
CANADIAN BROADCAST STANDARDS COUNCIL

ONTARIO REGIONAL PANEL

CHCH-TV re a report on *CHCH News* (vehicle accident)

(CBSC Decision 09/10-1457)

Decided November 12, 2010

H. Hassan (Vice-Chair), R. Cohen (*ad hoc*), M. Hamilton, M. Harris, M. Oldfield,
H. Pawley (*ad hoc*)

THE FACTS

On March 15, 2010, during its *CHCH News* broadcast, CHCH-TV aired a report about a vehicle collision that had occurred six days earlier between a mini-van and a motorcycle. Anchor Nick Dixon introduced the report by Al Sweeney. The following is a description and transcription of the relevant portions of the news report (the full transcript can be found in Appendix A):

Dixon: The family of a Hamilton woman critically injured in a nasty crash on Highway 6 say things are looking a little better tonight. They're rallying around [D.J.] who was paralyzed when her motorcycle was hit by a car. Meanwhile, the wife of the driver charged in the case says he's not a monster. Al Sweeney has the latest on this story.

The report began with reporter Al Sweeney standing outside a house. There were pieces of wood, a lawn chair, and a children's plastic picnic table on the front lawn, and a black SUV or mini-van in the driveway.

Sweeney: At [Mr. J.A.]'s home, his wife told us her husband is distraught over the accident, as she spoke out on his behalf.

The wife was then seen standing outside her home talking to Sweeney. Her face was visible, but her body was obscured by the vehicle. A dog was inside the house barking, standing by the screen door.

Mrs. J. A.: This was an accident and everybody is saying that he didn't even stop and ran her down. He tried to stop.

Sweeney: He tried to stop?

Mrs. J. A.: Yes, he did! He's not an animal! He's not a freakin' monster! [Her voice breaks because she is upset] It was an accident and we feel bad enough as it is!

There was a close-up of the dog through the screen door window and a children's basketball net was partially visible outside the door.

Sweeney: She said he wants to send his deepest apologies but was told not to contact anyone right now.

Sweeney was then shown speaking on a cell phone.

Sweeney: [Mr. J.A.] wasn't home, but over the phone he refused to comment, saying a lawyer had told him not to say anything.

There was then a scene in which two police officers and a man in an orange sweatshirt were filmed standing by police cars on a road.

Sweeney: He's charged with careless driving after a mini-van crashed from behind into a motorcycle on Highway 6 last week.

The report then showed a photograph of the injured motorcycle driver and proceeded to describe the extent of her injuries. It also included interviews with a few of the motorcycle driver's loved ones, who stated that the woman was in good spirits despite her condition. They also expressed the view that criminal charges should be laid against the mini-van driver and that there should be more publicity about road safety.

The complaint came from the wife of the mini-van driver. In a letter of March 25, she objected to the fact that she had been shown on the news and she provided a detailed account of her version of events that led to that interview being broadcast (the full text of that letter and all other correspondence can be found in Appendix B). She stated that *CHCH News* had covered the story of the accident all week, but had made no attempt to contact her husband until reporter Al Sweeney showed up at her doorstep unannounced six days after the accident when her husband was not at home. She claimed that she had gone outside to request that the reporter leave her property and told him that she did not want to appear on the news. Sweeney pressed her for a comment, which led to her making the statements that were broadcast in the report. According to the wife, the reporter persisted in asking further questions, so she telephoned her husband, who then spoke with Al Sweeney on his cell phone, asking the

reporter to leave his property and indicating that he had been advised by a lawyer not to speak to the media. The wife also wrote that, when she had insisted that she did not want her face all over the news, the reporter assured her that the cameraman behind him was only filming the reporter himself, “implying only he would be visible during the segment.”

The complainant indicated that, later that day, she had telephoned the station and explained to the News Director that she did not want to appear on the news. Apparently the News Director informed her that he would speak with the reporter in question and then determine a course of action. She complained that the clip of her exchange with Sweeney was broadcast on the news that night: “They showed a clip of the entire front of our home and stated they were at our house, they showed me as well as filmed our dog who was inside our home.” The complainant wrote that she spoke on the telephone a few days later with Sweeney, who “denied saying that only he was being filmed.” She apparently also questioned him about showing up on her doorstep with the camera rolling but without knowing whether he even had the correct house. Her overall complaint was that, despite rules regarding freedom of the press, her “wishes and civil rights should have been respected.”

The CHCH News Director responded in writing to the complainant on April 29. He explained that the day of the broadcast was the first day that the motorcycle driver’s family had made a public statement, so the reporter “sought comment from Mr. [A.] in fairness, to offer an opportunity to respond to the family’s remarks. [...] Mr. Sweeney’s sole objective on this day was to seek information and balance.” The News Director pointed out that Sweeney identified himself as a reporter. The News Director also pointed out that it was obvious that there was a cameraman behind Sweeney, though, the News Director observed, the reporter “has a different recollection of what was said regarding what was being ‘filmed’.” The News Director then noted that “Mr. Sweeney asked several questions and several answers were given” and that the news crew did leave the property once the husband had made that request in his telephone conversation with the reporter. The News Director concluded his letter with the following explanation of CHCH’s position:

People certainly have the right to turn down media inquiries. But a comment made to a reporter, especially one who has clearly identified himself, is reportable.

And in this case, that comment was compelling, reflecting something about what the [A.] family was going through, a comment that actually added a sympathetic perspective. For that reason, we decided to include it in our story.

The complainant submitted her Ruling Request on May 2 with a lengthy rebuttal to CHCH’s points. First, she argued that March 15 was not the first time the motorcycle driver’s family had made a public statement; she herself had seen an interview with the woman’s sister during the 12:00 noon newscast on March 10. Second, she questioned

why, if the station's objective had simply been fairness and balance, it had not contacted her husband in advance to request "a proper interview" rather than showing up unannounced at their door. Third, she stated that the reporter had not asked her to respond to the specific remarks of the motorcycle driver's family, despite the News Director's contention that that was the goal of the interview.

The complainant expressed concerns that the broadcast had engendered public animosity towards them, as people were posting negative comments about them on social networking websites. She was concerned about her family's safety since the report had included their names, city of residence and an exterior view of their house. Her rebuttal also included a further description of the events that had transpired the day the reporter showed up at her house. She insisted that she had immediately requested that the reporter and cameraman leave her property when she saw the CHCH News vehicle outside, "therefore, it's fair to suggest I made an attempt to turn down media inquiries. Unfortunately, my wishes were not respected. [...] Regardless whether the media felt it was a compelling statement, my wishes were not to be aired on the news."

The wife also noted that, contrary to the News Director's assertion, Sweeney had not left the property immediately following her husband's request; rather Sweeney continued to probe her about whether she had children and whether the neighbours were aware of the accident. She insisted that her reluctance to appear on air had nothing to do with whether or not her husband was at fault in the accident, but rather her own dislike of being filmed or photographed. The complainant further explained her concerns in the following terms:

Mr. Sweeney surely must have sensed I was in a weak state and fragile, as I was shaking and upset. Yet he proceeded to push for information. I telephoned my husband and put him on the phone with Mr. Sweeney in hopes that he would be satisfied to hear my husband's voice and leave. I did not have the option to shut my door as my children were outside.

I'm not understanding how it seems I'm being centered out as having answered a few questions being justification for airing me on the news!

Specifically, I had stated what I was saying was off the record, as I did not want to appear on the news. I reiterated what I had said was off the record to which Mr. Sweeney replied, off the record means nothing.

At the very least, CHCH News could have contacted me and attempted to work out a happy medium, such as reporting my comment without being physically aired on television. Perhaps any other happy medium we could have worked out rather than absolutely disregarding my feelings and wishes.

She also cited Article 4 of the Radio Television News Directors Association of Canada (RTNDA – The Association of Electronic Journalists) *Code of (Journalistic) Ethics*, which states that privacy should only be infringed when it is in the public interest to do so. She then posed the question, "How was it in the public's best interest to reveal

exactly where we reside by airing the entire front of our home, my identity as well as our dog inside our home? In doing so, anyone who wishes to seek revenge on my husband can look up [our name] in the [city] phone book (as CHCH News claimed they did), and easily pinpoint the exact home!”

THE DECISION

The Ontario Regional Panel has examined the complaint under the Article 4 (Privacy) of the Radio Television News Directors Association of Canada (RTNDA – The Association of Electronic Journalists) *Code of (Journalistic) Ethics*, which reads as follows:

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

The Panel Adjudicators read all of the correspondence and viewed the report in question. The Panel concludes that CHCH-TV violated Article 4 of the *RTNDA Code of (Journalistic) Ethics*.

A Preliminary Matter: Off-Air Issues

It has long been made clear in CBSC decisions that the Council is not an evidence-gathering body. In *CFSK-TV (STV) re an episode of Friends* (CBSC Decision 95/96-0159, December 16, 1997), for example, the Prairie Regional Panel commented on the complainant’s allegations that, when she phoned the station to complain, she had not been taken seriously. On that issue, the Panel stated:

The Panel makes no judgment, however, with respect to the telephone conversation between the complainant and the station manager described in the complainant’s letter. The Council is not an evidence-gathering body and, in the absence of agreement as to the facts, has no means by which to assess what may have transpired between the broadcaster and the complainant.

In *CFRN-TV re Eyewitness News* (CBSC Decision 96/97-0149, December 16, 1997), the Prairie Regional Panel dealt with a news feature on the subject of indoor playgrounds at fast food restaurants in the Edmonton area. To the point made in *CFSK-TV*, the Panel added:

The Panel here deals only with the on-air portion of the reporter’s comments. In the first place, it had no way to determine what transpired during telephone conversations attempting to set up interviews. Not only does the CBSC never have a tape or transcript of such conversations, but it is also not an evidence-gathering body. It does not hold

“hearings” in a quasi-judicial sense. It limits its review, in almost all cases, to the evaluation of the on-air program against the Codes which it administers.

In *CKVR-TV re News Item (Car Troubles)* (CBSC Decision 97/98-0235, July 28, 1998), this Panel observed:

In circumstances where there may be any conflict between two versions of what transpired in an off-air telephone conversation, as in this case, the Panel is not in a position to make any determination on that issue since the CBSC does not hear witnesses, carry on investigations or gather evidence in any other way. [...] Circumstances often do arise which depend on off-air issues and where there is either agreement on the off-air facts or there is no materially different view of those facts. In such cases, the CBSC is free to express its view of matters, provided they fall under the Codes or standards relating to broadcaster membership.

Finally, for these purposes, the Panel notes the following observation made by the National Specialty Services Panel in *APTN re a report on APTN National News (boundary marker YouTube clip)* (CBSC Decision 09/10-0509, April 1, 2010):

The CBSC frequently states that it is not a finder of fact and that it does not seek witnesses or evidence in order to make determinations about off-air events. [...] That said, the CBSC may rely on agreed upon facts, obvious or very likely circumstantial evidence, or uncontradicted factual assertions.

One of the effects of the foregoing rulings is that Panels have no means to verify what was actually said during off-air exchanges, particularly when the complainant and broadcaster disagree about the facts. Another is that Panels are entitled to rely on agreed-upon off-air facts or uncontradicted factual assertions. They may also determine that there is an absence of material distinctions in two versions. Finally, they may draw conclusions from the presentation of conflicting facts where such a logical presumption presents itself. In any event, the fundamental decision of any Panel on a challenged broadcast must be based on what was actually broadcast.

Invasion of Privacy: A Balancing Act

As Article 4 clearly indicates, any determination regarding the invasion of privacy will depend on the balancing of rights. On the one hand, there is the right of the individual to his or her privacy. On the other hand, the media have an entitlement to invade that privacy to the extent that it is “necessary in the public interest”. In other words, the privacy of an individual is essentially sacrosanct until such time, if any, as the interest of the public is great enough to supersede that isolation. Even where the media’s right to infringe exceeds that right to privacy, the door is not flung open. It is not the case that “anything goes.” It is, after all, possible that the extent or type of the invasion or infringement may be excessive.

In the matter at hand, the Panel finds a number of problems with the challenged broadcast. Above all else, the wife was neither the subject of, nor involved in any way in, the automobile-motorcycle collision that was at the root of the story. She was entirely peripheral and could offer no comment on the events that amounted to anything more than hearsay. She was simply not in a position to shed any substantive light on the events of March 9. The Panel finds it difficult to appreciate that there was significant public interest in the interview snippet obtained from the wife.

In fact, the Panel does not understand why the interview with the wife was so important to the broadcaster. The Panel does appreciate that it would have been logical to seek an interview with the husband, who was involved in the accident, but it was uncontradicted that the station had made no attempt to reach the husband at any time between the accident on March 9 and the date of the interview, *six* full days later.

The Panel also attaches considerable importance to the fact that there is no indication that any effort was made to obtain the wife's consent to the interview, that the interview was conducted on private property with a reluctant interviewee, and that she (and her husband on the telephone) requested that the broadcaster's representatives leave the property. It is clear that the onus on a broadcaster to respect the privacy of an individual is greater when a broadcaster who is undeniably infringing upon the privacy of that individual is doing so on his or her private property. That respect did not happen in the matter at hand. The wife was clearly both fragile and frazzled. She was clearly upset and, as she explained in her letter, she had been crying.

The wife was poorly treated and taken advantage of, particularly in the presence of her children. While she could have retreated into the house to avoid the reporter, the Panel understands why she did not wish to leave the children alone outside in the circumstances. After all, the obligation was on the reporter to leave *when asked*. All in all, the Panel considers that the broadcaster did not respect the privacy of the woman, both in terms of the filming and the broadcast, as she had, on a timely basis, registered her request with CHCH-TV that the footage not be used. For all of the reasons indicated above, the Panel is of the view that the broadcaster has breached Article 4 of the *RTNDA Code of (Journalistic) Ethics*.

The Panel hastens to add that it finds no problem with the filming of the family home, which was, after all, where the driver of the mini-van lived. The Panel conclusion would likely have been different had the civic address of the home been provided, as there was no public interest in such information. In a similar circumstance, namely, *CIHF-TV re News Item (Random Neighbourhood Shooting)* (CBSC Decision 97/98-0622, November 25, 1998), where visuals of the home whence a shooting allegedly originated were part of the news report (although without the identification of the home's civic address), the Atlantic Regional Panel concluded:

While it may be true that the house may be distinctive in its neighbourhood, and indeed that some friends, neighbours or relatives may have been able to identify the owner of the house on this basis, there is insufficient information in the report to make it clear to others who the possible perpetrators of the alleged offence might be.

Accordingly, the Panel finds no breach of Article 4 on that account.

Broadcaster Responsiveness

In all CBSC decisions, the Council's Panels assess the broadcaster's responsiveness to the complainant. In the present instance, the broadcaster attempted to explain the precise circumstances and sequence of events that led to the news story. The complainant was, as she candidly explained, most distressed by the events that had given rise to the interest in her family and she clearly did not agree with the broadcaster's perspective. That was, of course, her right and the reason for which any complaint file is ultimately referred to a CBSC Panel for adjudication. In the end, it is the attention to the complaint that determines whether the broadcaster has met the CBSC membership responsibility of responsiveness. The Panel is satisfied that CHCH-TV has met its membership obligation in this instance.

ANNOUNCEMENT OF THE DECISION

CHCH-TV is required to: 1) announce the decision, in the following terms, once during prime time within three days following the release of this decision and once more within seven days following the release of this decision during the time period in which this *CHCH News* newscast was broadcast, but not on the same day as the first mandated announcement; 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 CHCH-TV.

The Canadian Broadcast Standards Council has found that CHCH-TV violated Article 4 of the Radio Television News Directors Association of Canada's *Code of (Journalistic) Ethics* in a news report of March 15, 2010. In that report, the broadcaster aired an interview with the wife of an individual who had been involved in a motor vehicle accident, despite the fact that she had no involvement in the events, did not wish to be on camera, and had specifically requested that the brief interview not be aired, contrary to the provisions of Article 4, which requires broadcasters to respect the privacy of the individuals with whom they deal.

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

APPENDIX B

CBSC Decision 09/10-1457 CHCH-TV re a report on *CHCH News* (vehicle accident)

The Complaint

The following complaint was filed with the CRTC on March 15, 2010 which forwarded it to the CBSC in due course

Sorry, not sure if my last message was sent through therefore I'm resending it.

I'm not quite sure if you are in fact the correct individuals who I would file a complaint with regarding my situation.

My husband was involved in a collision March 9th, 2010. A woman was critically injured and is now recovering. CHCH News (Hamilton), covered the story. Although [*sic*] they covered the story all week without once attempting to contact my husband. Therefore the public had already made their own conclusions.

Another media source had already embellished a few things the police had told her, therefore my husband was advised by a lawyer not to speak with the media.

Monday, March 15th, 2010, a reporter from CHCH news showed up on my doorstep unannounced. My children had just went [*sic*] outside therefore I didn't want to shut my door and leave my children to fend for themselves.

I stepped outside and asked the reporter (Allan), to step off the property, stated I did not want to appear on the news and did not want my face all over the news.

He proceeded to step closer and stated he was only there to get my husband's side of the story. I told him my husband was not home, I was not at the scene of the accident. I stated that it was hard enough the media was claiming all week my husband did not try to stop.

Allan then stated, "oh so he did try to stop" and persisted on asking me other questions, therefore I told him I was calling my husband. I put my husband on the phone with Allan hoping he would then leave our property.

My husband asked him to leave and stated that he was told not to talk to the media. We had also told Allan what we were saying was off the record to which he stated off the record meant nothing.

I feel Allan preyed on my ignorance regarding the media's rights, as well as my vulnerable state as I was upset, crying. It has been a very difficult time for us since my husband's accident.

At one point, I stated to Allan it would be unfair if they plastered my face all over the news to which he replied, "he's only filming me". Therefore, implying only he would be visible during the segment!

I'm not quite sure what the media's rights are regarding this matter. Regardless of the media's rights, I feel my wishes and civil rights should have been respected.

I called CHCH news the afternoon in question and spoke to a gentleman named [M.]. I explained to [M.] what had happened and stated to him as well that I did not want to be on the news. He asked me if I was not directly involved in the accident then what was my problem of not wanting to be on the news.

I responded that it was my right to not want to appear on television. He stated he would get his reporter's side of the story and go from there.

They aired me on the news that night. They showed a clip of the entire front of our home and stated they were at our house, they showed me as well as filmed our dog who was inside our home.

I feel I had a civil right to ask not be viewed, CHCH could have simply reported they attempted to contact my husband who was advised by a lawyer not to speak to the media.

I spoke with Allan over the telephone Tuesday, March 23rd. He denied saying that only he was being filmed! I also asked if they wanted a genuine story, why did they not call and ask my husband for an interview rather than showing up at [our] home unannounced. I pointed out that they are claiming to only have wanted my husband's side of the story yet they drove to [our city], from Hamilton not knowing whether or not my husband would be home.

Allan replied at that point they did not know where we lived. I told him obviously they did as they seemed to have found the doorstep very easily.

He replied they looked in the phone book for [our last name] and were going based on that information.

I pointed out that their plan was to go to every [house with that last name] until they found the correct home to which he replied, "yes".

I then pointed out that they already had the camera rolling prior to me going to the door, therefore if they weren't sure if they had the proper [home] why were they already filming?

I then stated, so say there was a family, who's having a nice day with their children or something, and then CHCH news shows up on their doorstep, they answer the door to have camera's in their faces, meanwhile they have the wrong home, I then stated, "you would do that to someone?"

Allan replied with a "yes".

I do realize freedom of the press, reporters have a job to do as well, but where should the line be drawn? A human also has the right to be respected.

What sort of Journalistic Standards and Practices must a reporter follow? If CHCH news has their own Standards and Practices, shouldn't they be made available to the public so they know what to expect when confronted by the media?

The complainant wrote again when she had not received the broadcaster response by April 29:

I would like to inquire as to whether the 21 days is to be calendar days or business days! I have yet to hear from CHCH-TV regarding the issue in question.

When I spoke with Mr. Allan Sweeney, March 23rd, I mentioned some of the journalistic standard and practices policies I read online. Mr. Sweeney asked where I heard this information therefore I responded from the CBC Canada website. Mr. Sweeney retorted, at CHCH news they follow their own rules. Therefore I did a little more research to find I had [been] mistaken and CHCH News in fact does not follow the same practices as CBC.

Although I would greatly appreciate confirmation as to whether CHCH News must comply with the standards and practices of CBSC.

Broadcaster Response

The broadcaster provided the following response to the complainant on April 29:

The objective of CHCH News is to inform our communities in a fair and balanced manner. In this particular case, we had already reported on the accident which had left the woman on the motorcycle with very serious injuries. At first her survival was in doubt. In speaking with her family several days later we discovered that though she was getting better she would likely remain paralyzed.

This was the first time the family had commented on the accident – a week or so after the event – perhaps because they were waiting until they were reasonably certain she would survive, hence the time that elapsed before our attempt to reach the driver, Mr. [A.].

We sought comment from Mr. [A.] in fairness, to offer an opportunity to respond to the family's remarks. Al Sweeney, a 30-year journalism veteran whose career includes reporting positions at CBC, CTV and Canadian Press, was assigned to do so and went to [the relevant city] in search of him.

Whatever reports appeared in other media that week are beyond our control. Mr. Sweeney's sole objective on this day was to seek information and balance.

It must be noted that Mr. Sweeney clearly identified himself as a reporter. There seems to be no dispute about that. His camera person was behind him but in the open and, as stated in the complaint, Mr. Sweeney has a different recollection of what was said regarding what was being "filmed".

Mr. Sweeney asked several questions and several answers were given. When Mr. [A.] was contacted by phone he informed Mr. Sweeney that he had been told not to speak and asked Mr. Sweeney to leave his property, which Mr. Sweeney and his camera person did.

When I was contacted a short while later by [the complainant] and asked to intervene, I spoke with Mr. Sweeney, as I promised I would, and determined that the single comment that he planned to include in his story was [the complainant]'s expression of support for her husband:

[The complainant]: This was an accident and everybody is saying that he didn't even stop when he ran her down. He tried to stop.

Mr. Sweeney: He tried to stop?

[The complainant]: He's not an animal. He's not a freakin' monster. It was an accident and we feel bad enough as it is.

People certainly have the right to turn down media inquiries. But a comment made to a reporter, especially one who has clearly identified himself, is reportable.

And in this case, that comment was compelling, reflecting something about what the [A.] family was going through, a comment that actually added a sympathetic perspective. For that reason, we decided to include it in our story.

Additional Correspondence

The complainant submitted her Ruling Request on May 2, elaborating on her concerns:

Hi,

I've received the reply from CHCH News.

To our knowledge, [Ms. J.]'s survival was never in doubt. Both my husband and I were told she would pull through.

Paragraph 1 states: "In speaking with her family several days later".

Paragraph 2 states: "This was the first time the family had commented on the accident -- a week or so after the event -- perhaps because they were waiting until they were reasonably certain she would survive, hence the time that elapsed before our attempt to reach the driver, [Mr. A.]

In fact, [J.J.], Ms. [J]'s sister, appeared on CHCH News during the 12:00 pm news hour, Wednesday March 10th, 2010 with her comments regarding the accident. Less than 24 hrs after the event!

I specifically remember, as a friend of ours informed us of [J.J.]'s appearance. We then watched the 6:00 pm news to view the segment with [J.J.] for an updated report on Mrs. [J.]'s condition. [J.J.]'s concern was that her sister would remain paralyzed. We specifically remember [J.] being upset, she was under the impression my husband made no attempt to stop as well as stating it was difficult to see her sister lying there, not being able to feel her feet and legs as well as stating her sister could never ride her bike again, or take her kids to the park, etc. Her survival did not seem to be in doubt.

When I spoke with [CHCH-TV News Director], the day in question, he responded that he would get his reporter's side of the story and go from there. Therefore, would it be fair to suggest the same should have been done in my husband's case!? After hearing the

family's side, would it not have been fair to contact my husband for his side of the story prior to proceeding? Therefore the communities could have been informed in a fair and balanced manner. Forewarning our family of their plan to attend our home would have proven to be more fair and balanced!

Further, Paragraph 3 states: "We sought comment from Mr. [A.] in fairness, to offer an opportunity to respond to the family's remarks." Of the very few questions asked by Mr. Sweeney, none of them inquired about the family's remarks!

My understanding was that CHCH News wanted my husband's side of the story regarding the accident, not to retort to the family's remarks.

Obviously, the family is very angry with my husband ... with reason. We do not put blame on the family for their feelings. It seems to me this type of approach to the story would cause a conflict of interest between both parties. Airing the victim's family's side of the story, then approaching the opposing party's family at their home unannounced to get a response to the family's remarks seems very unfair to all parties involved.

I can understand their pain to an extent. My brother was hit by a vehicle at a very young age and passed due to his injuries. Friends of ours' daughter was hit by a vehicle last year attempting to cross a street; she passed from her injuries as well. The only difference is our loved ones are no longer with us!

Therefore we can definitely sympathize with the family.

My concern is the manner in which my feelings were obtained as well as the intrusion at our home.

I don't mean to sound crass, but surely if a sincere professional interview was wanted, my husband would have been contacted by telephone to set up a proper interview, rather than setting off to [the relevant city] "in search of him".

Set off to search for my husband, from Hamilton to [our city] to get HIS side of the story, NOT knowing whether he would be home or not and yet apparently not knowing where he resided!

If Mr. Sweeney has a different recollection of his retort in regards to my statement, (it was not fair if my face would be shown all over the news), I'm quite certain CHCH News had a copy of the unedited taping and could have noted dialogue, word for word, as [CHCH-TV News Director] did in his response, regarding my statement that my husband is not a freaking monster. When I confronted Mr. Sweeney via telephone regarding what was being filmed, he replied that he may have said it but didn't recall saying it. I recall his response being "he's only filming me".

I do not feel the comment added a sympathetic perspective, as a few days after the airing my husband and I received many phone calls from friends and family informing us of derogatory comments being said about he and I [sic] on social networks regarding the news segment.

Specifically, one comment made by a female individual that she was going to run my husband over with her truck. Now keep in mind, the public is aware we reside in [our city], and now due to the news segment, they know what our home looks like, including myself and our family pet.

Statement from [CHCH-TV News Director]'s response -- "People certainly have the right to turn down media inquiries. But a comment made to a reporter, especially one who has clearly identified himself, is reportable."

When I looked out my window on the day in question, I saw the CHCH News vehicle. I then saw the camera man take his place and Mr. Sweeney making his way to our front door.

As my children were outside, I opened the door and asked them to leave and to get off the property. Mr. Sweeney proceeded to come closer and stated he only wanted to get my husband's side of the story. At that point, he had yet to identify himself. I stated that my husband was not home and to leave the property. Therefore, it's fair to suggest I made an attempt to turn down media inquiries. Unfortunately, my wishes were not respected.

For the record, I was not making a comment, I was expressing my feelings in regards to the media's unexpected visit and certainly did not anticipate the media would ignore my civil rights and wishes. Regardless whether the media felt it was a compelling statement, my wishes were not to be aired on the news.

As I mentioned in my initial complaint, CHCH News also aired the front of our home as well as our dog who was inside our home.

Further, regarding my wishes for CHCH news to leave the property, it was only when Mr. Sweeney refused to leave that I became more upset and stated it was bad enough everyone was saying my husband made no attempt to stop. It was stated by [CHCH-TV News Director] that several questions were asked. To my recollection the only questions asked by Mr. Sweeney were what our plans were (did we plan on visiting Ms. [J.] at the hospital) as well as stating "So you do have children", prior to his departure off our property as well as asking if my neighbours were aware of the accident!

When Mr. Sweeney got off the phone with my husband, he did not immediately leave the property. He handed me the phone and then stated, "So you do have children". Therefore, obviously attempting to obtain more information from myself. Most likely attempting to get me to open up.

I also stated to Mr. Sweeney it was unfair as my children were outside and the neighbours were watching. This is when Mr. Sweeney inquired as to whether the neighbours were aware of the accident. Certainly, the neighbours' knowledge or lack of knowledge is completely irrelevant.

Anytime any individual is at fault in an accident is most definitely not a proud moment for that individual and certainly not one you would want to report to all your neighbours.

I had also stated to Mr. Sweeney it was unfair, as my husband has a child from a previous relationship whom he had not had the chance to speak with, and it would be unfair for him to find out in this manner. Mr. Sweeney's reply was, "What are the chances his child is watching CHCH News?" He showed no compassion for my family!

Mr. Sweeney surely must have sensed I was in a weak state and fragile, as I was shaking and upset. Yet he proceeded to push for information. I telephoned my husband and put him on the phone with Mr. Sweeney in hopes that he would be satisfied to hear

my husband's voice and leave. I did not have the option to shut my door as my children were outside.

I'm not understanding how it seems I'm being centered out as having answered a few questions being justification for airing me on the news!

Specifically, I had stated what I was saying was off the record, as I did not want to appear on the news. I reiterated what I had said was off the record to which Mr. Sweeney replied, off the record means nothing.

Perhaps CHCH News felt the only reason I did not want to be aired was due to the fact my husband was at fault in the accident. Reality is, as my own individual, I have never enjoyed the spotlight. I do not like to be recorded, I detest taking pictures. I was asked to be in a commercial that was being taped while I was at a local mall and I declined for the simple fact that I do not wish to be aired publicly.

At the very least, CHCH News could have contacted me and attempted to work out a happy medium, such as reporting my comment without being physically aired on television. Perhaps any other happy medium we could have worked out rather than absolutely disregarding my feelings and wishes.

When I spoke with Mr. Sweeney via telephone March 23rd, I mentioned some of the journalistic standards and practices policies I read online. Mr. Sweeney asked where I heard this information, therefore I responded from the CBC Canada website. Mr. Sweeney retorted at CHCH news they follow their own rules.

Therefore I contacted CBC, who explained the journalistic Standard and Practices policies listed on their website are specifically for CBC. I did a little more research and am now aware CHCH-TV must adhere to the Codes administered by the CBSC!

Article Four - Privacy

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

*How was it in the public's best interest to reveal exactly where we reside by airing the entire front of our home, my identity as well as our dog inside our home? In doing so, anyone who wishes to seek revenge on my husband can look up the J ["A"s] in the [city] phone book (as CHCH News claimed they did), and easily pinpoint the exact home!

I anticipated my concerns would be resolved in a fair and truthful manner. Unfortunately, false statements such as ... the first time the family commented was a week or so after the accident, etc. ... has left me to wonder, if CHCH News feel they represented the story in a fair and balanced manner, why are they attempting to conceal the truth?

APPENDIX A

CBSC Decision 09/10-1457 CHCH-TV re a report on *CHCH News* (vehicle accident)

CHCH-TV aired the following news report on March 15, 2010 during its evening newscast. Anchor Nick Dixon introduced the report by Al Sweeney about a collision between a mini-van and a motorcycle which left the motorcycle driver in hospital.

Dixon: The family of a Hamilton woman critically injured in a nasty crash on Highway 6 say things are looking a little better tonight. They're rallying around [D.J.] who was paralyzed when her motorcycle was hit by a car. Meanwhile, the wife of the driver charged in the case says he's not a monster. Al Sweeney has the latest on this story.

The report began with reporter Al Sweeney standing outside of a house. There were a lawn chair, pieces of wood and a children's plastic picnic table on the front lawn, and a black SUV or mini-van in the driveway.

Sweeney: At [Mr. J.A.]'s home, his wife told us her husband is distraught over the accident, as she spoke out on his behalf.

[Mrs. A] was then standing outside her home talking to Sweeney. Her face was visible, but her body was obscured by the vehicle. A dog was inside the house barking, standing by the screen door.

[Mrs. J.A.]: This was an accident and everybody is saying that he didn't even stop and ran her down. He tried to stop.

Sweeney: He tried to stop?

[Mrs. J.A.]: Yes, he did! He's not an animal! He's not a freakin' monster! [her voice breaks because she is upset] It was an accident and we feel bad enough as it is!

There was a close-up of the dog through the screen door window and a children's basketball net was partially visible outside the door.

Sweeney: She said he wants to send his deepest apologies but was told not to contact anyone right now.

Sweeney was then shown on a cell phone.

Sweeney: [Mr. J.A.] wasn't home, but over the phone he refused to comment, saying a lawyer had told him not to say anything.

There was then a scene of two police officers and a man in an orange sweatshirt standing by police cars on a road.

Sweeney: He's charged with careless driving after a mini-van crashed from behind into a motorcycle on Highway 6 last week.

There was photograph of a blonde woman on a motorcycle.

Sweeney: Thirty-one-year-old [D.J.] was riding the bike.

There was a close-up of a mini-van's crumpled front rammed into the back of a motorcycle. A police officer was standing beside the vehicles, writing something on a notepad.

Sweeney: She was thrown onto the front of the van, breaking her neck and her back, leaving her with extensive paralysis.

Close-up of the van's cracked front windshield.

Sweeney: Doctors have told her she'll probably never walk again.

Sweeney was then seen standing beside the sign for the Hamilton General Hospital.

Sweeney: Her family says [D.J.] is doing a little bit better here at Hamilton General. She can move her arms but not her legs. And they say she could be transferred soon out of intensive care. And she's in good spirits.

Interview with [Mr. R.C., D.J.'s] fiancé: She's smilin', she's gettin' little chuckles. She's bein' her normal self. She's goin' through, she, she gets her little sad periods, but she pulls right back through 'cause she knows there's a ton of people here that love her.

Another photo of [D.J.] on a motorcycle was shown.

Sweeney: [D.J.]'s sister says there's still concern about internal injuries and that [D.J.] may need an organ transplant. If so ...

Interview with [J.J., D.J.]'s sister: If she needs anything, I will be there for her, to donate anything to her.

Sweeney: A liver?

[J.J.]: A liver. Anything, any kind of organ that she needs, I'm there.

A man and woman were shown hugging outside the hospital.

Sweeney: Her loved ones are trying to stay positive, but her mother is angry that the driver has only been charged with careless driving.

Interview with [C.J., D.J.'s] mother: There should be criminal charges laid. Road awareness. We are out there on bikes. Kids are out there. You are driving a vehicle, you must be aware of your surroundings.

There was then another scene of the mini-van crumpled into the motorcycle, as officers examined the vehicles.

Sweeney: A careless driving charge carries a maximum six months in jail. But the OPP say they've never seen that jail sentence handed out. Al Sweeney, *CHCH News*, Hamilton.