



Broadcasting Decision CRTC 2012-314

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Ottawa, 30 May 2012

Complaint regarding the broadcast of a police radio transmission by the Canadian Broadcasting Corporation following the death of a police officer

The Commission finds that the Canadian Broadcasting Corporation's (CBC) broadcast of a police radio transmission on 28 June 2011 as part of the program CBC News Toronto at 6 did not violate the Broadcasting Act, the CBC's Journalistic Standards and Practices or the CAB Violence Code.

Background

1. On 31 October 2011, the Commission received a complaint by Chief of Police Eric Jolliffe alleging that on 28 June 2011 the Canadian Broadcasting Corporation (CBC) broadcast a police radio transmission as part of the program *CBC News Toronto at 6* that was inconsistent with the CBC's *Journalistic Standards and Practices*. The radio transmission was that of a police officer, Constable Styles, who called for help when he was dragged and pinned beneath the vehicle after initiating a traffic stop. The officer subsequently succumbed to his wounds.
2. The CBC responded to the complaint on 10 November 2011, indicating that it had pursued balance between the obligation to convey information and the obligation to depict harrowing events with discretion and restraint.

The complaint

3. The complainant alleged that the broadcast was inconsistent with the CBC's *Journalistic Standards and Practices* regarding crime and police reporting, which state the following: "In approaching victims or witnesses of tragic events, we carefully weigh both the public interest of full reporting and the need to show compassion and restraint. In such situations we are considerate and we use judgment." The complainant stated that "the use of these audio recordings went far beyond what was necessary for an understanding of the facts surrounding Constable Styles' death."
4. The complainant also stated that the framework set out in the CBC's *Journalistic Standards and Practices* "for the use of clandestine methods is also instructive in setting the standard for responsible use of such a recording." Further, the complainant alleged that the CBC should have obtained permission to make lawful use of the transmission in light of section 9(2) of the *Radiocommunication Act*, which states that "except as prescribed, no person shall intercept and make use of, or intercept and divulge, any radiocommunication, except as permitted by

the originator of the communication or the person intended by the originator of the communication to receive it.”

Commission’s analysis and decisions

5. In examining the present complaint, the Commission has taken into consideration the complainant’s concerns and the CBC’s response. The newscast aired by the CBC on 28 June 2011, including the broadcast of a portion of the police radio transmission, has also been viewed. The Commission has conducted its analysis in light of the Canadian broadcasting policy objectives set out in the *Broadcasting Act* (the Act), including the high standard provision, as well as the CBC’s *Journalistic Standards and Practices*. The Commission has also considered the complaint under the Canadian Association of Broadcasters’ *CAB Violence Code*, to which the CBC is subject by condition of licence.
6. Section 3(1)(g) of the Act stipulates that “the programming originated by broadcasting undertakings should be of high standard.” In the present case, as a measure of high standard, the Commission has taken into account the CBC’s *Journalistic Standards and Practices* with regard to crime and police reporting. The Commission notes that there appears to be an overall concern with sensationalism in broadcasting and the thin line that separates “what could be seen as gratuitous and tasteless exploitation and the forthright depiction of a disturbing event,” as the CBC put it in its response. In this regard, the Commission is of the view that the clip of the Constable’s transmission used in the news story served to highlight the officer’s courage and professionalism, rather than to sensationalize the story. Further, the Commission finds that the CBC’s editorial decision to broadcast a three-second excerpt of the radio transmission, rather than a longer one, is an indication of the balance sought between the respect for the suffering of the victim and the family and the objective to convey the information.
7. The Commission has also assessed the broadcast in light of section 6 of the *CAB Violence Code*, which deals with news and public affairs programming. The Commission is of the view that when taken in context, the CBC story, which was preceded by a warning to viewers, depicted harrowing, current and newsworthy events with sufficient discretion as to comply with what is expected of a broadcaster in such a situation. The Commission nevertheless wishes to emphasize that broadcasters should carefully determine whether other approaches could be used to communicate the story when using clips of this nature.
8. In light of the above, the Commission finds that the news story was not in breach of the Act, the CBC’s *Journalistic Standards and Practices* or the *CAB Violence Code*. The Commission notes that its determination is consistent with the Canadian Broadcast Standards Council’s determination on the broadcasts of the same police radio transmission by private television stations.

9. With regard to the aspect of the complaint stating that the CBC should have obtained permission to make lawful use of the transmission, the Commission notes that the CBC responded that it did not intercept police communications, but that audio recordings of the non-encrypted exchanges between Constable Styles and the police dispatcher were publically available and posted on the Internet site RadioReference.com. The Commission also notes that any issues related to the *Radiocommunication Act* fall within the jurisdiction of the Department of Industry.

Secretary General