

Review: Reports about 9-1-1 calls made by Toronto Mayor Rob Ford

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REVIEW

Summary: This review involves complaints about television, radio and online reports October 27 about 9-1-1 distress calls by Toronto Mayor Rob Ford. Although there remain unanswered questions about the story, I did not find a violation of CBC Journalistic Standards and Practices.

On the morning of October 24, comedienne Mary Walsh of the CBC program This Hour Has 22 Minutes appeared with a television crew in the residential driveway of Toronto Mayor Rob Ford and attempted to engage him in improvised byplay.

Those familiar with the program would have recognized Walsh in her Princess Warrior super heroine costume adopting her longtime character, Marg Delahunty. For more than a decade she has shown up spontaneously and surprised politicians of all stripes. Most have played along, some much more gladly than others.

Ford, however, was not a willing partner. He evidently did not recognize Walsh, asked her repeatedly but quietly to leave him be, then went back in his house when she continued. It was later revealed he called 9-1-1 for police assistance. The incident ended and the CBC crew and mayor both departed before any assistance arrived about 10 minutes later.

Ford [explained later](#) that he felt “ambushed,” that he wasn’t sure who Walsh was, and that he worried for the safety of his children, one of whom could be seen in the video of the episode looking out the front window as Ford re-entered his house. The mayor, elected a year earlier in part on a platform of expenditure restraint, noted he’d earlier been the target of death threats.

CBC and others ran stories on the driveway incident. [The encounter was shown](#) on the October 25, 2011 edition of This Hour Has 22 Minutes, along with a clip from later that day with the mayor’s brother, councilor Doug Ford.

On October 27, 2011, CBC News across its platforms presented anonymously sourced accounts of the distress calls between Ford and the 9-1-1 service. The first report moved online at 5:18 a.m., followed by radio and television reports that morning.

In those accounts Ford is said to have been emotional and threatening on the distress calls. The CBC reports said sources quoted Ford as saying on one of the calls: "You ... bitches! Don't you f--king know? I'm Rob f--king Ford, the mayor of this city!"

Later that day, the mayor's brother told reporters he had spoken to his brother and that the report was inaccurate. He didn't elaborate. Shortly thereafter, the mayor [issued a statement](#) in which he acknowledged using the f-word but not the b-word.

"After being attacked in my driveway, I hope I can be excused for saying the f-word. I never called anyone any names," he said. "I apologize for expressing my frustration inappropriately."

He [elaborated on this](#) matter to reporters, saying in part: "But to say I called the dispatcher a bitch, I never said that ... I identified myself, which you are supposed to do. But I never, you know, used it in a conceited manner. And I was frustrated. And I was very upset that they accosted me in my driveway."

CBC News maintained that it had several sources of the information about the calls. It did not change its story.

It was evident the release of the tape would settle the matter. The mayor said it was up to police to release the 9-1-1 tapes, but the police said only the person making the call could consent to its release.

The next day, Toronto Police Chief Bill Blair took the unusual step of [discussing the disputed versions of the telephone calls](#). "I have listened to the three emergency calls. The mayor did not use the word 'bitches,' attributed to him by those 'several anonymous sources.' The mayor did not describe himself as the original account claimed," he said.

CBC asserted sources had said the head of the police union had met dispatchers who were upset by Ford's treatment. That being said, Blair said there had been no complaint filed by the 9-1-1 workers about Ford.

Even though the police chief took issue with the phrasing attributed to the mayor, CBC News did not change its story.

Several emails arrived October 28 with complaints when CBC did not alter its story following the statements by the mayor and the police chief. Three complainants

eventually asked for reviews — in alphabetical order, David Beckner, Avery Burdett, and Bill Kiechle — and their correspondence is consolidated in this finding.

Beckner said that the report of the 9-1-1 calls was carried “without due diligence of checking facts . . . This is not journalism. It is retribution.” Burdett called the story “false reporting.” Kiechle said CBC was pushing the story “for political ends. This is not fair and balanced journalism by any measure.”

It took CBC five weeks to respond to the wave of initial complaints, a little beyond the customary practice of responding to public concerns within 20 business days.

Jonathan Whitten, the executive director of news content for CBC News, outlined the organization’s view in correspondence December 5, 2011, and apologized for the time it had taken to respond. His email was sent to several others who had complained.

He wrote in part: “Well placed sources within the Toronto Police Service, including police dispatchers, told CBC News that the operators found some of those exchanges distressing and insulting.

“We corroborated that information and reported some of the details of those calls, accurately, as they were related directly to us.

“Mayor Ford subsequently confirmed our reports and his use of coarse language, although disputing that he had used one particularly offensive word, a denial later repeated by Toronto’s police chief.

“In that light, we went back to our sources, and others familiar with the calls, in an effort to confirm the exact word used. We could find nothing in our checking and re-checking that we feel warrants a retraction.

“Therefore, in the absence of a public release of either the recordings or an authoritative transcript of the recordings, we are not prepared to respond to allegations about specific differences in language used.”

Burdett wrote December 5 “if it is a choice whether I believe the chief of police and Mayor Ford or the CBC who plays ‘gotcha’ politics way beyond just the ‘22 Minutes’ crew, I’ll believe the chief.”

Kiechle wrote December 6 “the emphasis isn’t on Rob Ford to prove his innocence in this matter but for the CBC to prove the validity and credibility of its sources. Until that can be done, I’d like to see a retraction. I somehow doubt that anonymous sources, rumours and wild speculation would pass the CBC’s journalistic policies.”

Beckner wrote December 6 that CBC was standing by its story without “corroborative evidence,” that it was unfair for CBC to lay the burden of proof upon the mayor, and that it was unacceptable to stand behind anonymous sources following public denials by the mayor and police chief.

[CBC Journalistic Standards and Practices](#) intersect in several ways with this incident.

CBC News, like other media organizations, ensures the protection of sources and calls for clarity and caution in their handling: *“Sources may be risking a great deal by sharing information. It is important that we are clear and explicit from the outset as to the degree of protection we are prepared to offer and how the information will be used (e.g. ‘on’ or ‘off the record’).”*

The policy calls for efforts to be as forthcoming as possible about sources: *“We let people know as precisely as possible where and from whom the information comes. This helps them evaluate that information and to put facts into context.”*

Individuals can have different interpretations of events and powers of recall, so CBC says its commitment to accuracy and integrity requires it to try to verify information with a second source. *“And there may be times when more than two sources are required.”*

If the primary source is confidential, *“we will, to the best of our ability, attempt to verify the accuracy of the information through independent corroboration.”*

It is important to know *“as precisely as possible where and from whom the information comes”* to help the audience.

On issues of controversy, *“we ensure that divergent views are reflected respectfully,”* and individuals are treated *“with openness and respect . . . we treat them even-handedly.”*

CBC News strives for accuracy and *“we do not hesitate to correct a significant error when we have been able to establish that one has occurred.”*

The policy also states CBC News does not hesitate *“to follow-up a story when a situation changes significantly.”*

CONCLUSION

It would be an understatement to say there were serious challenges in conducting this review. Information normally accessible upon which to base findings simply wasn’t available, principally due to longstanding policies by the parties to the dispute.

Most significantly, an authentic record of the 9-1-1 calls to verify or dispute CBC News' reporting has not been released. Without any such record, it has not been possible to assess the accuracy, and thus the fairness, of the CBC News reports about the calls.

The public may be familiar with hearing 9-1-1 calls on radio and television, but that is because of comparably open and legal disclosure of them in the United States. Canada takes a much more circumspect approach. Calls cannot be released readily without the consent of the caller, in this instance Toronto Mayor Rob Ford.

Several requests for those records, including those from this Office, have been declined. The rationale is that public release of the 9-1-1 information might lead to disclosure demands each time the mayor or another public official placed such calls and be an inappropriate intrusion into personal privacy. This might be understandable as policy, if frustrating in this case.

Just as there is a policy for non-disclosure of the call, so is there policy for non-disclosure of the sources.

CBC policy (and the policy of almost all other media) grants varying degrees of protection to sources, depending on how their information is used. The protection of sources is an important principle for an independent press, even if there can be consequences of implementation, including legal penalties and lingering public questions about the content's credibility.

CBC News was cooperative and candid about the reporting process but would not indicate specific sources of the material it reported, although it asserted those sources existed at many levels of the Toronto Police Service on this story. It said that several sources independently approached different CBC journalists with accounts of the distress calls that had common elements from which it could distill its report featuring specific quotes.

There was some confirmation of the nature but not of the specifics of Ford's remarks in the statement October 28 by Toronto Police Chief Bill Blair, and the gap between the report and the chief's statement sufficiently concerned CBC News that it sought from its sources reassurance about the accuracy of the phrases reported initially.

On the one hand, CBC News is a major media organization with a reputation for high-quality investigative and precision journalism as part of its public mission. On the other hand, the chief of police is a major public figure expected to perform impeccable service.

In this matter only one of them is right. It just isn't clear whom.

The mayor's office and the police service point to Blair's statement as definitive. They and some others were puzzled CBC News did not correct elements of anonymously supplied information that the police chief publicly and specifically disputed. Beyond that, Ford will not digress from policy to solve the question. He has neither sought legal redress nor even asked for an apology.

CBC News was obviously prepared to retract if its sources changed their recollections. But when it confirmed their earlier accounts, CBC News correctly felt it had no option but to stand by the story in the absence of evidence first-hand in the form of a tape or authenticated transcript.

Resolution of such a dispute requires an impartial investigation. In view of the fact the Toronto Police Service depends on budget deliberations headed by the mayor, and in view of the fact this year's police budget that averted layoffs was reached only in the week before this incident, I concluded CBC could not rest on Blair's account. Not only were its sources adamant about their information, the chief was not a disinterested party.

Not accepting an assertion that cannot be disproved may seem unusual, but I had to regrettably conclude his statement could not resolve the disagreement. Of course, it should be recognized the consolation is implied acceptance of a story that can only be anonymously supported.

The public interest would be best served with proof, but if it is not forthcoming with definitive records, there can be no ultimate finding in this standoff about the accuracy of the report. There can only be a finding about the fairness of the reporting process under CBC Journalistic Standards and Practices.

Responsible media organizations prefer on-the-record material because veracity is helped when sources are identified. But there are valid justifications for anonymity, particularly when there is fear of retribution for public exposure. In such instances, the journalistic framework includes understanding at a senior level in a news organization the identities of sources, reflecting on the quality of those sources, and satisfying oneself that the self-interests of those sources do not compromise truth-telling. Even so, journalistic policy suggests the reporting of those sources should provide as much information as possible, presumably for the audience to assess their credibility to the greatest extent.

While complainants in this instance expressed concern and were dismissive about the presence of such anonymity, CBC concluded there was no other practical way to gather and report what it believed the public needed to know. It accepted that its sources needed to be anonymous because the mayor was their boss and they were vulnerable. Indeed, disclosure of their identities could be a matter for formal discipline. Given the limited number of people who might have familiarity with details of 9-1-1 calls, even

concealed identities risked much. I think it's reasonable to agree there was a need for anonymity to present the story.

In many instances it can be argued that a distress call is the business of no one other than the parties involved. But this report raised an important question about whether the mayor improperly sought preferred treatment and threatened the 9-1-1 responders over whom he exerted organizational influence. I am satisfied CBC News exercised restraint in limiting its reporting to a narrow range of concerns it gathered and extensively verified from those sources.

Once such a story is reported, a responsible news organization gives ample voice to those who challenge sourced information. I am satisfied CBC News did so in its accounts on the responses from the mayor, the mayor's brother, and the police chief in the hours and days following the initial report. Indeed, in some accounts the original content was submerged in lengthy denials.

The most serious concern from the complainants arguably involved their assertion that the unretracted story, with anonymous assertions facing public disavowals, was evidence of systemic antipathy to the mayor. This concern can be an understandable public reflex, particularly when political coverage focuses on an official's personal conduct.

In his first year in office, Ford undertook an extensive review of municipal services with an aim to deliver greater efficiency and prudent management in what had become challenging public financial circumstances for Toronto. Not surprisingly his effort met with some resistance, and that resistance often became the focus of media coverage by CBC and others. Moreover, the mayor has a penchant for colourfully stating his case, and this also draws media attention. But neither type of coverage, even if extensive, carries an inherent bias.

To determine if the complaint was valid, I reviewed a large body of CBC's coverage and detected no general sentiment that might give rise to concerns of bias. True, some of the coverage included public criticism by interested parties of the mayor's tactics within his wider political strategy. But even when the focus of coverage was on the target of a service cut, I found CBC accorded equitable voice to varying views, well within its journalistic policy.

There remain questions about this episode that may never be answered. But with whatever information was at hand, I found no violation of CBC Journalistic Standards and Practices before and after the distress calls.

Kirk LaPointe
CBC Ombudsman