



INFORMATION / FACT SHEET

MEDIA INTEREST & DEALING WITH THE MEDIA

Dealing with the media can sometimes be a complicated and challenging process.

This fact sheet is intended to assist you and answer questions you might have about dealing with the media.

Media interest in court cases, and the victims and family members associated with them, can be quite intense. People react to this intense interest in different ways - some may wish to avoid all contact with the media, regarding it as an intrusion upon their lives. Others may welcome the involvement of media and may view this as a chance to tell their story.

However you feel about media interest, there are rules and standards that journalists should follow and these are outlined by the *Australian Journalists Association* (part of the trade union entitled the *Media Entertainment and Arts Alliance, aka MEAA*).

Most journalists belong to this association.

Who Are the Media?

The media exists in various formats, including print media (newspapers, magazines), broadcast media (television and radio) and the internet.

If you attend court hearings you may see media representatives (including cameras) outside the court building.

Media representatives may also sit in on court hearings and will often take notes.

Will the Media Take An Interest In My Matter?

It is difficult to say if the media will take an interest in the criminal legal matter involving you and/or your family.

The media often publicise stories which are topical, or that they believe are in the public interest.

If the media do take an interest in a particular criminal legal matter it is common for more than one media outlet to broadcast/publish material about it; and often on more than one occasion.

When speaking to the media it is important to be aware that the story represented by the media may be different from what you thought it would be.

And once a story or image has been published it can be used again at any point in the future, or for a purpose that you did not wish or did not intend.

If the media do report on the matter involving you, it is possible for information to be published before staff at the *DPP* are able to update you about the outcome of the hearing.

This means you may see information relating to your matter on the internet or television or may hear information over the radio.

Unfortunately the *DPP* cannot control how quickly media representatives publish information.

When Might the Media Approach Me?

Representatives of the media may approach you at any stage of your involvement in an incident or alleged crime, including:

- Immediately after the incident/alleged crime
- During court proceedings
- After court proceedings
- After completion of any court matter.

Note that the media should not approach you whilst you are a witness in any court proceedings.

Where Might the Media Approach Me?

Representatives of the media may approach you at court (if you attend for any hearings related to the alleged crime) or at home, either via telephone or in person.

If you are approached by a media representative you have the right to privacy and may decline to speak with them.

Alternatively, if you do wish to speak with the media and the timing of their approach is not convenient you can request that a time more convenient to you be arranged.

What If I Do Not Wish to Speak With the Media?

Put simply, there is no obligation for you to speak with the media.

For some people the events surrounding a court matter can be particularly traumatic, and they wish to keep their privacy.

If you do not wish to speak with the media then you may decline their request, either directly or through a spokesperson.

If it remains your wish not to speak with the media and a media representative/s continues to contact you, be consistent in telling them that you do not wish to speak with them.

If media representatives show up at your house, you do not have to speak with them, and are entitled to ask them to leave your property.

It is inappropriate for media representatives to harass you. If this occurs you can make a complaint to the relevant media outlet about this.

What If I Do Wish To Speak With the Media?

If you do wish to speak with the media it is useful for you to plan for this in advance.

You may wish to read a prepared statement, or you may be comfortable with answering questions from the media representatives.

If you are a witness in criminal proceedings be aware that speaking with the media prior to the matter being finalised may result in your evidence becoming contaminated and/or compromising the case whilst it is still before the court. We therefore recommend that you give very careful consideration to this issue.

Also, if the Court has made a suppression order in relation to your matter, the media will not be able to publish any information that would *tend to identify* the alleged offender or victim. The suppression order remains in place until the Court lifts the order.

Be prepared that the media may seek to 'follow up' with you on one or more occasions after your initial interaction with them. Also be aware that the media have deadlines to meet, and may wish to 'rush' you into a conversation. If you are not prepared to converse with the media at the time, you are within your rights to refuse, and to reschedule at a later date.

Remember that once you have spoken with the media, or provided a photograph to them, your control over the use of that information is very limited. You may not be able to predict the types of questions you may be asked, or control how your comments are reported or portrayed.

Note that the media gain their information from various sources, and the way in which they report on the matter may be different from what you believed it would be. This can be upsetting and confronting for some people, and can sometimes result in you or your family becoming the object of unwanted attention.

Do I Have Rights?

In dealing with the media you have a number of rights. You have the right to:

- Refuse to speak with all media representatives
- Conduct a general press conference
- Choose to speak with a particular journalist/media outlet
- Refuse to speak with a particular journalist/media outlet
- Decline an interview, regardless of whether or not you have previously granted interviews
- Decline to have children involved in interviews
- Request to review all of your comments and quotations prior to the journalist/s leaving the interview, to ensure that they are correct and that there has been no error/omission
- Request a correction if you have been misquoted

Can the Media Film Me or a Member of My Family?

Media representatives may be present at various court hearings, and quite often at trial. If you are attending at court members of the media may wish to film you or members of your family as you enter or leave the court.

The Courts do not permit filming or photography inside the courthouse, but there is no such restriction outside the courthouse, as the area is then considered public.

Again, you are not obliged to speak with the media if they are filming or taking photographs of you, and they should not restrict your exit from the court precinct in order to do so.

If you do not wish to comment as the media are filming you or your family you are within your rights to stay silent and keep walking until the media are no longer pursuing you.

If you are a victim of a sexual offence then the media are not allowed to publish your name or any information which may *tend to identify* you. For example - any video footage taken of you arriving at or leaving the court may show your face in a pixelated form, to protect your identity.

What if I Am Asked to Provide a Photo?

Sometimes the media may ask for a photo or photos of either you or a member of your family (this is often the case if the person is deceased). It is your choice as to whether or not you provide a photo/photos, but there is no obligation for you to do so.

If you do provide a photo make sure that you also retain a copy, and ask for the photo to be returned to you once the media has utilised it.

Bear in mind that once the photo has been provided to the media you have very limited control over how it is used.

Can the Media Report on My Victim Impact Statement?

The media are entitled to report on matters which are discussed in open court (i.e. when the court has not been closed to them and members of the public for a particular hearing).

If you choose to read your *Victim Impact Statement (VIS)* aloud at a *Sentencing Submissions* hearing, or have someone read it aloud on your behalf, the *VIS* then becomes part of the court transcript. This transcript may be accessed by media representatives (through the Courts Registry).

Similarly, if they are present in court at the *Sentencing Submissions* hearing they may write down some parts of your *VIS*.

The part/s of your *VIS* the media may choose to report on are hard to predict, but it is important to prepare yourself for the possibility of seeing your words, emotions and feelings in print or in broadcast form, and knowing that the general public will then have access to those.

Are There Any Helpful Hints For Dealing With Media Interest or Requests By the Media?

- When you have answered a question, stay silent and wait for the next question. Often journalists will not speak in the hope of prompting you to say something further
- Always have an exit strategy in place prior to any interview/press conference
- Keep your cool/temper
- Don't answer questions you are not prepared/willing to answer, just to appease the media
- Remember that anything you say can be reported, and that it is safest to assume that you are always "on the record"
- Make sure that you know who the journalist is, and which media outlet they represent. If it is necessary, ask them to identify themselves again.
- Ensure that you understand the question being asked, and if necessary ask them to repeat the question.
- Ensure that you understand the purpose of the interview/questions, and how the media representative intends to use your comments.
- Be polite, but firm, in correcting any statements that are incorrect.

Is There Anyone Who Can Assist Me Before Speaking with the Media?

The *DPP* is an independent prosecution authority, and as such we are unable to provide assistance to people wishing to speak with the media.

Should you require assistance prior to speaking with the media there are a number of people or organisations which may be able to help, including:

- The Investigating Officer
- The Victim Contact Officer (if you have one)
- The Commissioner for Victims Rights
- Victim Support Service (VSS)

AND.....

What About the Use of Social Media?

The use of social media has increased dramatically. It is not unusual for people to be active on one or more social media sites (*such as Twitter, Face Book, My Space, MSN Messenger, Chat Sites, Blogs, etc.*)

The power of social media has become vast, and it is important to remember that social media is widely shared, and information can be disseminated and updated with lightning speed.

It is important to remember that any inadvertent (or deliberate) publishing of material relating to criminal proceedings currently before the courts may directly compromise the case.

Depending on what is published it may also incur independent sanctions from the social media site, or civil action if the material published could be construed as defamatory.

What If I Want to Make a Complaint?

If you feel that you have been unfairly treated by a media outlet or a particular journalist you have the right to make a complaint.

Complaints about media should firstly be made to the media outlet itself. They should be made in writing.

Most broadcast media outlets should have a complaint form available on their website, or you can write a letter to them.

In the case of print media you should write a letter to the media outlet in the first instance.

If your complaint relates to wrong or incorrect information, it may be that a *Letter to the Editor* will correct those details

Any complaint you make should be made at the earliest possible opportunity after the reporting, and should include:

- Your name
- Your contact details (so they can respond)
- Name of the broadcaster (including the program title) or publisher
- The date of the broadcast or publishing
- The reason for your complaint

Where possible it would be useful to include the section of the Code of Ethics that you believe has been breached, and in the case of print media the article that complaint relates to.

You should ensure that you keep copies of any and all materials which make up your complaint, and that you keep a record of the date that you make it.