
APPENDIX

CBSC Decision 09/10-1300 CIVT-TV (CTV British Columbia) re a report on CTV News ("Fatal Highway Crash")

The Complaint

The CBSC received the following complaint dated March 3, 2010. It was also copied to CTV British Columbia:

Before I enter upon the details of my complaint concerning a broadcast by the the broadcaster on Friday, Feb. 19, 2010, I contacted the broadcaster by phone the next day on Feb. 20 at its newsroom/assignment desk and voiced my complaint to one there. He said that someone would call me on Mon. Feb. 22. No one did so I phoned again there on Tues. Feb. 23 and expressed my complaint to another. He said that he would have to "try" to call me back in a week. He gave me CRTC's tel. no. that dealt with these matters. I phoned it; I was told that I was misinformed by CTV. The woman who to me there said that it was a matter for you, CBSC, not it. I then contacted you and spoke to [the CBSC Director of Policy], being dissatisfied with CTV's lack of contact as promised, its uncertain contact of me in a week's time and its misinformation to me. Afterwards, on Feb. 23, I called CTV again and told them that I would proceed in the manner here with you. They said that I was right in your dealing with it. So I do so. You will see that I faxed this to them too.

Renu Bakshi is a news anchor at CTV. For the 11:30 pm newscast on Fri. Feb. 19, she reported from an accident scene outside the city proper for CTV. She was on the scene this time and not at the newsroom. She said in her live broadcast from it that there had been a head-on crash of 2 automobiles with 3 people dead and 1 being airlifted to hospital. She stated twice that the one who was airlifted to hospital – and I quote – "will likely die". It was the case on these 2 occasions in her report that she linked together the facts that this victim who was taken to the hospital was probably going to die. Obviously her point was that his being taken to hospital was certainly not going to save his life in her opinion. She did not say anything else in this connection.

Undoubtedly this is pure, sheer, mere and complete unfounded assumption, conjecture and speculation on her part. Colloquialisms suffice to make my point: where does she get off or have the right to utter on this injured's expectant or anticipated demise in this manner and in this situation? Such is unethical; it lacks integrity. It cannot but lack for a sore, dismal lack of accuracy as she offered no justification for this ungrounded view. For, I assert, she would not and could not have had any such thing. Her belief, opinion or conclusion was not identified by her as other than her pronouncement.

I believe that I have made it plain and clear. It revealed a serious lack of delicacy and sensitivity. One only has to think of that victim's family and/or friends seeing that newscast and hearing her guess that he is going to be breathing his last, hospital or not. Please deal with my complaint.

P.S. I wish to add some things to further and better make my point. I think and say some more too. I trust that nothing is repetitive, but if so I apologize for it. They are in no particular order. I certainly wish to know the basis, reason or justification for her comment in addition to my other concerns raised herein which arise as a result of her making them. It would seem –

and properly so – to be solely a matter between doctor and patient and not at all one between a reporter and an accident victim whether he or she lived or died. That is, her being right or wrong about that is not the issue here. It is her assumed right or power or liberty to make such a statement without limitation or restriction. It can only be presumed that she considered this to be the case as she said it not once but twice. A predictor of life or death at least in these circumstances and possibly others too, I surmise, cannot be within her province or sphere of business. If I am wrong, I certainly wish to be informed of it. My view being that her broadcast in this connection being an improper one. It was her news: hospitalization did not change her bet that he was going to die.

Since I made my complaints to CTV three times, the last one informing them of my proceeding before the CBSC, I presume that CTV has seen fit to preserve the tape in question.

It is irrelevant to my point, but, however, the only way to determine her accuracy is to ascertain if the victim lived or died. I believe that my point is made again in this way, with falsity and distortion are being invited [*sic*] in such reporting by her. She was inconsiderate and discourteous to the victim and his friends and family, I say. It was not fair to them. Finally, I pose the questions: In this instance subject of my complaint [*sic*] what was her news-gathering resource, and what was the quality of information here? Based on her reckless guess, I am sure or so it seems to me [*sic*]. She did not the survivor's sex [*sic*]. I was a viewer of the broadcast.

Broadcaster Response

The station responded with a letter dated March 31:

Thank you for this opportunity to respond to your complaint to the Canadian Broadcast Standards Council (CBSC) dated March 3, 2010.

On February 19, 2010, we sent a reporter to broadcast live from the scene of a traffic accident on Highway 17 for our 11:00 pm news. As you note, our reporter stated on air that one of the victims was "likely to die". Here are the circumstances that led to this statement.

Two RCMP investigators at the scene spoke to our reporter for several minutes before our broadcast. They told her that a mini van with two occupants had been travelling the wrong way on Highway 17 at highway speeds when it crashed into oncoming car carrying a couple from Ladner. The vehicles crashed head-on and caught fire. The couple, as well as the driver of the van, died instantly. His passenger was pulled from the wreckage and airlifted to hospital. The two investigators on the scene told our reporter that, "Judging from the scene, he will most likely die." They used these words on at least two occasions. The investigators also stated they had never seen such a gruesome crash and they believed the survivor would most likely perish because he'd suffered such extensive burns and injuries. During our broadcast, our reporter relayed these statements as they had been presented to her.

We regret that you were left with the impression that our reporter was speculating. She was not. Again, she was reporting exactly what she was being told by the investigators at the scene.

You may be interested to know that although seasoned investigators did not believe the man would survive, given his injuries, the good news is that the man who was airlifted from the

scene did, in fact, survive. Our reporter was subsequently in contact with his wife who repeatedly called his survival “a miracle”. She said the family has been praying for his recovery and thanking God for “a miracle”.

We at CTV News believe this report was fair and accurate and in accordance with the guidelines administered by the CBSC. CTV British Columbia is a member in good standing of the CBSC and complies with its guidelines.

We, however, sincerely apologize for your experience in trying to speak to someone at CTV about this matter. Your repeated calls should have been followed up and we hope this response now addresses your concerns.

Thank you for taking the time to write. Viewer feedback is always appreciated.

Additional Correspondence

The complainant returned his signed Ruling Request form dated April 19. He wrote on the form itself that CTV’s response was “dated March 31, 2010, but I received it by courier on Mon. April 5, 2010. I am filing this Ruling Request form within 14 days of receiving it; namely, this date, Mon. April 19, 2010. I make comments in this connection supporting my complaint and rebutting the response that are contained on pages 2 and 3, this page being 1.” His additional attached comments were as follows:

I make these respectful submissions. My comments, in detail, are as follows:

We have tried to deal with it to our satisfaction. The code(s) are not observed. In referencing CTV’s response by letter to me of March 31, 2010, I will refer to Renu Bakshi as the “reporter”, the two RCMP investigators as the “police”, the victim/survivor as the “survivor” and [CTV British Columbia’s Vice-President & General Manager], its writer, as [VP/GM]. The reporter did bad and wrong as herein set out. I include by reference here my complaint letter of March 3, 2010 on file and I begin this way: The facts are as per my letter and [the VP/GM]’s. You will note that I have the reporter stating that the survivor “will likely die” whereas [the VP/GM] has me saying in mine that the reporter said that he was “likely to die”. Nothing turns on it. [The VP/GM] further states in his: “... our reporter relayed these (police) statements as they had been presented to her”, “... she (the reporter) was reporting exactly what she was being told by the investigators (police) at the scene”. And the reporter’s “... report was fair and accurate ...” and [the VP/GM] couples his point that the reporter “was reporting exactly what she was being told...” by the police with “we regret that you were left with the impression that our reporter was speculating. She was not.” I will say more on this matter, but for now it will suffice to state that she in fact stated on air just a bare repetition of it without more; namely, what the police had told her, the pivotal question being, did her sole speculation and her not doing “more” – leaving out the rest, her source – result in her report being a faulty, wanting one, notwithstanding [the VP/GM]’s conclusion and explanation in this respect?

Next, plainly and clearly, the police (the source) indulged themselves in speculation as per [the VP/GM]’s letter in the first instance. The reporter parroted it without giving a source for it, barebones as it were, in any fashion or form at all. In my view, it goes without saying that all viewers would gain the impression that, without her giving a source for her opinion, that it must be hers alone. The speculation, the appearance became the reality. It must be taken that she knew what she was doing, no doubt, when, without sourcing it, she aired her then-

speculative view, one that had come about as a result of her adopting as her own the police's one, I opine. That is a most reasonable explanation, for she did not even see fit, at very least, to accompany it with the familiar "A source tells me", etc. As I said, she knew what she was doing or ought to have known it. I cannot conceive that inadvertence was at play. She had to know that the speculative thoughts uttered by her would be taken as her own only. She was convinced of the correctness of the police's conjecture or assumption, ignored them and ran with it as her own.

Of course, the guesswork was wrong and everyone was glad for that being the case. It indicates the pitfall of speculation, no doubt, and its very nature. I object to the bare repetition of it without more sourcing (I do not think that it should be permitted at all), for then it necessarily results in an inherently misleading, incomplete, unthorough, unreliable and inaccurate report, as here something was certainly missing from hers which in turn begged the question: "How does she know?" She was silent about it. It was bad and wrong. Notwithstanding that point of sourcing, then here the reporter's on-air speculation was inconsiderate, unfair, improper, indelicate and insensitive to do so. One only has to think of the survivor's relatives and friends seeing and hearing that and imagine their mental anguish and distress on such. It should not be allowed. Here, there survivor had been taken to the hospital to save his life.

It was bad and wrong. I should have mentioned that [the VP/GM]'s letter does not expound on why she reported in this form except to say she reported exactly what she was being told.

I think that I have made my point: I maintain that without sources, it is bad and wrong to speculate on air in such circumstances about such things, as was the case here, i.e. life and death, medical competency is required, therefore to remove it from idle speculation. None was here and so true, I am sure, the reporter lacked qualification or capability.

I have said it over and over again that the reporter did not use her sources and offered, then, none, although there were some, on the facts.

I am sure that [the VP/GM] would grant the fact that the police were speculating here. Anyone would do so in my opinion. He holds that the reporter was not speculating because she was only reporting what she was being told by them. I say that his view is flawed; namely, a repeater of speculation does not change or alter the nature of it – he speaks speculation and she did so here without any qualification of it whatsoever, say, by source. She mouthed the exact same thing – she owned it on her own by herself. An after-the-fact qualification ([the VP/GM]'s – she was told it) changes it not one iota.