

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 28/92

Dated the 4th day of June 1992

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of a complaint by

SENIOR SERGEANT M.B. MEYRICK  
of Huntly

Broadcaster  
TV3 NETWORK SERVICES  
LIMITED

I.W. Gallaway Chairperson  
J.R. Morris  
R.A. Barraclough  
L.M. Dawson

DECISION

Introduction

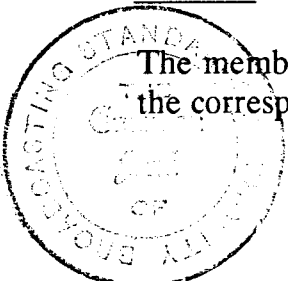
Deaths in prison cells were discussed in an item on 3 *National News* broadcast by TV3 Network Services Ltd on Tuesday 4 February 1992. It recorded that a man had committed suicide in the cells at the Huntly Police Station. It also included an interview with Mr Jim Anderton M.P. who remarked that since the abolition of capital punishment about 100 people had been "virtually executed" in prison and jail cells.

Senior Sergeant Meyrick from the Huntly Police complained to TV3 about the use of the word "executed" which carried the connotation of deliberately killing. He said that the item, by the use of that word, had breached the broadcasting standards requiring truth and accuracy, good taste and decency, and the maintenance of law and order.

As TV3 declined to uphold the complaint, Mr Meyrick referred it to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989.

Decision

The members of the Authority have viewed the item complained about and have read the correspondence (summarised in the Appendix). As is its practice, the Authority has



determined the complaint without a formal hearing.

Senior Sergeant Meyrick from the Huntly Police wrote to TV3 about a news item which dealt with a suicide in the Huntly police cells and which included an interview with Mr Jim Anderton M.P. who said that 103 New Zealanders had been "virtually executed" in prison or police cells in the previous ten years. The phrase "virtually executed", Mr Meyrick complained, suggested deliberate killing and was both untrue and irresponsible.

The item, he said, breached s.4(1)(a) and (b) of the Broadcasting Act 1989 and standard 1 of the Television Code of Broadcasting Practice. The provisions in the Act require broadcasters to maintain standards consistent with the observance of good taste and decency and the maintenance of law and order and standard 1 of the Code requires broadcasters to be truthful and accurate on points of fact.

TV3 said that the item had not blamed the police but had blamed the system for the deaths in police and prison cells.

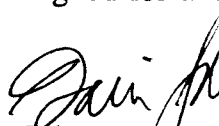
The Authority considered that Mr Anderton's statement contained an element of ambiguity and should not have been allowed to remain unchallenged. The viewing public was entitled to an explanation of what would be to many an extravagant statement and TV3's failure to seek one had no doubt led to the complaint. The Authority believed that that part of the item reflected questionable journalism but acknowledged that TV3, as the broadcaster had pointed out, had been forthright in presenting the police position and in reporting the trauma and concern that was caused to the police by suicides in the cells.

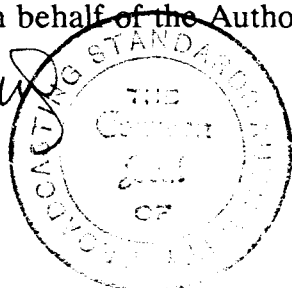
Notwithstanding the possible meaning which the comment could be given if taken on its own, the Authority decided that it had to be considered in the context of the entire item. In that situation, the "virtually executed" remark had to be assessed along with Mr Anderton's reported call for a Commission of Inquiry, the high level of police concern noted above and the concern expressed on the item about the design of cells in police stations and the supervision of occupied cells. When those matters were taken into account, it was apparent that the system, not individuals, was being blamed for the suicides.

Thus the Authority concluded that the item did not breach the requirements in s.4(1)(a) and (b) of the Broadcasting Act 1989. In regard to the truth and accuracy requirement of standard 1, the Authority decided that, taking the context of the entire item into account, the broadcast did not breach the standard.

**For the reasons set forth above, the Authority declines to uphold the complaint.**

Signed for and on behalf of the Authority

  
Iain Gallaway  
Chairperson  
4 June 1992



## Appendix

### Senior Sergeant Meyrick's Complaint to TV3 Network Services Ltd

In a letter dated 5 February 1992, Senior Sergeant M.B. Meyrick of the Huntly police complained to TV3 Network Services Ltd about an item on *3 Network News* broadcast at 6.00pm on 4 February 1992.

The item, he said, had covered the story of a man who had hanged himself in the cells at the Huntly Police Station and included an interview with a police sergeant. The item also included an interview with Mr Jim Anderton M.P. who had remarked, that since the abolition of capital punishment, a further 100 people had been "virtually executed" in prison and jail cells. The word "executed", Mr Meyrick continued, carried the connotations of killing deliberately.

Referring to the tragic death in the cells and its effect on the constable on duty, Mr Meyrick described the use of the word "executed" as both untrue and irresponsible. He said that the broadcast breached the broadcasting standards requiring truth and accuracy, good taste and decency and the maintenance of law and order. He concluded:

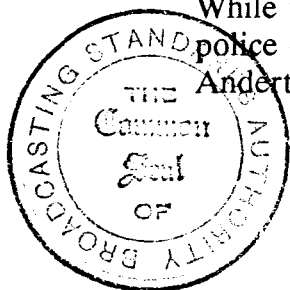
It is unacceptable to broadcast something which is scurrilous and untrue merely for the sake of allowing Mr Anderton to score a cheap political point.

### TV3's Response to the Formal Complaint

TV3 advised Mr Meyrick of its Complaints Committee's decision in a letter dated 14 February 1992. It stated that the Committee disagreed with Mr Meyrick's interpretation of Mr Anderton's remarks when he said that 103 people "had been virtually executed in New Zealand cells over the past ten years." TV3 said that Mr Anderton had blamed the system for cell suicides. The item overall, it continued, had not blamed the police and, in fact, had been forthright in presenting the police position.

Referring specifically to the phrase "virtually executed", TV3 said that, while possibly "overly dramatic", it had demonstrated Mr Anderton's view that the system was at fault by, in effect, causing death by suicides. Accordingly, the standards had not been breached. It concluded:

While the Committee was sympathetic to the obvious trauma experienced by police officers when a tragedy such as this occurs, it was of the view that Mr Anderton's perspective fell well within the bounds of fair comment ... .



**Mr Meyrick's Complaint to the Broadcasting Standards Authority**

As he was dissatisfied with TV3's response, in a letter dated 18 February 1992, Mr Meyrick referred the complaint to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989.

He focused on the phrase "virtually executed" used by Mr Anderton which, he said, went beyond poetic licence and became a distortion of fact. Although people might die from time to time in cells, he stated, there was no element of execution in those deaths. TV3, he argued, had not made that distinction.

**TV3's Response to the Authority**

As is its practice, the Authority sought the broadcaster's response to the complaint. The letter to TV3 is dated 20 February and, in its reply dated 13 April, TV3 stated that it did not wish to comment further on the complaint.

**Mr Meyrick's Final Comment to the Authority**

When asked if he wished to add anything further in view of TV3's response, in a letter dated 28 April 1992 Mr Meyrick said he had nothing further to add.

