
APPENDIX B

CBSC Decision 10/11-2185 & -2186 CITY-TV & CFTO-TV (CTV Toronto) 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 10/11-2185

CITY-TV responded with a letter dated August 23:

Dear Sir:

We have received your letter to the Canadian Broadcast Standards Council (CBSC) and the Ontario Press Council regarding the broadcast of Constable Garrett Styles' final radio transmission on *CityNews* Toronto on June 28, 2011.

First, on behalf of *Citytv* and Rogers Media please accept our sincerest condolences to the family, friends and colleagues of Constable Garrett Styles. The broadcast of Constable Styles' final radio transmission was made with great consideration after numerous discussions with senior editorial staff. It was not intended to sensationalize a very traumatic and disturbing event but to inform the public of the heroic efforts taken by Constable Styles before his tragic death.

As you may be aware, the CBSC is an independent organization that administers codes and standards proposed by the Canadian Association of Broadcasters (CAB), and approved by the Canadian Radio-Television and Telecommunications Commission. *Citytv* Toronto is owned and operated by Rogers Broadcasting and is a member in good standing with the CBSC.

As a member of the CBSC, *Citytv* is subject to codes and standards of conduct, including the Canadian Association of Broadcasters (CAB) *Code of Ethics* (the Code), the *Radio and Television News Directors of Canada Code of Ethics* (the "RTNDA") as well as the *CAB Violence Code* (the Violence Code). These codes require the reporting of news in an accurate and comprehensive manner. The RTNDA also requires that broadcast journalists will present news and public affairs without distortion and that news reporting does not unreasonably infringe on privacy except when necessary to satisfy the public interest. The *Violence Code* states that broadcasters shall not exaggerate or exploit violent or disturbing events but must also take equal care not to sanitize the reality of the human condition.

In your complaint you indicated that you were appalled that the media would post the audio recording in such a callous fashion and that these actions have compounded the grief that has stricken the officer's family as well as the police department.

Please accept our sincere apology for any role we may have played in compounding the grief of Constable Styles' family, friends and colleagues. As stated earlier, the decision to air the dispatch communication was weighed very seriously. *CityNews* chose to include select portions of this audio in our coverage to illustrate the tremendous poise and professionalism exhibited by Constable Styles and fellow members of York Regional Police. In the midst of crisis Constable Styles expressed genuine concern for others even as he lay injured. We felt the audio excerpts provided our audience with a true sense of Constable Styles' strength of character. Furthermore, we decided to exclude material that we considered to be more graphic in nature. The audio that was included was used in an effort to provide our viewers with a comprehensive understanding of both the police officer and the man the community has lost as a result of this tragedy.

In light of the above, we believe that the decision to broadcast the segment was made in accordance with the Codes and standards of conduct broadcasters are required to follow.

We hope this letter explains why we made the editorial decision to broadcast the audio segment. Our objective was to show the strength of character of an exceptional officer and member of the public.

File 10/11-2186

CTV Toronto (CFTO-TV) sent a response dated August 17:

The Canadian Broadcast Standards Council (CBSC) has forwarded your letter concerning the decision by some media to broadcast the recording of deceased Constable Garrett Styles' final radio transmission on Tuesday, June 28, 2011. We are pleased to respond.

CTV Toronto did not broadcast that recording on our newscasts, nor did we post the recording on our website. Instead, a partial transcript of the transmission was broadcast, and a longer transcription was posted on the website. The decision not to broadcast the actual recording was made by senior News management. However, after thorough discussion, managers decided that the public should have access to the transcript, because it was important to help illustrate the circumstances that led to this tragedy. Moreover, the transcript underscores the heroism of Constable Styles, who expressed concern for the occupants of the vehicle, even as he lay mortally injured beneath it.

The transcript of the transmission is still accessible at CTV News' website, but it is not in a high-traffic area, and can only be accessed by an archive search. Although it is online, it is considered documentation of our network's journalism. To "unpublish" such content would contravene our journalistic policy on preserving the integrity and accuracy of our news archives.

CTV News is a member in good standing of the Canadian Broadcast Standards Council, and we believe the coverage was in accordance with applicable industry codes and policies.

We trust this addresses your concerns and we thank you for the opportunity to respond.

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 10/11-2186

CTV Toronto sent an additional short note to the CBSC on November 8:

The logger tapes are en route to you – you should have them tomorrow.

Please note that CTV Toronto only aired a written transcript of the radio transmission – not the audio portion, unlike other broadcasters named in this complaint.