
APPENDIX B

CBSC Decision 10/11-2040 & -2187 CIII-TV (Global Toronto) & CHCH-TV re broadcasts of a police radio transmission

The Complaint

The CBSC received a total of 19 complaints about the broadcast of the police officer's final radio transmission on a variety of media outlets, both radio and television. Some of the complaints came from various police chiefs. Some complainants did not identify a specific broadcaster and some who did did not identify a specific date and time of broadcast. Those complainants were not provided with an opportunity to request a ruling. Of the complainants who were provided with that opportunity, only the York Regional Police Chief submitted a Ruling Request. The correspondence relating to his complaint is reproduced below.

The following letter dated June 30, 2011 was sent from the York Regional Police to the CBSC and the Ontario Press Council:

Dear Sirs:

On behalf of the men and women of York Regional Police, who have only begun to mourn the loss of their friend and colleague, Constable Garrett Styles, I am writing to express our collective disappointment and concern with the decision made by various media outlets to post the recording of Constable Styles' radio transmissions on their websites and publish a transcript of those transmissions. At no time did I authorize the release of these radio transmissions nor would I ever authorize their release to the public in these tragic circumstances.

As you may be aware, Constable Styles initiated a traffic stop and was at the driver's side door investigating the driver when the vehicle accelerated and dragged him approximately 300 metres. The driver lost control of his vehicle; it left the roadway and rolled. Constable Styles was trapped under the motor vehicle and lay mortally wounded at the time he made these radio transmissions. It is my understanding that the transmissions depict Constable Styles in obvious pain and distress. I am, quite frankly, appalled that the media would post these audio recordings in such a callous fashion. Their actions have compounded the grief that has stricken the members of this police service and I can only imagine the additional anguish that has been inflicted upon his family. Moreover, these media outlets have shown a blatant disregard for the potential consequences their actions have on our ongoing homicide investigation.

We are grateful for the outpouring of support and messages of condolence we continue to receive from members of the public and the media. I am thankful to those media members who made the responsible decision to provide the public with full coverage of this terrible and yet important event without having to resort to sensationalism. We believe the media has an important role to play when a police officer is killed in the line of duty. When an officer makes the ultimate sacrifice in service to his community, it is important for that community to understand the circumstances that gave rise to such a tragedy. We trust that the media will

keep the public well-informed and, at the same time, respect the rights of the victim and his family and the administration of justice. For those media outlets that chose to publicize Constable Styles' radio transmissions, that trust has been breached and, ethically, the line of reasonableness crossed. We are now dealing with dozens of complaints from both our members and members of the public who are outraged by the release of the radio transmissions.

I call upon the Canadian Broadcast Standards Council and the Ontario Press Council to address my concerns with the members of your respective organizations. I am also calling upon those members of the media who have posted the radio transmissions to apologize to the Styles family and to the members of this police service for the emotional trauma that they have inflicted upon them and to remove the radio transmissions from their websites immediately. There is little that can be done now to halt the proliferation of these radio transmissions across the internet. Nonetheless, removing the radio transmissions from high-traffic media websites would go a long way towards addressing our concerns.

I look forward to your prompt response to my concerns.

The CBSC informed the complainant that its jurisdiction does not extend to the websites of its broadcaster members and that, in order to pursue any complaint, it requires the name of a station and the date and time of an actual broadcast. The complainant provided that information in a letter of July 25:

Thank you for your letter of July 4, 2011. In response to your request, I would like to identify the following broadcasts as the subjects of our complaint:

- *CBC News Toronto at 6*, at 6:00 pm, June 28, 2011
- *CityNews*, 6:00 pm, June 28, 2011
- *CTV News*, 6:00 pm, June 28, 2011; and
- *Global National*, 5:30 pm and 6:00 pm, June 28, 2011
- *CHCH News*, 6:00 pm, June 28, 2011

The CBSC opened four separate files, one for each CBSC member station. The CBC portion of the complaint was dealt with by the CRTC since the CBC is not a CBSC member.

The complainant sent a second letter dated July 25:

Further to my letter dated July 25, 2011, that was emailed to you, please find enclosed a disc containing a copy of the relevant media coverage which is the subject of our complaint.

I look forward to your response.

The disc contained the *Global National* broadcast of 5:30 pm, the CITY-TV broadcast, the CTV Toronto broadcast and the CBC broadcast.

Broadcasters' Responses

File 10/11-2040

Global Toronto (CIII-TV) responded with a letter dated July 4, even before the complainant had provided a specific broadcast date:

Dear Chief:

On behalf of Global News and Shaw Media, please accept our sincere condolences to the family, friends and colleagues of Constable Garrett Styles.

It is with great respect that I would like to respond to your letter of Thursday, June 30th regarding publication of Constable Styles' final radio transmissions on Global News websites.

This was an editorial decision made with great contemplation and in close consultation with senior Global News editors. It was a decision taken in accordance with the RTNDA Canada *Code of Ethics* and our own Global News Journalistic Principles and Practices. To summarize, these guidelines state that Global News reporting should in no way promote, glamorize, sensationalize or over-dramatize violent or disturbing events.

These guidelines also state that, while it is important not to exaggerate or exploit violent or disturbing events, Global News must take equal care not to sanitize the reality of those situations.

I would like to explain the editorial rationale and protocols that were followed in deciding to publish Constable Styles' final radio transmissions on globalnews.ca websites. As you properly point out in your own letter, the media has an important role to play when a police officer is killed in the line of duty. It was most certainly in the public interest to report on the tragic circumstances that led to Constable Styles' ultimate sacrifice for his community. His death, though unbearable for family and heartbreaking for friends and colleagues, was of compelling news interest. After much discussion among senior editors, we came to the editorial conclusion that the radio transmissions were an essential element of the story and that the story would be incomplete without them. These radio transmissions, while difficult for some people to listen to, spoke to the character and selflessness of Constable Styles. We felt it was important that the community understand that, even as he lay dying, Constable Styles was calm, professional and determined to continue doing his duty. Though he was pinned beneath the vehicle, Constable Styles continued to show concern for the well-being of the occupants.

If you knew absolutely nothing else about Constable Garrett Styles, the emotions evoked by these radio transmissions revealed a fine officer of such professionalism that through his agony and fear never stopped thinking about others. All our senior editors were personally instructed by me to make sure they framed publication of the radio transmissions in exactly this context, without sensationalizing the recordings.

Out of sensitivity for the Styles family and members of the public, globalnews.ca took concrete steps to warn users about the disturbing nature of Constable Styles' final radio transmissions. The audio recording of the radio transmissions was not made accessible through the globalnews.ca homepage as is our usual practice. A decision was made to post only a link on the homepage with an obvious warning that some might find the transmissions to be disturbing. This link required users make an active choice about whether to proceed to a secondary page if they wanted to listen to the recording. The secondary page also included

an obvious warning and a complete transcript of the transmissions for those users who sought the information without wanting to listen to the emotional recording.

In your letter, you reference what you describe as dozens of complaints from your colleagues and members of the public. I will not deny that we also received some negative comments over our decision to post the radio transmission. However, we also received positive responses on our websites, including this one from the family member of seven different officers for various forces in Ontario.

TP wrote:

"I would be so deeply proud to have this (the recording) shown to the public and everyone to see how incredibly brave he (Constable Styles) was. This is a reminder to everyone that police DO care about our safety and they are here to help us."

BB wrote:

"This (the recording) is very upsetting to hear. This is the reality of what police have to deal with. This is appropriate to release and not everyone has to listen to it. Maybe the next time you curse police, you will think about how selfless most police are."

We believe the editorial decision to post the radio transmission was consistent with the RTNDA Canada *Code of Ethics* and Global News Journalistic Principles and Practices. We also believe posting the radio transmission was an essential element in reporting on the circumstances of Constable Styles' tragic death including Constable Styles' professional and selfless conduct before his death. For these reasons, we continue to be of the view it is appropriate and important that the radio transmission remain available on our website so the public will have a full understanding of this news story.

This is a very difficult time for you and the York Regional Police and we in the media cannot fully appreciate the depth of your grief and sense of loss. I hope that this letter will be of some limited consolation in understanding why we made the editorial decisions we did in publishing the final radio transmissions from Constable Styles.

The next few days will be difficult and busy ones for you. If you would like to meet in a few weeks' time to discuss this further, I would be happy to do so.

Once the complainant had identified a specific broadcast date and time, the CBSC asked Global Toronto if it wanted to respond again. Global indicated that the above response was its official response for the file. It did, however, send another letter in October (see below).

File 10/11-2187

CHCH-TV responded with a letter dated August 12:

Whenever a police officer is killed in the line of duty it becomes a matter of intense public interest. And that is understandably so, since an attack on the people we employ to protect us is an attack on us all.

Consequently, when we learned that a police officer making a traffic stop in York Region had been dragged and pinned under the vehicle, CHCH began extensive coverage of the incident which continued throughout the day.

In fact, developments surrounding Constable Styles' death continued to be reported intensely for days, including his funeral which was attended by thousands of people and watched by many thousands more on CHCH, and other stations, which televised it in its entirety, as we did Sergeant Ryan Russell's funeral in February.

Within hours of Constable Styles' injury, an audio recording of his radio call was made public, having been posted on the internet.

Two important facts emerged from the recording. Most striking was the revelation that Constable Styles had made the radio call for help himself. The recording revealed that even though he was pinned under the vehicle, he was still conscious, coherent and able to reach for his radio and articulate his situation.

Furthermore, even while in his own distress, Constable Styles expressed concern for the occupants of the van who were apparently still trapped inside, which revealed his character, his dedication and his compassion.

These factors were not being divulged by the authorities. CHCH determined they were important and could only be fully conveyed through airing the recording, which we did, eighteen hours after the incident. We did not post it on our website.

Tragically, Constable Styles died in hospital in the line of duty – a public duty. These events took place in public. The radio transmission was also public, and was made even moreso when widely distributed on the internet.

In your letter, you raise a concern that airing the recording has potential consequences for the ongoing homicide investigation, although it isn't made clear why you believe that this particular aspect of our extensive coverage would do so.

You also state that it is important for the community to understand the circumstances that give rise to such tragedies. We believe the recording was relevant to that understanding.

While we fully recognize the impact of tragedies on families, friends and colleagues, we also have a responsibility to inform the broader community. This is especially true when the people we rely on to protect us fall while performing their service.

We regret any additional grief that this, or any other aspect of our coverage may have caused to Constable Styles' family, but it must be made clear that our intention was purely to perform our duty to the community, by reporting on a very serious and tragic loss of an officer whose life was cut short in the pursuit of his duty.

Additional Correspondence

The complainant sent a letter dated October 11 indicating his dissatisfaction with all of the broadcasters' responses:

Re: Broadcast of Constable Garrett Styles' Radio Transmissions

CBSC File Numbers C10/11-2040, C10/11-2185, C10/11-2186 and C10/11-2187

As you are aware, York Regional Police has now received responses from Global Toronto, CHCH-TV, CityNews and CTV in response to the above complaints, standing by their decisions to broadcast the radio transmissions of fallen York Regional Police Constable Garrett Styles.

In doing so, certain of these broadcasters have referenced the Radio and Television News Directors of Canada [*sic*] (RTNDA) *Code of Ethics*, to which your organization's *Code of Ethics* refers.

I do not find the responses I have received to be satisfactory, as it is my view that the broadcasters in question violated this *Code of Ethics* in two important respects.

The *RTNDA Code of Ethics* calls upon journalists to treat subjects of news coverage with respect and dignity, and to show particular compassion to victims of crime or tragedy. In my view, the broadcast of his dying radio transmissions in the hours after his death showed a remarkable lack of compassion for Constable Styles' family. I question whether another homicide victim or family would have been subjected to such a callous invasion of privacy.

Further, I find the broadcast of these transmissions to be inconsistent with the responsibility under the Code to use technological tools with thoughtfulness, and to avoid techniques that sensationalize events. Not only do I view the broadcast of these interceptions as sensationalistic, but I question the thoughtfulness of their use in the absence of any consultation with York Regional Police. Firstly, these transmissions originated from a homicide scene. Secondly, s. 9(2) of the *Radiocommunication Act* makes it an offence to intercept and use, or intercept and divulge, any radio communications without the permission of the originator or intended recipient.

In light of the concerns I have expressed above and in my letter of June 30, 2011, I am requesting that the Canadian Broadcast Standards Council proceed with a formal adjudication in this matter.

I look forward to your response.

File 10/11-2040

Global sent an additional letter on October 24:

RE: BROADCAST OF RADIO TRANSMISSIONS

I have received your letter of October 11, 2011 as well as a similar letter from Industry Canada regarding the Global News broadcast of police radio communications by Global News.

Only a few short months have passed since that terrible day, and we understand how difficult it must be for the Styles family to face each new day without their father, husband and son. The entire policing community and the community-at-large suffered a huge loss and we continue to extend our most sincere condolences.

Your letter and that of Industry Canada did not refer to subsection 9(3) of the *Radiocommunication Act*. Subsection 9(3) states that the prohibition of intercepting or

divulging radiocommunication contained in ss. 9(2) of the Act does not apply "...in respect of radiocommunication that consists of broadcasting...". Section 2 of the Act defines "broadcasting" as "...any radiocommunication intended for direct reception by the general public".

As you know, Constable Styles' transmissions were broadcast over the air and were available to any member of the public. The signal was not point-to-point and was not encrypted. The signal was broadcast in the same manner as commercial radio and, just like commercial radio, any member of the public can tune into radio communications broadcast by York Regional Police. Police forces are well aware that such communications are received by the general public and they will use encrypted radio or other forms of communication when they do not wish the general public to receive sensitive information. For these reasons and others, Global News is of the view that communicating by way of non-encrypted police radio is "broadcasting" as that term is defined in the Act and therefore the broadcast of Constable Styles' radiocommunication was within the exception provided by ss. 9(3) of the Act. Also for these reasons, Global News is of the view that it was not required to obtain the permission of York Regional Police when broadcasting communications made over non-encrypted police radio.

I would also like to address your statement that our broadcast of Constable Style's radio transmissions was "sensationalistic". Global News genuinely appreciates the sensitivity surrounding the death of Constable Styles and the impact of his death on his family, his colleagues within York Regional Police and other police forces and the community at large. Having been personally involved in our editorial decision-making process, I can assure you the decision to broadcast Constable Styles' radiocommunications was made after considerable thought and after reaching the conclusion that reporting on those transmissions was in the public interest as it demonstrated the professionalism, commitment to duty and concern for others of Constable Styles. In our view, it was important that viewers understood the circumstances of the tragedy and the courage and professionalism demonstrated by Constable Styles.

We trust the above will assist you in understanding our position. Please feel free to contact me directly if you wish to discuss this further.