 8:00 am:

Tamara Slobogean: Another brush with violence along the SkyTrain line. I'm Tamara Slobogean. One expert says better urban design could make a trip on transit safer.

The full story ran at 8:03 am:

George Gordon: An overnight stabbing at the Surrey Central SkyTrain station is the latest in a long list of violent incidents along the busy transit line. Mounties say a man was stabbed in the leg, apparently because of a dispute over money.

Diane Newman: Now experts say we feel naturally safer in the hustle of the city, surrounded by eyes on the street. News1130's Tamara Slobogean has learned, with little around them, SkyTrain stops can be dangerous places.

Tamara Slobogean: Diane, no restaurants, cafés or shops offer any reason to legitimately hang around the 29<sup>th</sup> Avenue station. It's far from the ideal setting described by UBC's Penny Gurstein.

Penny Gurstein: It would be so lively and so inviting a place that personal safety would not necessarily be something to worry about because there would be so many activities going on that people would just feel naturally safe there.

Tamara Slobogean: Gurstein says a station's location needs to be determined by more than the distance between stops and the number of riders. Given this station's isolation, she calls three cases of violence around here in the last few weeks disturbing, but not surprising. In East Vancouver, Tamara Slobogean, News1130.

Similar coverage of that issue, including additional comments from the interview with Penny Gurstein, occurred at 8:32 am.

### The May 4 story

On May 4, the station also covered the story about a person falling onto the SkyTrain tracks at the Metrotown station.

## The Initial TransLink Complaint to the Station

Before registering its complaint with the CBSC, TransLink contacted the station directly to express its concerns about News1130's coverage of its service, which it felt gave the impression that the transportation system was unsafe. The company was particularly concerned about what it considered the misleading and incomplete promos that had aired on May 1. The relevant portions of that letter are as follows (the full text of all the correspondence can be found in the Appendix):

This is with regard to the series of stories aired on Tuesday, May 1, about remarks contained in a videotaped interview currently posted on the TransLink website. While Jim Goddard's actual reports portrayed Doug Kelsey's remarks accurately (although I believe he should have mentioned that they were contained in a website interview and not any interview Jim had done), the teasers used to promote the upcoming newscasts did not, which is a concern to TransLink in terms of clarity of information to the public.

"The SkyTrain CEO doesn't have nice things to say about the system he oversees," said one. "Would you let your kids ride SkyTrain at night? SkyTrain's CEO says he wouldn't," said another. [...]

In fact, Doug states in the interview on the website – and in the clip in at least one of Jim's voicers – that he would let his kids ride on SkyTrain at night, so long as they were in a group and riding prudently. He goes on to say that he wouldn't want his kids to be out anywhere at midnight, without a group of buddies with them. This distinction is an important public safety message.

(In the website interview, Doug uses "Broadway and Commercial" as an example of another place where he would not want them to be late at night, particularly if they were alone. He was, in fact, referring to the intersection and the neighbourhood of Broadway and Commercial, not the SkyTrain stations.) The news stories, however, focused almost exclusively on travel on the system itself, obscuring the real nature of the incidents that took place on city streets.

I spoke to Katharine Kitts on Tuesday afternoon, after Jim had gone home, and she said she'd pass along the concerns of the teasers. But the teasers kept coming in much the same tone as above.

[...]

Another inaccuracy, which was stated more than once, was the reference to Doug Kelsey as the "TransLink CEO". In fact, Pat Jacobsen is CEO of TransLink, while Doug is CEO of SkyTrain.

This is not a matter of inconvenience to TransLink or SkyTrain. While clearly we would rather not have our names associated with incidents such as these ("SkyTrain Muggings" has been used in the past), we recognize that as well-known landmarks, stations are an easy way to locate a story for the listener.

However, in the case of the recent incidents and those that occurred earlier this year in the vicinity of the 29<sup>th</sup> Avenue Station, the coverage on your station and in other media focused on "safety on SkyTrain". Inevitably, the issues of extra transit staff or transit police presence, video surveillance and turnstiles were all once again canvassed. This we do object to, strenuously. None of those issues has any bearing whatsoever on



incidents that occur outside of TransLink property and, in most cases, a block or more away on a city street.

This morning, May 3, there was another unfortunate incident. A man was found at Surrey Central station suffering from a stab wound to his thigh. RCMP referred to this as a non-event in which a woman, to whom the man owed \$10, pulled the knife. She ran off; he (as of this writing) was refusing to co-operate with police.

However, according to our broadcast monitoring service, the incident was reported on your 8:00 am newscast as “the latest in a long list of violent incidents along the SkyTrain line”. I spoke to one of your reporters while answering a question about another incident, and was told this was a “George-ism – pump it up as much as we can”. We understand the station’s style is to present information in a way that interests and engages the listener, but our observation is that this technique allows style to trump substance, and, in doing so, does not serve the public well.

As you know, if a lot of people are listening, then it wouldn’t have mattered if that was an ad lib or a scripted remark: that would have needlessly fed fear in the public.

Please understand: these are issues of community safety. To portray these cases as matters of “SkyTrain safety” clouds the real issue and, in doing so, raises the level of risk for those who hear the coverage and miss the point that the danger really lies in getting to and from the stations.

We accept our role in making both the system and the community safer and would welcome an opportunity to provide some details on how we go about doing this. The trust that the public puts in us, and indeed your station, given your ratings successes, puts an onus on both of our companies to do the right thing the right way. We would be pleased to work with you in this regard, and would like to arrange a meeting with you as soon as possible to discuss how we can accomplish this.

## **The Broadcaster’s Reply to TransLink**

CKWX’s News Director replied to that letter on May 8, in part as follows:

[H]aving reviewed the stories mentioned in your letter of May 3<sup>rd</sup> I have found our on-air presentation to be factual and to have accurately represented the material from the CEO of SkyTrain, Doug Kelsey. I also feel our presentation accurately reflected interviews we have done with the Vancouver Police Department, the public and other sources, including an urban planner, who have all expressed an ongoing concern about the safety of our transit system.

We are in no way inferring that TransLink, SkyTrain or the SkyTrain police are not doing their jobs. We are reflecting a position that is, in fact, part of our job in disseminating information to the public.

If you would like to set a meeting with the media, we would be pleased to sit down with the News Directors from CTV, Global, the *Vancouver Sun*, the *Vancouver Province*, et al. It might also be helpful to have a VPD representative at that meeting.

## TransLink's Complaint to the CBSC

Dissatisfied with that response, TransLink then contacted the CBSC on May 23 and reiterated its concerns about News1130's promos and raised a few other issues with respect to the reports:

At issue is a series of stories aired on Tuesday, May 1, as well as one story on Friday, May 4, 2007, concerning safety and security in relation to SkyTrain (our rapid transit system) and its stations. The stories followed a series of assaults that took place on city streets around one of our stations.

Generally over the years, news media coverage in this market on incidents such as these has obscured the nature of the incident and, in doing so, failed to provide the public with a clear picture of the issues and, most importantly, the things people should do to protect themselves. Although the incidents happen away from the stations, media reports invariably attribute them as "SkyTrain assaults", and we are questioned about security on the system itself.

In a bid to provide some clarity to the public on this issue, TransLink produced and posted on the Internet a short video segment with Doug Kelsey, president of our SkyTrain subsidiary. A minor concern with the CKWX coverage is that they used segments of the audio track from that video without providing their listeners with the source.

The fact that this appears to fall short of Article Three in your *Code of Ethics* is not our biggest issue with the station. While it would have been useful had the station directed listeners to the website to see the full video, thus providing valuable safety and security information, our key objection is with the way the station promoted its news items on this story.

The best way to illustrate the substance of this objection is to provide a transcript of Mr. Kelsey's remarks on the video and follow it with the transcripts of the story promos as broadcast by the station. On the final 2 minutes of a 7-and-a-half minute video, Mr. Kelsey said on the issue of safety and security:

"The hard-crunchy question, now let me ask of myself, I have three children in their teens: would I allow my three kids to use SkyTrain with themselves and their friends? The answer is Yes – with conditions. ***I don't want my kids by themselves on SkyTrain at midnight, and I don't want them at Broadway and Commercial, at midnight, by themselves.*** These are just transportation corridors – they're meeting places – so prudence would show that travel in a group, travel safe, travel in well-lit areas. It's not a SkyTrain thing, it's a societal thing. So do I trust my children, the ultimate treasure of my life, to use SkyTrain? Absolutely. But do it prudently, as you would driving a car or walking down the street late at night by yourself. Do it prudently."

The station repeatedly used the following promos, recorded by the reporter who compiled the story to draw attention to the stories he filed:

- "A high-ranking SkyTrain official doesn't have very nice things to say about the service that he oversees."
- "Just how safe is it to use SkyTrain late at night? The CEO of the rapid transit system has some reservations about it."

- *“A shocking admission about how SkyTrain is perceived ...”*
- *“The CEO of SkyTrain echoes what many of us have said about SkyTrain safety issues for quite some time.”*

Referring to the transcripts from the CKWX broadcasts, it is clear that the actual stories were considerably different. Indeed, as CKWX's format is predicated on people tuning in for a quarter hour and then tuning away, someone hearing those teasers may have missed the actual story: others may have been confused at the discrepancy between the teaser or the headline and the story.

[...] The inference that we strongly believe was created from these statements was “even the president of SkyTrain admits that it is unsafe,” which is clearly not what he said. Indeed, the attached transcript from a newspaper report on the item is a clear and accurate portrayal of Mr. Kelsey's comments.

On that basis, we believe the station's coverage was untrue to the substance of Mr. Kelsey's message. Our primary reason for bringing this to your attention is not because it represents an annoyance or an embarrassment to our company or its services. We would have many other complaints with this station on that basis.

Rather, the way the station promoted the story failed to report accurately the true nature of a significant public peril – the fact that people were being attacked on streets surrounding one of our stations – and thus deprived them of the message they needed to hear about ways to safeguard their wellbeing.

[...]

The May 4 incident involved a short copy item, leading into a story about creating a safe community around SkyTrain stations. One of the morning news anchors read a short copy item describing an incident at Surrey Central SkyTrain station as *“the latest in a long list of violent incidents along the busy transit line”*. RCMP had informed us that morning that it was a “non-event” in which a man and a woman got into an argument over ten dollars; she pulled a knife and the man was cut in the leg; he was not co-operating with police. When we asked one of the reporters at CKWX about the on-air reporting, he referred to it as a “George-ism” (referring to the news anchor), intended to “pump up the story”.

There has been extensive media coverage of crimes around SkyTrain stations in Greater Vancouver. Unfortunately, public perception of the safety and security issue has been distorted by the fact that coverage has tended to include many crimes, which did not occur anywhere near SkyTrain stations, as “SkyTrain-related crimes”.

Teaser lines and headlines such as those described above simply fuel the fear already present in the public. When they are based on inaccurate summation of the story to come, they become gratuitous attempts at sensationalism. So is the May 4 report, which had no basis in fact.

Ironically, the website interview includes numerous statements by Doug Kelsey about SkyTrain's safety and security features, in an effort to show people what they can do if they feel threatened. None of this was mentioned in the CKWX reports. In doing this, we believe the station is failing to serve the public interest by not reporting on something that could edify its audience and, instead, contributing to or validating a popular sentiment.

As you can see from the email we received from [CKWX's News Director], she is not interested in meeting with us face to face to discuss these concerns. She suggested a meeting with other media outlets and with the Vancouver Police Department, but we don't have an issue with the other media outlets and if we have any issues with the police, we can deal with them separately.

We in the Communications Department at TransLink are former broadcasters and journalists. We have worked in commercial radio and TV and understand the "showbiz" nature of radio and TV news, and the need to do things to hold an audience from one quarter-hour to the next. We also would never presume to tell a newsroom what its policy or style should be. But we also believe there is a responsibility to tell an audience something new and edifying, rather than parroting a prevailing opinion. We believe CKWX, in making statements which misrepresented the upcoming story and the interview itself, has allowed style to trump substance. This lack of attention to accuracy has needlessly added to the sense of fear in the general public.

Inaccurate reporting is a violation of Article One of the *RTNDA Code of Ethics*. Not disclosing that a story came from a pre-produced source is a violation of Article Three ("Broadcast journalists will not present news that is rehearsed or re-enacted without informing the audience.") Indeed, even though the website interview is in the public domain and we expected stations to download clips if they wished, giving the impression that the reporter himself had asked those questions is not exactly ethical. That being said, we are not so much concerned about violations of the Code, as about the impact this inaccurate and sensationalist reporting can have on a very serious situation.

Realistically, there is nothing CKWX can do to remedy what has already been aired. In fact, we suspect that they will stoutly defend their treatment of the story, in keeping with our experience with them to date. [...]

[...]

Our intention in all of this is to have this issue raised and considered in a more deliberative fashion than has been demonstrated thus far. Again, we are no strangers to the realities of this situation from the station's point of view, as it seeks to create a unique and attractive image in a very competitive market. However, these pursuits can and do distract media outlets from a fundamental duty they have to provide information accurately. When style takes precedence over substance, as we believe is the case here, the matter deserves objective review.

Attached to its letter of complaint, TransLink provided its own transcripts of the challenged broadcasts, as well as a complete transcript of Doug Kelsey's remarks in the website interview:

Drew Snider: With those video cameras, it appears that there isn't a part of a SkyTrain station that is not covered in some way by a camera. How much are they monitored for security purposes? Are they security cameras or primarily for operations?

Doug Kelsey: That's a good question, Drew. These cameras are ... they were originally approved for operational reasons, to see the operations of the trains. Now with it, there's a whole security overlay. So if we had an assault on the system – there was one in Surrey which resulted in death. The interesting thing is, the circumstance happened blocks away and that's where the person actually ran to be safe – he actually tried to get to the SkyTrain station to be safe. So in that case our camera and our taping, although it was for operational reasons, was exceptionally helpful in identifying the perpetrator and helping support the capture and the prosecution. So it does serve the

operational needs, but absolutely it helps in managing the history and reconstruction. A camera is probably not going to stop a crime, but a camera is absolutely instrumental, as it was in London, about the reconstruction and ability to respond quickly, to focus where you need to focus. So there's a significant non-user perception that it's not a safe system. The hard-crunchy question, now let me ask of myself, I have three children in their teens: would I allow my three kids to use SkyTrain with themselves and their friends? The answer is Yes – with conditions. I don't want my kids by themselves on SkyTrain at midnight, and I don't want them at Broadway and Commercial at midnight by themselves. These are just transportation corridors – they're meeting places – so prudence would show that travel in a group, travel safe, travel in well-lit areas. It's not a SkyTrain thing, it's a societal thing. So do I trust my children, the ultimate treasure of my wife [*sic*], to use SkyTrain? Absolutely. But do it prudently, as you would driving a car or walking down the street late at night by yourself. Do it prudently. We're also investing in engaging the public. If you see something, let somebody in SkyTrain know, let a police officer know, let somebody know so they can check something out. Chances are, it's not going to be anything, but let's just be safe. Like Block Watch. Let's call it Transit Watch. It's our system, let's watch out for each other.

## **The Broadcaster's Response of August 24 to TransLink**

Following the filing of the official complaint with the CBSC, the station responded a second time on August 24:

News1130 is a member in good standing with the CBSC and we appreciate the opportunity to address your concerns directly. Prior to dealing with your complaint, I must first apologize for being late with our response. Please do not take this delay as an indication of a lack of concern on our part. At News1130, we take each and every complaint very seriously.

As you are aware, Canadian broadcasters are subject to the Canadian Association of Broadcasters' *Code of Ethics* (the Code) as well as the *Code of Ethics* of the Radio and Television News Directors Association of Canada ("RTNDA"). Both codes advocate the reporting of news in an accurate and comprehensive manner, without bias.

Turning now to the specifics of your letter, we note that there are three main issues highlighted in your complaint, namely:

- our promotion of news stories relating to assaults near SkyTrain stations
- the use of a TransLink audio track in a news story, without having identified its source
- the reaction of reporters and station management when faced with TransLink objections to the reporting of issues surrounding the SkyTrain stations

We will address each issue separately.

### News1130's Promotion of News Stories

Your primary issue with News1130 is its use of headlines. In your view, the headlines involving TransLink news reports differ greatly from the actual story broadcast on the station. Your letter then alleges that, by promoting the story inaccurately, News1130 may

have jeopardized the safety of those who travel on streets near or around the SkyTrain stations.

We have listened carefully to the logger tape, and reviewed the transcripts that you have provided. We must respectfully disagree with your position. In our view, News1130's reporting of the assaults in question has been accurate, timely and precise.

Like other news media in both radio and television, News1130 makes use of these kind of promotional segments to generate interest from potential listeners. The segments are similar to newspaper headlines, in that they are worded in such a way as to entice the reader to actually read the article.

The challenge for radio stations in general has always been to keep the listener tuned to their particular station. For a station like News1130, that challenge is even greater. We know from experience that traffic and weather updates drive listeners to tune in to our station. However, once these two items are completed, listeners often switch to other stations, often for other music-based options. Thus, the headlines are often written and read in such a way as to pique the interest of the listener. This concept is by no means new, nor is it unique to News1130. Most radio and television stations across Canada, and North America have been using them for some time.

As part of our news reporting, we routinely send reporters to the streets of downtown Vancouver to solicit opinions from the general public. We also conduct a daily web poll. We quickly discovered that each time an assault near a SkyTrain station was reported, public comments, be it to our reporters or on our web poll, reflected the community's fear and apprehension concerning the safety of the public transit system. By focusing on these stories, we were simply trying to address the community's concerns, and make their voices heard.

Our mandate as a local all-news radio station is to report on stories and issues that are of concern to the community we serve. Our coverage of these assaults is a reflection of the public's concern and not a result of any type of bias against TransLink and SkyTrain.

As we explained earlier, headlines on News1130 are meant to pique the interest of listeners; they are not intended to provide the entire news story. In our opinion, this fact is clear upon listening to the headlines. The phrasing of the headline and the questioning tone of the announcer suggest to the listener that there is more to the story, and that they should stay tuned to find out.

By your own admission, you have no problem with our reporting of these assaults. I am quite certain that a review of the transcripts will show that we have accurately reported that these assaults have occurred near SkyTrain stations.

#### Use of TransLink Audio Track

Your letter also refers to our use of an audio track from TransLink in one of our news reports. You charge that by not disclosing the source of the track, we have violated article three of the RTNDA's *Code of Ethics*. [...]

[...]

Article three requires journalists to present stories in an accurate manner, without distortion, rehearsing or re-enacted. The audio track we used in our story was produced by TransLink and located on the company's web site. We did not edit the track in such a way as to distort the message, nor did we use the track to create an inaccurate story.

Response from News1130

You also stated in your letter that you take issue with our reaction to TransLink's objections regarding our reporting. As we stated earlier, our mandate is to report on local news accurately and promptly, and in a timely manner that reflects the concerns of the local community that we serve.

While we are guided by the CAB's *Codes of Ethics* and the RTNDA's *Code of Ethics* for journalists, we report on news stories in the manner we see fit. This is the very basis for an independent press.

[...]

Conclusion

To conclude, we respectfully disagree with your contention that our use of headlines pertaining to the news stories involving the assaults near SkyTrain station is deliberately biased towards TransLink.

News1130 began broadcasting an all-news schedule in 1996, and has established itself as an important source of local news and information for the Greater Vancouver Area. Over its 11-year history, News1130 has established a stellar reputation in news reporting. We are proud of the many awards we have won for our work, from organizations such as the British Columbia Association of Broadcasters (BCAB), the Canadian Radio-Television News Directors Association (RTNDA) and the International RTNDA.

[...]

Thank you for taking the time to express your thoughts about our station. Please do not hesitate to contact us if you wish to discuss this issue further or any other concerns you may have about News1130.

**TransLink's Ruling Request**

TransLink replied to the broadcaster on August 24 and indicated that it wished that the CBSC pursue its investigation of this matter:

We appreciate your views on the issues and understand the basis upon which you disagree with our objections to the broadcasts in question. At this point, it is a real benefit to both our organizations to have an objective third party like the CBSC available to reconcile the apparent confictions in perspectives we have.

Given the significant amount of media attention drawn to TransLink's policy-making role and the extensive impact its operations have in the region, we are accustomed to a high level of media scrutiny. To illustrate, last year alone [TransLink] fielded over 1,300 media enquiries on a very wide variety of issues, many of them contentious, controversial and subjective in terms of their perceived impact on the public. Personally, I joined TransLink in 1999 when it was only six months old, and have dealt with all of its major public issues. Prior to that, I spent 13 years at ICBC, which is certainly not dissimilar to TransLink in terms of the nature and scope of its public profile.

I mention this because, in all those years and thousands of news stories, there had never been a compelling reason to raise an issue as we have done in this instance. We firmly believe that there is a fundamental values issue present in this situation that needs careful analysis and we are confident that, regardless of the outcome, the process currently underway will succeed in that regard.

## THE DECISION

The CBSC British Columbia Regional Panel examined the complaint under the following provisions of the Radio Television News Directors Association of Canada's (RTNDA – The Association of Electronic Journalists) *Code of (Journalistic) Ethics* and the Canadian Association of Broadcasters' (CAB) *Code of Ethics*.

### *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. 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.

### *RTNDA Code of (Journalistic) Ethics, Article 11 – Intellectual Property*

Plagiarism is unacceptable. Broadcast journalists will strive to honour the intellectual property of others, including video and audio materials.

### *CAB Code of Ethics, Clause 5 – News*

- 1) It shall be the responsibility of broadcasters to ensure that news shall be represented with accuracy and without bias. Broadcasters shall satisfy themselves that the arrangements made for obtaining news ensure this result. They shall also ensure that news broadcasts are not editorial.
- 2) News shall not be selected for the purpose of furthering or hindering either side of any controversial public issue, nor shall it be formulated on the basis of the beliefs, opinions or desires of management, the editor or others engaged in its preparation or delivery. The fundamental purpose of news dissemination in a democracy is to enable people to know what is happening, and to understand events so that they may form their own conclusions.

### *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.

### *CAB Code of Ethics*, Clause 12 – Contests and Promotions

All on-air contests and promotions shall be conceived and conducted fairly and legitimately and particular care shall be taken to ensure that they are not misleading, potentially dangerous or likely to give rise to a public inconvenience or disturbance and that any prizes offered or promises made are what they are represented to be.

The B.C. Panel Adjudicators read all of the correspondence and listened to recordings of the broadcasts in question. The Panel concludes that the May 3 and 4 broadcasts did not contravene any of the foregoing Code provisions but that those of May 1 violated all of them.

### **An Initial Distortion: The Source of the Kelsey Interview**

While not the most material aspect of this decision, the Panel is concerned about the broadcaster's failure to acknowledge the source of the Doug Kelsey interview, which was made accessible to the public by SkyTrain on their website. The date as of which that interview was posted there is only material in terms of the timeliness or newsworthiness of the reporting of the top story. In any event, the CBSC has received no information that would permit it to know that date. Although the TransLink complaint characterized the lack of acknowledgment by CKWX as a "minor concern", the company did argue that the station's failure to acknowledge the source of that interview violated Article 3 of the RTNDA Code.

The B.C. Panel does consider the failure to attribute the source of the interview more important than the complainant. It considers the circumstances similar to those encountered by the National Specialty Services Panel in *CablePulse 24 re a CityNews report ("Attempted Burglary")* (CBSC Decision 06/07-1408, November 29, 2007). As a part of that challenged newscast, CP24 had aired a report about an attempted burglary at a Toronto residence, which included three still photographs of the unsuccessful, and injured, burglar taken by the home owner, who complained that the station had used them without his permission and without crediting him as the photographer. The majority of the Panel agreed that the station violated Article 11 of the *RTNDA Code of (Journalistic) Ethics* by failing to credit the complainant as the source of the photographs.

The *CP24* decision dealt with the failure of the broadcaster to honour the intellectual property of a creator by exploiting his work without acknowledgment. The Specialty Services Panel also noted its concern that the failure to credit the known photographer's

work could have the effect of “pass[ing] that work off as the broadcaster’s own.” While the matter at hand involves content that its creator was more than pleased to make available to the public, the Panel is concerned with the “passing off” aspect. It considers that, by not indicating the origin of the Doug Kelsey remarks, CKWX has left its audience with the sense that the interview was its own. Had it wished to clarify the point, it could easily have done so with an attribution similar to those with which audiences are entirely familiar, the equivalent of, say, “in a speech before the Chamber of Commerce [or elsewhere]”, “at a hearing before the [ABC] Committee”, “in a meeting with the [mayor, chief of police or whomever]”, which could in this case have been “on the SkyTrain website”. The failure of CKWX to provide such basic information was confusing to the public and in violation of Article 11 of the *RTNDA Code of (Journalistic) Ethics*.

### **Editing of Interviews to Distort**

The TransLink complaint focussed on the teasers, rather than the principal news stories about SkyTrain safety. The company expressed its concern in the following terms:

While Jim Goddard’s actual reports portrayed Doug Kelsey’s remarks accurately, [...] the teasers used to promote the upcoming newscasts did not, which is a concern to TransLink in terms of clarity of information to the public.

In the view of the Panel, both the stories and the teasers presented problems in terms of Article 3 of the RTNDA Code; however, the Panel did find the teasers more problematic than the stories. This perhaps results from the broadcaster’s view of the promos, whose function was described by CKWX in the following terms: “promotional segments [...] are similar to newspaper headlines, in that they are worded in such a way as to entice the reader to actually read the article.”

Although the Panel does agree that broadcasters are entitled to use promos or teasers to attract listeners, it does not consider that they are entitled to any leeway with respect to the *accuracy* of their attractants. Even if their legitimate purpose may be, as CKWX also said, “to pique the interest of the listener”, this does not give the broadcaster any right to *mislead* the audience.

In *CILQ-FM re the broadcast of a Rolling Stones concert* (CBSC Decision 04/05-1911 & -1915, decided December 15, 2005), the Ontario Regional Panel considered a complaint that the promos for the August 10, 2005 broadcast of a live concert by the Rolling Stones at the Phoenix Concert Theatre in Toronto misled the radio audience. Following the broadcast, it became known that the concert aired by CILQ-FM was in fact a performance that had been recorded live at a different Toronto club in 2002. It was not, therefore, a live broadcast of the Rolling Stones’ August 10, 2005 performance

at the Phoenix Concert Theatre. The Ontario Panel concluded that the promos “would have led an ordinary reasonable listener to conclude that the broadcast was that of the live concert at the Phoenix Theatre when it was not.” Consequently, the Panel ruled that “the promos were misleading and in breach of Clause 12 of the *CAB Code of Ethics*.”

Similarly, in *CILQ-FM re “Two Minutes Away” promos* (CBSC Decision 06/07-1122, April 14, 2008), the same Panel ruled that the broadcaster’s promos representing that “You’re never more than two minutes away from great classic rock” were, in the case of time lapses of 12, 13 and 21 minutes, misleading in terms of Clause 12 of the *CAB Code of Ethics*.

In the matter at hand, the promos were less directly misleading, but the B.C. Regional Panel considers that they were equally pernicious. The Panel finds that CKWX took the Doug Kelsey interview, decontextualized it, and recast it in ways that had little or nothing to do with the original material. In effect, the broadcaster took bits and pieces of the Doug Kelsey interview and manipulated them to imply that the head of SkyTrain found fault with the security of SkyTrain to the extent that he would not want his children to ride the system late at night. As examples, the following teasers or lines in teasers were aired on May 1:

Would you let your children travel alone late at night on SkyTrain? [...] The boss of the rapid transit system says he wouldn’t.

A shocking admission about how SkyTrain is perceived.

Surprising news out of the CEO of the rapid transit system says he wouldn’t let his kids ride SkyTrain alone at night.

A high-ranking SkyTrain official doesn’t have nice things to say about the service that he oversees.

The CEO of SkyTrain has some reservations about late-night safety on the train as well as the streets of Greater Vancouver.

SkyTrain safety and the critics from within the system.

The Panel considers that the foregoing lines exceed the threshold of enticement; they are either *per se* misleading or sufficiently sensationalized as to reach the same point. On the basis of either the information provided by the broadcaster or the transcript of the website interview provided by TransLink, the Panel finds no justification for any of those electronic headlines.

For example, no “high-ranking SkyTrain official” could be said to not have “nice things to say about the service that he oversees.” Nor does he have any “reservations about late-night safety on the train” that could be described as at all unique or related to SkyTrain. Moreover, there was not any “critic from within the system” speaking about

SkyTrain safety in those materials. And the Panel finds the implication in the statement that “The boss of the rapid transit system says he wouldn’t [...] let [his] children travel alone late at night on SkyTrain” equally misleading. While technically accurate, the isolated words do not reflect the *essence* of the CEO’s statement and perspective. The issue was not, as he explained, “a SkyTrain thing, it’s a societal thing.” Finally, with respect to the teasers, there was no *shocking* admission, nor any *surprising* news, at least for *any* parent, in the CEO’s stating that he would not permit his child to travel “alone at night”. The Panel presumes that most parents would not either. Common sense, exaggerated language.

The real message of Doug Kelsey, the SkyTrain CEO, resonated with simplicity and good sense. In summary, it was as follows. All citizens should, he advised, use the transit system the way they would drive or walk down the street “late at night by yourself.” Be prudent. Report anything out of the ordinary to SkyTrain or a police officer. Consider it, he suggested, to be the equivalent of “Block Watch”, the Vancouver Police system of community or residential neighbourhood watch systems that probably have their equivalent in almost every city in the country. He asked rhetorically whether he would allow his three teen-aged children “to use SkyTrain with themselves and their friends.” His first “answer is Yes – with conditions.” His second answer to the same rhetorical query was “Absolutely.” In the website interview, CEO Kelsey used words like “prudence”, “travel in a group”, and “travel in well-lit areas”. He made the sensible point that he would not want his kids (the following emphases added) “*by themselves* on SkyTrain at midnight” any more than he would want them at a particular street corner “at midnight *by themselves*”.

At the end of the day, it is Article 3 of the *RTNDA Code of (Journalistic) Ethics* that is applicable here. It provides that “Interviews may be edited provided that the meaning is not changed or misrepresented.” In the case of the challenged broadcasts, the broadcaster has taken the SkyTrain web-based interview with the CEO of the company and reshaped it to make it conform to the story and teasers CKWX wished to air. The Panel concludes that the promos cited in this section were misleading and in breach of Article 3 of the RTNDA Code and Clause 12 of the *CAB Code of Ethics*.

### **Other Faults with the May 1 Broadcasts**

There were other problems with CKWX’s May 1 top story, all of which seem to the Panel to be related to an exaggeration or sensationalization of the story. Among other matters, the broadcaster made at least seven references in the May 1 newscasts to “recent violence” without identifying or concretizing a single incident. In other words, CKWX was creating an *impression* of safety issues without grounding its story in reality.

In a similar way, the broadcaster left an impression of *numbers* and support for the problem that was its “top story” of the afternoon, in both the teasers and the news stories themselves. One of the CKWX anchors said “We’ve talked to people in that area, what they think about these comments and if they feel safe as well.” Another anchor spoke of Doug Kelsey’s comments coming “as people raise concerns about safety on rapid transit.” There were several additional references to “asking people what they’re doing to stay safe when using SkyTrain.” After the broadcast of the 4:00 pm story, Jim Bennie promised the audience interview input in the following words: “We’ll update the situation of how people perceive SkyTrain, safe or not. We’ll talk to people who have to use it and people who have stores nearby.” Once again, by leaving that sense of *numbers* of concerned individuals, the broadcaster was promising more than it ever delivered. Since no “street” was identified, the Panel has been unable to determine whether more than *one* woman was interviewed throughout the series of afternoon newscasts, and all she told the reporter was that “she’s felt safer taking transit in cities larger than Vancouver.” The single individual was not authoritative, nor was there another example provided, in other words, nothing other than vague, unsupported assertions of a wide-spread problem.

All in all, the Panel considers that the audience was not delivered full, fair and proper information and that, in consequence, CKWX has breached the requirements of Clause 6 of the *CAB Code of Ethics*.

### **An Additional Error**

On several occasions during the course of May 1, in telling the same story, the broadcaster erroneously referred to the “head of TransLink” as the source of the foregoing statements. In a similar circumstance, in *CIII-TV (Global Ontario) re Global News reports (“Bluffs Danger”)* (CBSC Decision 05/06-0500, decided May 18, 2006), the Ontario Regional Panel found that the broadcaster’s assertion that the property that was the subject of the news report was “owned by Newton Trelawney Management” was in error. As the complainant explained in that matter, the property was “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*.

In the matter at hand, it is clear that the broadcaster had the correct information, namely, that the author of the statements was the CEO of SkyTrain, not TransLink. They were not the same company. Mis-identifying the corporate title of Doug Kelsey on

two occasions constituted inaccurate reporting and amounted to a breach of both Clause 5 of the *CAB Code of Ethics* and Article 1 of the *RTNDA Code of (Journalistic) Ethics*.

### **Broadcaster Responsiveness**

It is a fundamental requirement of the CBSC's process that broadcasters respond to audience complaints about their programming filed with the Council. While not required to agree with a complainant, broadcasters are expected to respond in a timely and thoughtful manner to those audience members who have taken the time to express their concerns. In this case, the News Director provided an initial letter to the complainant, and then the Vice President, Business and Regulatory Affairs, of CKWX's parent company followed it with a detailed, thorough and lengthy letter once the complaint had been made to the CBSC. While the arguments did not convince the complainant that CKWX was right, the Panel considers that the broadcaster has met its obligations in terms of responsiveness and nothing further is required of CKWX in this regard on this occasion.

### **ANNOUNCEMENT OF THE DECISION**

CKWX-AM is required to: 1) announce the decision, in the following terms, once during peak listening hours 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 the promotional spots and reports were 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 CKWX-AM.

The Canadian Broadcast Standards Council has found that CKWX News1130 violated provisions of the Canadian Association of Broadcasters' *Code of Ethics* and the Radio Television News Directors Association *Code of (Journalistic) Ethics* in its broadcasts about SkyTrain safety on May 1, 2007. By taking a website interview with the CEO of SkyTrain without attribution, thereby leaving the impression that it had conducted it, News1130 breached Article 11 of the *RTNDA Code of (Journalistic) Ethics*. By editing that interview for its news stories and teasers so as to change the meaning, and to misrepresent the SkyTrain CEO's original statements, News1130 breached Article 3 of the RTNDA

Code and Clause 12 of the CAB Code. By leaving the impression of widespread concerns of the public about SkyTrain safety without presenting the promised interviews, News1130 breached Clause 6 of the *CAB Code of Ethics*.

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

---

## APPENDIX

### CBSC Decision 06/07-1127 CKWX-AM re news reports about SkyTrain

---

#### The Complaint

The CBSC received the following complaint and package of information dated May 23, 2007:

To Whom It May Concern:

This is to express our concern about the way some recent stories regarding our organization have been treated on Vancouver radio station CKWX ("News1130"). We understand the Council oversees adherence to the *Code of Ethics* of the Radio-TV News Directors' Association of Canada, and we question the station's adherence to two articles of the Code.

It should be noted that the reason we are bringing this to your attention is our belief that the station's news director, [J. D.], has either not understood the nature of our concerns or has dismissed them without due consideration. We perceive that [the News Director] has tended to defend the station's actions rather than invest in an examination of the substance and merit of our objections.

At issue is a series of stories aired on Tuesday, May 1, as well as one story on Friday, May 4, 2007, concerning safety and security in relation to SkyTrain (our rapid transit system) and its stations. The stories followed a series of assaults that took place on city streets around one of our stations.

Generally over the years, news media coverage in this market on incidents such as these has obscured the nature of the incident and, in doing so, failed to provide the public with a clear picture of the issues and, most importantly, the things people should do to protect themselves. Although the incidents happen away from the stations, media reports invariably attribute them as "SkyTrain assaults", and we are questioned about security on the system itself.

In a bid to provide some clarity to the public on this issue, TransLink produced and posted on the Internet a short video segment with Doug Kelsey, president of our SkyTrain subsidiary. A minor concern with the CKWX coverage is that they used segments of the audio track from that video without providing their listeners with the source.

The fact that this appears to fall short of Article Three in your *Code of Ethics* is not our biggest issue with the station. While it would have been useful had the station directed listeners to the website to see the full video, thus providing valuable safety and security information, our key objection is with the way the station promoted its news items on this story.

The best way to illustrate the substance of this objection is to provide a transcript of Mr. Kelsey's remarks on the video and follow it with the transcripts of the story promos as broadcast by the station. On the final 2 minutes of a 7-and-a-half minute video, Mr. Kelsey said on the issue of safety and security:



“The hard-crunchy question, now let me ask of myself, I have three children in their teens: would I allow my three kids to use SkyTrain with themselves and their friends? The answer is Yes – with conditions. ***I don’t want my kids by themselves on SkyTrain at midnight, and I don’t want them at Broadway and Commercial, at midnight, by themselves.*** These are just transportation corridors – they’re meeting places – so prudence would show that travel in a group, travel safe, travel in well-lit areas. It’s not a SkyTrain thing, it’s a societal thing. So do I trust my children, the ultimate treasure of my life, to use SkyTrain? Absolutely. But do it prudently, as you would driving a car or walking down the street late at night by yourself. Do it prudently.”

The station repeatedly used the following promos, recorded by the reporter who compiled the story to draw attention to the stories he filed:

- *“A high-ranking SkyTrain official doesn’t have very nice things to say about the service that he oversees.”*
- *“Just how safe is it to use SkyTrain late at night? The CEO of the rapid transit system has some reservations about it.”*
- *“A shocking admission about how SkyTrain is perceived ...”*
- *“The CEO of SkyTrain echoes what many of us have said about SkyTrain safety issues for quite some time.”*

Referring to the transcripts from the CKWX broadcasts, it is clear that the actual stories were considerably different. Indeed, as CKWX’s format is predicated on people tuning in for a quarter hour and then tuning away, someone hearing those teasers may have missed the actual story: others may have been confused at the discrepancy between the teaser or the headline and the story.

Compounding our difficulties with this treatment of the issue was the fact that the promo lines were picked up by announcers at affiliates of CKWX (JACK-FM and CLEAR-FM). The inference that we strongly believe was created from these statements was “even the president of SkyTrain admits that it is unsafe,” which is clearly not what he said. Indeed, the attached transcript from a newspaper report on the item is a clear and accurate portrayal of Mr. Kelsey’s comments.

On that basis, we believe the station’s coverage was untrue to the substance of Mr. Kelsey’s message. Our primary reason for bringing this to your attention is not because it represents an annoyance or an embarrassment to our company or its services. We would have many other complaints with this station on that basis.

Rather, the way the station promoted the story failed to report accurately the true nature of a significant public peril – the fact that people were being attacked on streets surrounding one of our stations – and thus deprived them of the message they needed to hear about ways to safeguard their wellbeing.

Our secondary reason is to indicate our issues with the reaction of reporters and station management to our objections. TransLink enjoys a good and cooperative relationship with most media and, with few exceptions, if we have concerns about coverage, reporters at most outlets give us a good hearing and, if our position has merit, they will adjust their stories accordingly.

This is not our experience with CKWX, where reporters and station management will argue for their treatment of a story on the basis of the station’s format and style.

The May 4 incident involved a short copy item, leading into a story about creating a safe community around SkyTrain stations. One of the morning news anchors read a short copy item describing an incident at Surrey Central SkyTrain station as *“the latest in a long list of violent incidents along the busy transit line”*. RCMP had informed us that morning that it was a “non-event” in which a man and a woman got into an argument over ten dollars; she pulled a knife and the man was cut in the leg; he was not co-operating with police. When we asked one of the reporters at CKWX about the on-air reporting, he referred to it as a “George-ism” (referring to the news anchor), intended to “pump up the story”.

There has been extensive media coverage of crimes around SkyTrain stations in Greater Vancouver. Unfortunately, public perception of the safety and security issue has been distorted by the fact that coverage has tended to include many crimes, which did not occur anywhere near SkyTrain stations, as “SkyTrain-related crimes”.

Teaser lines and headlines such as those described above simply fuel the fear already present in the public. When they are based on inaccurate summation of the story to come, they become gratuitous attempts at sensationalism. So is the May 4 report, which had no basis in fact.

Ironically, the website interview includes numerous statements by Doug Kelsey about SkyTrain’s safety and security features, in an effort to show people what they can do if they feel threatened. None of this was mentioned in the CKWX reports. In doing this, we believe the station is failing to serve the public interest by not reporting on something that could edify its audience and, instead, contributing to or validating a popular sentiment.

As you can see from the email we received from [the News Director], she is not interested in meeting with us face to face to discuss these concerns. She suggested a meeting with other media outlets and with the Vancouver Police Department, but we don’t have an issue with the other media outlets and if we have any issues with the police, we can deal with them separately.

We in the Communications Department at TransLink are former broadcasters and journalists. We have worked in commercial radio and TV and understand the “showbiz” nature of radio and TV news, and the need to do things to hold an audience from one quarter-hour to the next. We also would never presume to tell a newsroom what its policy or style should be. But we also believe there is a responsibility to tell an audience something new and edifying, rather than parroting a prevailing opinion. We believe CKWX, in making statements which misrepresented the upcoming story and the interview itself, has allowed style to trump substance. This lack of attention to accuracy has needlessly added to the sense of fear in the general public.

Inaccurate reporting is a violation of Article One of the *RTNDA Code of Ethics*. Not disclosing that a story came from a pre-produced source is a violation of Article Three (“Broadcast journalists will not present news that is rehearsed or re-enacted without informing the audience.”) Indeed, even though the website interview is in the public domain and we expected stations to download clips if they wished, giving the impression that the reporter himself had asked those questions is not exactly ethical. That being said, we are not so much concerned about violations of the Code, as about the impact this inaccurate and sensationalist reporting can have on a very serious situation.

Realistically, there is nothing CKWX can do to remedy what has already been aired. In fact, we suspect that they will stoutly defend their treatment of the story, in keeping with our experience with them to date. We believe, however, that the following steps may at least generate more consideration of our issues:

1. We request that the Canadian Broadcast Standards Council formally request CKWX to respond to the council, copies to TransLink, on our issue with respect to their handling of this story.
2. We suggest that the Council submit all of the material gathered as a result of the above request to the Board of Directors of the Radio-Television News Directors Association with a request that it be sent to all member stations and be considered as an issue to be discussed at regional or national conventions.

TransLink may also pursue the matter with the BC Press Council and the CRTC.

Our intention in all of this is to have this issue raised and considered in a more deliberative fashion than has been demonstrated thus far. Again, we are no strangers to the realities of this situation from the station's point of view, as it seeks to create a unique and attractive image in a very competitive market. However, these pursuits can and do distract media outlets from a fundamental duty they have to provide information accurately. When style takes precedence over substance, as we believe is the case here, the matter deserves objective review.

The complainant attached a copy of correspondence TransLink had already had with CKWX's News Director. TransLink had sent the following letter to the station on May 3:

This is with regard to the series of stories aired on Tuesday, May 1, about remarks contained in a videotaped interview currently posted on the TransLink website. While Jim Goddard's actual reports portrayed Doug Kelsey's remarks accurately (although I believe he should have mentioned that they were contained in a website interview and not any interview Jim had done), the teasers used to promote the upcoming newscasts did not, which is a concern to TransLink in terms of clarity of information to the public.

"The SkyTrain CEO doesn't have nice things to say about the system he oversees," said one. "Would you let your kids ride SkyTrain at night? SkyTrain's CEO says he wouldn't," said another. (I have logged the headlines and stories aired on CKWX between 2 and 6 pm, and that log is on a separate page.)

In fact, Doug states in the interview on the website – and in the clip in at least one of Jim's voicers – that he would let his kids ride on SkyTrain at night, so long as they were in a group and riding prudently. He goes on to say that he wouldn't want his kids to be out anywhere at midnight, without a group of buddies with them. This distinction is an important public safety message.

(In the website interview, Doug uses "Broadway and Commercial" as an example of another place where he would not want them to be late at night, particularly if they were alone. He was, in fact, referring to the intersection and the neighbourhood of Broadway and Commercial, not the SkyTrain stations.) The news stories, however, focused almost exclusively on travel on the system itself, obscuring the real nature of the incidents that took place on city streets.

I spoke to Katharine Kitts on Tuesday afternoon, after Jim had gone home, and she said she'd pass along the concerns of the teasers. But the teasers kept coming in much the same tone as above.

The problem was compounded by the fact that both CLEAR and JACK FM used the teasers as lead lines for abbreviated versions of the stories, thereby spreading an inaccurate portrayal of Doug's message.

Another inaccuracy, which was stated more than once, was the reference to Doug Kelsey as the "TransLink CEO". In fact, Pat Jacobsen is CEO of TransLink, while Doug is CEO of SkyTrain.

This is not a matter of inconvenience to TransLink or SkyTrain. While clearly we would rather not have our names associated with incidents such as these ("SkyTrain Muggings" has been used in the past), we recognize that as well-known landmarks, stations are an easy way to locate a story for the listener.

However, in the case of the recent incidents and those that occurred earlier this year in the vicinity of the 29<sup>th</sup> Avenue Station, the coverage on your station and in other media focused on "safety on SkyTrain". Inevitably, the issues of extra transit staff or transit police presence, video surveillance and turnstiles were all once again canvassed. This we do object to, strenuously. None of those issues has any bearing whatsoever on incidents that occur outside of TransLink property and, in most cases, a block or more away on a city street.

This morning, May 3, there was another unfortunate incident. A man was found at Surrey Central station suffering from a stab wound to his thigh. RCMP referred to this as a non-event in which a woman, to whom the man owed \$10, pulled the knife. She ran off; he (as of this writing) was refusing to co-operate with police.

However, according to our broadcast monitoring service, the incident was reported on your 8:00 am newscast as "the latest in a long list of violent incidents along the SkyTrain line". I spoke to one of your reporters while answering a question about another incident, and was told this was a "George-ism – pump it up as much as we can". We understand the station's style is to present information in a way that interests and engages the listener, but our observation is that this technique allows style to trump substance, and, in doing so, does not serve the public well.

As you know, if a lot of people are listening, then it wouldn't have mattered if that was an ad lib or a scripted remark: that would have needlessly fed fear in the public.

Please understand: these are issues of community safety. To portray these cases as matters of "SkyTrain safety" clouds the real issue and, in doing so, raises the level of risk for those who hear the coverage and miss the point that the danger really lies in getting to and from the stations.

We accept our role in making both the system and the community safer and would welcome an opportunity to provide some details on how we go about doing this. The trust that the public puts in us, and indeed your station, given your ratings successes, puts an onus on both of our companies to do the right thing the right way. We would be pleased to work with you in this regard, and would like to arrange a meeting with you as soon as possible to discuss how we can accomplish this.

CKWX's News Director replied to that letter on May 8:

[H]aving reviewed the stories mentioned in your letter of May 3<sup>rd</sup> I have found our on-air presentation to be factual and to have accurately represented the material from the CEO of SkyTrain, Doug Kelsey. I also feel our presentation accurately reflected interviews we have done with the Vancouver Police Department, the public and other sources, including an urban planner, who have all expressed an ongoing concern about the safety of our transit system. We are in no way inferring that TransLink, SkyTrain or the SkyTrain police are not doing their jobs. We are reflecting a position that is, in fact, part of our job in disseminating information to the public.

If you would like to set a meeting with the media, we would be pleased to sit down with the News Directors from CTV, Global, the *Vancouver Sun*, the *Vancouver Province*, et al. It might also be helpful to have a VPD representative at that meeting.

Attached to its letter of complaint, TransLink provided their own transcripts of the challenged broadcasts, as well as a complete transcript of Doug Kelsey's remarks in the website interview:

Drew Snider: With those video cameras, it appears that there isn't a part of a SkyTrain station that is not covered in some way by a camera. How much are they monitored for security purposes? Are they security cameras or primarily for operations?

Doug Kelsey: That's a good question, Drew. These cameras are ... they were originally approved for operational reasons, to see the operations of the trains. Now with it, there's a whole security overlay. So if we had an assault on the system – there was one in Surrey which resulted in death. The interesting thing is, the circumstance happened blocks away and that's where the person actually ran to be safe – he actually tried to get to the SkyTrain station to be safe. So in that case our camera and our taping, although it was for operational reasons, was exceptionally helpful in identifying the perpetrator and helping support the capture and the prosecution. So it does serve the operational needs, but absolutely it helps in managing the history and reconstruction. A camera is probably not going to stop a crime, but a camera is absolutely instrumental, as it was in London, about the reconstruction and ability to respond quickly, to focus where you need to focus. So there's a significant non-user perception that it's not a safe system. The hard-crunchy question, now let me ask of myself, I have three children in their teens: would I allow my three kids to use SkyTrain with themselves and their friends? The answer is Yes – with conditions. I don't want my kids by themselves on SkyTrain at midnight, and I don't want them at Broadway and Commercial at midnight by themselves. These are just transportation corridors – they're meeting places – so prudence would show that travel in a group, travel safe, travel in well-lit areas. It's not a SkyTrain thing, it's a societal thing. So do I trust my children, the ultimate treasure of my wife [*sic*], to use SkyTrain? Absolutely. But do it prudently, as you would driving a car or walking down the street late at night by yourself. Do it prudently. We're also investing in engaging the public. If you see something, let somebody in SkyTrain know, let a police officer know, let somebody know so they can check something out. Chances are, it's not going to be anything, but let's just be safe. Like Block Watch. Let's call it Transit Watch. It's our system, let's watch out for each other.

TransLink wrote again to the CBSC on July 10:

This is with regard to our letter, expressing concerns with the coverage of SkyTrain issues by CKWX. Your reply of May 29 indicated we could expect a response from the station within 21 days. To date we have not received any response relating to our correspondence. We now respectfully ask you to make a ruling on this matter.  
Thank you ...

## **Broadcaster Response**

Following the filing of the official complaint with the CBSC, the station responded a second time on August 24:

We have received your letter to the Canadian Broadcast Standards Council (CBSC) regarding our reporting of stories concerning your organization. These news stories were broadcast on our Vancouver radio station CKWX ("News1130") on May 1 and May 4, 2007.

News1130 is a member in good standing with the CBSC and we appreciate the opportunity to address your concerns directly. Prior to dealing with your complaint, I must first apologize for being late with our response. Please do not take this delay as an indication of a lack of concern on our part. At News1130, we take each and every complaint very seriously.

As you are aware, Canadian broadcasters are subject to the Canadian Association of Broadcasters' *Code of Ethics* (the Code) as well as the *Code of Ethics* of the Radio and Television News Directors Association of Canada ("RTNDA"). Both codes advocate the reporting of news in an accurate and comprehensive manner, without bias.

Turning now to the specifics of your letter, we note that there are three main issues highlighted in your complaint, namely:

- our promotion of news stories relating to assaults near SkyTrain stations
- the use of a TransLink audio track in a news story, without having identified its source
- the reaction of reporters and station management when faced with TransLink objections to the reporting of issues surrounding the SkyTrain stations

We will address each issue separately.

#### News1130's Promotion of News Stories

Your primary issue with News1130 is its use of headlines. In your view, the headlines involving TransLink news reports differ greatly from the actual story broadcast on the station. Your letter then alleges that, by promoting the story inaccurately, News1130 may have jeopardized the safety of those who travel on streets near or around the SkyTrain stations.

We have listened carefully to the logger tape, and reviewed the transcripts that you have provided. We must respectfully disagree with your position. In our view, News1130's reporting of the assaults in question has been accurate, timely and precise.

Like other news media in both radio and television, News1130 makes use of these kind of promotional segments to generate interest from potential listeners. The segments are similar to newspaper headlines, in that they are worded in such a way as to entice the reader to actually read the article.

The challenge for radio stations in general has always been to keep the listener tuned to their particular station. For a station like News1130, that challenge is even greater. We know from experience that traffic and weather updates drive listeners to tune in to our station. However, once these two items are completed, listeners often switch to other stations, often for other music-based options. Thus, the headlines are often written and read in such a way as to pique the interest of the listener. This concept is by no means new, nor is it unique to News1130. Most radio and television stations across Canada, and North America have been using them for some time.

As part of our news reporting, we routinely send reporters to the streets of downtown Vancouver to solicit opinions from the general public. We also conduct a daily web poll. We quickly discovered that each time an assault near a SkyTrain station was reported, public comments, be it to our reporters or on our web poll, reflected the community's fear and apprehension concerning the safety of the public transit system. By focusing on these

stories, we were simply trying to address the community's concerns, and make their voices heard.

Our mandate as a local all-news radio station is to report on stories and issues that are of concern to the community we serve. Our coverage of these assaults is a reflection of the public's concern and not a result of any type of bias against TransLink and SkyTrain.

As we explained earlier, headlines on News1130 are meant to pique the interest of listeners; they are not intended to provide the entire news story. In our opinion, this fact is clear upon listening to the headlines. The phrasing of the headline and the questioning tone of the announcer suggest to the listener that there is more to the story, and that they should stay tuned to find out.

By your own admission, you have no problem with our reporting of these assaults. I am quite certain that a review of the transcripts will show that we have accurately reported that these assaults have occurred near SkyTrain stations.

#### Use of TransLink Audio Track

Your letter also refers to our use of an audio track from TransLink in one of our news reports. You charge that by not disclosing the source of the track, we have violated article three of the RTNDA's *Code of Ethics*. For your reference, we have reproduced article three below:

#### 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 three requires journalists to present stories in an accurate manner, without distortion, rehearsing or re-enacted. The audio track we used in our story was produced by TransLink and located on the company's web site. We did not edit the track in such a way as to distort the message, nor did we use the track to create an inaccurate story.

#### Response from News1130

You also stated in your letter that you take issue with our reaction to TransLink's objections regarding our reporting. As we stated earlier, our mandate is to report on local news accurately and promptly, and in a timely manner that reflects the concerns of the local community that we serve.

While we are guided by the CAB's *Codes of Ethics* and the RTNDA's *Code of Ethics* for journalists, we report on news stories in the manner we see fit. This is the very basis for an independent press.

I want to add that we have a good working relationship with [D. S.], the spokesperson for TransLink. For example, while reporting on the recent massive oil spill in Burnaby, we had [TransLink's Media Relations person] live on the air discussing the situation when it first occurred. The spill affected the CN train tracks which are used by the Westcoast Express trains operated by TransLink. As the situation worsened throughout the afternoon, we continued to correspond with [the Media Relations person] in order to provide regular, up-to-date information to our listeners.

As for your contention that our news director has refused to meet with your organization to discuss your concerns, the News1130 News Director has sent emails to [the Media Relations person] offering to meet with TransLink, and other news directors from other local media, including CTV, Global, the *Vancouver Sun* and the *Vancouver Province*. To date, we have not received a reply from TransLink.

### Conclusion

To conclude, we respectfully disagree with your contention that our use of headlines pertaining to the news stories involving the assaults near SkyTrain station is deliberately biased towards TransLink.

News1130 began broadcasting an all-news schedule in 1996, and has established itself as an important source of local news and information for the Greater Vancouver Area. Over its 11-year history, News1130 has established a stellar reputation in news reporting. We are proud of the many awards we have won for our work, from organizations such as the British Columbia Association of Broadcasters (BCAB), the Canadian Radio-Television News Directors Association (RTNDA) and the International RTNDA. Below is list of some of our recent achievements:

- 2006 Charlie Edwards Award for coverage of the sinking of the Queen of the North ferry – RTNDA Conference, June 2007
- Excellence in News Reporting for coverage of the north shore mudslide – recognition by the BCAB at RTNDA Conference, May 2006
- Excellence in News Reporting for coverage of Horseshoe Bay ferry crash – recognition by the BCAB at RTNDA Conference, May 2006
- 2005 Charlie Edwards Award for coverage of Horseshoe Bay ferry crash – RTNDA Conference, April 2006
- Excellence in News Reporting for “Chaos at the Bridges” story – recognition by the BCAB, May 2005

Thank you for taking the time to express your thoughts about our station. Please do not hesitate to contact us if you wish to discuss this issue further or any other concerns you may have about News1130.

## **Additional Correspondence**

TransLink replied to the broadcaster on August 24:

Thank you for your response to the issues we raised. I understand how time can pass all too easily, and, in the absence of a response from CKWX within the time identified by the Broadcast Standards Council, our move to formalize our complaint to the CBSC was the mechanism at our disposal to ensure that our issues were addressed.

We appreciate your views on the issues and understand the basis upon which you disagree with our objections to the broadcasts in question. At this point, it is a real benefit to both our organizations to have an objective third party like the CBSC available to reconcile the apparent conflicts in perspectives we have.

Given the significant amount of media attention drawn to TransLink's policy-making role and the extensive impact its operations have in the region, we are accustomed to a high level of media scrutiny. To illustrate, last year alone [the Media Relations person] and I fielded over 1,300 media enquiries on a very wide variety of issues, many of them contentious,



controversial and subjective in terms of their perceived impact on the public. Personally, I joined TransLink in 1999 when it was only six months old, and have dealt with all of its major public issues. Prior to that, I spent 13 years at ICBC, which is certainly not dissimilar to TransLink in terms of the nature and scope of its public profile.

I mention this because, in all those years and thousands of news stories, there had never been a compelling reason to raise an issue as we have done in this instance. We firmly believe that there is a fundamental values issue present in this situation that needs careful analysis and we are confident that, regardless of the outcome, the process currently underway will succeed in that regard.