

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 148/93

Dated the 15th day of November 1993

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of a complaint by

LYNNE STEPHENS
of Christchurch

Broadcaster
TV3 NETWORK SERVICES
LIMITED

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

DECISION

Summary

A box which contained some remains of murder victim Leah Stephens' body was shown in an item on *3 National News* on 3 June 1993 at 6.00pm concerning the disappearance of another young woman.

Mrs Stephens, Leah Stephens' aunt, complained to TV3 Network Services Ltd that the display of her niece's decapitated skull caused unnecessary distress to her and to other family and friends. In her view it was the more reprehensible since she had previously lodged a complaint with TV3 concerning the file footage.

TV3's response was that there were similarities between the disappearance of Leah Stephens and the other young woman featured in the item and it was therefore appropriate that the footage of Leah Stephens' disappearance be included. It commented that there was no mention on the item of dismemberment or decapitation. TV3 acknowledged that as a result of Mrs Stephens' phone call the offending footage was edited out of the report on *Nightline* that evening and assured her that it was unlikely the footage would be used again. Nevertheless it declined to uphold the complaint. Dissatisfied with that decision, Mrs Stephens referred her complaint to the Broadcasting Standards Authority under s.8(1)(a) of the Broadcasting Act 1989.



For the reasons given below, the Authority declined to uphold the complaint.

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.

An item concerning the mysterious disappearance of a young woman was broadcast by TV3 Network Services Limited on 3 *National News* on 3 June 1993. The circumstances were compared with the disappearance some time previously of Leah Stephens, niece of the complainant, and the item included file footage of the site where Ms Stephens' body was discovered and a brief shot of her remains in a box.

Mrs Stephens complained that the showing of her niece's skull on television had caused unnecessary distress to her and to other relatives and friends. Pointing out that her niece's skeleton was found in roughly anatomical position in the forest, Mrs Stephens objected to seeing what appeared to be a dismembered skull in the box, noting that it could lead to the conclusion that she was decapitated, when in fact it must have been the police who separated the bones and put them in the box. In her view it was not necessary to the story to include that footage and was the more reprehensible since she had previously complained to TV3 and asked them not to show it again.

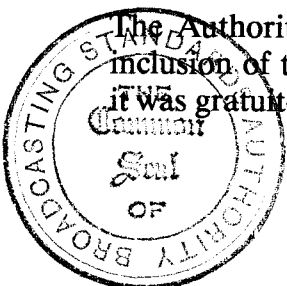
Acknowledging that the offending footage was edited out from *Nightline* later that evening in response to her request, Mrs Stephens expressed her disappointment that TV3 retained the right to show the shot again in the future.

In its response, TV3 reported that it had assessed the complaint under standard G16 of the Television Code of Broadcasting Practice which states:

G16 News should not be presented in such a way as to cause unnecessary panic, alarm or distress.

TV3 defended its use of the footage of the discovery of Leah Stephens' body, arguing that it was appropriate in that the circumstances of the disappearance of Jane Furlong were similar. It pointed out that there was no suggestion of dismemberment or decapitation, and that the skull had in fact become separated as a result of subsequent events. TV3 observed that the footage was extremely brief and that it was difficult to identify what specifically was contained in the box, although it acknowledged that Mrs Stephens knew that the box contained her niece's remains. It noted that in deference to her wishes, it had edited that footage from the late news and considered that it was unlikely it would be used again. However, TV3 reserved its right to do so at its discretion. It declined to uphold the complaint.

The Authority observed first that it felt sympathy for Mrs Stephens' distress over the inclusion of the footage which showed her niece's remains and understood why she felt it was gratuitous to use it. However, it considered that, as TV3 pointed out, the shot was



brief and it was quite difficult to tell exactly what the box contained. It recognised however, as did TV3, that Mrs Stephens knew that it contained the remains of her niece.

Secondly, the Authority noted that TV3 had deferred to Mrs Stephens' request not to rebroadcast the footage on the late news that evening. The Authority accepted that TV3 had acted responsibly in editing the segment which showed the remains from the late news. While TV3 asserted it had the right to use the material in the future, the Authority cautioned that it must be relevant to the broadcast.

The Authority noted that some news coverage will inevitably distress some viewers, especially those closely connected with an upsetting event. The standard seeks to ensure that no unnecessary distress is caused, for example through a sensationalised story or the gratuitous use of disturbing footage. Although the footage used in this case was not strictly necessary to the broadcast, the Authority accepted that it had some relevance and was not used in a sensational manner. The shot of the remains was short and it was difficult to identify clearly what the box contained, so that few people would have been upset by the pictures. The Authority believed for those reasons that the item would not have caused unnecessary distress.

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

Signed for and on behalf of the Authority



Iain Gallaway
Chairperson
15 November 1993



Appendix

Mrs Stephens' Complaint to TV3 Network Services Limited

In a letter dated 9 June 1993, Mrs Lynne Stephens of Christchurch complained to TV3 Network Services Ltd about an item on *3 National News* broadcast on TV3 on 3 June 1993 between 6.00 - 7.00pm.

The item concerned the disappearance of a young woman and the circumstances were compared to the disappearance of Mrs Stephens' niece, Leah Stephens, some years previously. The story was illustrated with footage of Ms Stephens' skeletal remains and showed a brief shot of her skull in a cardboard box. Mrs Stephens wrote:

Dismemberment and decapitation of the human body is always a shocking thing, and the showing of a shot of my niece's dismembered skull on national television has caused unnecessary distress to myself, and other relatives and friends of Leah.

She added that the display was the more reprehensible since she had made her views known to TV3 in September 1992 when the same footage was shown.

TV3's Response to the Formal Complaint

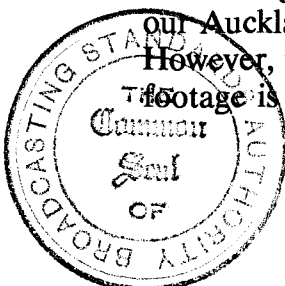
TV3 advised Mrs Stephens of its Complaints Committee's decision in a letter dated 2 August 1993 and reported that the complaint had been assessed under standard G14 of the Television Code of Broadcasting Practice.

TV3 pointed out that there were similarities between the disappearance of Jane Furlong from Karangahape Road and that of Leah Stephens, a fact which was supported by a police spokesperson. In its view it was therefore appropriate that the footage of Ms Stephens' disappearance be included.

It noted that there was no mention of dismemberment or decapitation and it was a misinterpretation to suggest that the film showed that. In fact, Ms Stephens's remains were skeletal in nature and the parts had become separated due to the passage of time.

Further, TV3 reported that the footage was extremely brief and it was difficult to identify the contents of the cardboard box, although it accepted that Mrs Stephens would have known that it contained her niece's remains. It commented:

Given that, we understand how you feel and refer you to our editing out of that footage for our late news (NIGHTLINE) following your telephone call to our Auckland newsroom. It is most unlikely the footage will be used again. However, we retain the right to do so at our discretion. We point out that the footage is centrally relevant to the discovery of your niece's remains.



It nevertheless declined to uphold the complaint.

Mrs Stephens' Complaint to the Broadcasting Standards Authority

As she was dissatisfied with TV3's decision, in a letter dated 19 August 1993, Mrs Stephens referred her complaint to the Broadcasting Standards Authority under s.8(1)(a) of the Broadcasting Act 1989.

Specifically, she objected to the showing of her niece's skull in a cardboard box. She pointed out that when her niece's remains were found they were roughly in anatomical position and that in transferring them, the police must have separated them. She repeated that she (and others) found it distressing to see her niece's skull on television.

Mrs Stephens was dissatisfied with TV3's lack of understanding of the distress it caused and that it wished to reserve the right to show the footage again. In her view it was entirely unnecessary to the story to show the skull.

TV3's Response to the Authority

As is its practice, the Authority sought the broadcaster's response to the complaint. Its letter is dated 23 August 1993, and TV3's reply, 21 September.

In its brief letter, TV3 pointed out that it had edited the offending footage out of a later report following a telephone call from the complainant. It reserved the right to use the footage in the future, commenting:

TV3 cannot forecast the future and cannot assume there would be no responsible occasion to use the footage at some future time.

It concluded by noting that it had taken due cognisance of the complaint.

Mrs Stephens' Final Comment to the Authority

When asked to reply to TV3, in a letter dated 28 September 1993, Mrs Stephens acknowledged that she appreciated TV3's response to her telephone complaint when it edited out the offending footage. However, she expressed her concern about future showings.

Mrs Stephens explained that she did not mind part of the footage to be shown in the future but was asking the Authority to forbid the showing of her niece's skull again as it caused unnecessary distress to the family.

