



**A GUIDE TO
THE MEDIA
FOR VICTIMS
OF CRIME**



Victims Services
Attorney General & Justice

This booklet was produced by

Victims Services
NSW Department of Attorney
General and Justice

Further copies may be obtained
from

Victims Services
Locked Bag 5118
Parramatta NSW 2124

P: 1800 633 063
E: vs@agd.nsw.gov.au
W: www.lawlink.nsw.gov.au/vs

First printed October 2011

© State of New South Wales through the Victims Services, Department of Attorney General and Justice, October 2011. This work may be freely reproduced for personal, educational and government purposes. Permission must be received from the Department for all other uses.

Alternative formats of this information are available.

This document has been prepared by Victims Services for general information purposes. While every care has been taken in relation to its accuracy, no warranty is given or implied. Further, recipients should obtain their own independent advice before making any decisions that rely on this information.

ISBN 978-1-921590-76-4 BK16 10/2011

If you are a victim of crime, or a close family member, you may find yourself the centre of media attention.

This booklet is designed to inform you of your rights, to assist you in dealing with the media, and to tell you about the positives and negatives associated with talking to the media.

.....	
A quick guide: things to know	2
.....	
About “public interest”	4
.....	
How might the media approach me?	6
.....	
What will the media want from me?	8
.....	
Do I have to talk to the media?	9
.....	
Are there benefits in talking to the media?	10
.....	
What are the risks in talking to the media?	12
.....	
Can talking to the media impact on a police investigation?	14
.....	
How much control do I have over interviews?	16
.....	
What can journalists report?	18
.....	
Paid interviews and contracts	21
.....	
Being filmed in public places	22
.....	
Good relationships with the media	24
.....	
Information and support	26
.....	
Contacts for victims of crime	28
.....	

A QUICK GUIDE: THINGS TO KNOW

- If there are criminal proceedings underway you should not talk to the media without firstly discussing it with the police and/or prosecutor (see page 19).
- The media can report on a crime, the investigation and criminal proceedings at any stage throughout the legal process, including after the court case is over. Media reports can often take people by surprise when they were not expecting it or did not know the things the report contains (see page 6).
- The media can access court documents through the courts and can report on what is in them. Court documents include such things as the facts sheet and transcripts of what is said in court (see page 20).

- Media interest and coverage varies from case to case and can move quickly from intense reporting to no reporting. This depends on whether the case is seen as newsworthy or if there are other competing stories at the time (see page 24).
- Victim Impact Statements (VIS) become part of the public record at the courts. The media can access them through the courts and report on their contents (see page 20).
- Victims of sexual assault and children are protected in law from being identified by the media. The Crown may in some cases make application for other witnesses who are vulnerable. However, the media can still report on the nature and details of the case (see page 19).
- Media may approach you requesting an interview for a magazine, newspaper or TV story and they sometimes offer to pay for the story. Give careful consideration to these offers and the pros and cons (see page 12).
- It is important to remember any information you give to the media changes from private information to public information. Once that information is available to the media you will have little control over what is actually reported and presented to the public (see page 12).



ABOUT “PUBLIC INTEREST”

You may have heard of a matter being reported “in the public interest”. Public interest means information that benefits the public for safety or welfare reasons.

Journalists have an obligation to report matters that are of importance to their community. The community as a whole has concern for the safety and wellbeing of its citizens, so any threat or attack on that safety may be deemed to be “in the public interest” and may also be of interest to the public.

Reporting on the details of a person who has been attacked, assaulted or murdered can be described as being in the public interest, as is reporting the way such a matter is handled by police and the justice system.

If you have been contacted by a journalist seeking information for a story, they may tell you that reporting your story is in the public interest. It is your decision alone whether you divulge any details to them or give an interview. You are not obligated to speak to them. Think about the request and decide whether you actually want to talk to the media. It is your choice.





HOW MIGHT THE MEDIA APPROACH ME?

Journalists can contact you in a number of ways. They may approach you outside court or arrange contact with you through police. Sometimes journalists will call you on the phone or they may come directly to your house or work and approach you in person unexpectedly.

In some longer trials the media might be at court each day and may get to know you quite well. This can make it confusing. It is important to remember the journalist is not a friend or support person. They can keep a record of private conversations for their future reference.

Informal chats with the media outside court and in similar circumstances can be referred to as 'off the record', but be aware that any comment you make to the media at any point can be used. It may not be used in a story that day, but can be held over for a story later down the track. Be mindful of any comments made.

Journalists at times may approach you at the crime scene. This is often a time when everyone is most vulnerable. Be especially mindful when speaking with the media at crime scenes as what you say might impact on the investigation.

Media can approach anyone and of any age. Young people should always be supported to assist them in managing the media. They may also need advice about their rights and the risks associated with speaking to the media.

Child victims and witnesses cannot be identified.

Sexual assault victims should not be photographed from any view without first gaining their permission.



WHAT WILL THE MEDIA WANT FROM ME?

Media want as many details as possible for their story. They will want to know details about the crime, details about the victims and details about the status of any investigation. They will want these details exclusively, if possible.

Exclusives mean that the media may place conditions on the information you provide to other media outlets. Their aim is to obtain information that no one else has.

DO I HAVE TO TALK TO THE MEDIA?

No. It is your choice entirely.

However, the media will be very persistent if you are the victim or if you are related to a person who has been the victim of a high profile crime. It is the job of journalists to get the best story possible and they will go to great lengths to win your confidence and ensure you speak to them.

You are under no obligation to talk to the media if you don't want to. Nor do you have to explain to any journalist why you don't wish to speak to them.

If you are a close family member of a victim of crime, you may be under a lot of stress and may not be thinking very clearly. It is perfectly all right to nominate a willing family member to speak to the media on your behalf or to refuse offers of interviews on your behalf. You can also advise police (who have very sophisticated media networks) that you prefer not to talk to the media and they can provide assistance in managing the media on your behalf.

On rare occasions police may ask you to address the media in order to progress an investigation. In these instances police media specialists will provide support and brief you on how best to answer questions, and how to give an address confidently.



**ARE THERE
BENEFITS
IN TALKING
TO THE
MEDIA?**

There are arguments for and against talking to the media. Here are some of benefits:

- It is an important case and the public will be interested.
- Media just want to get the story right and need your assistance to provide the correct details about the victim and the incident.
- It raises awareness of the crime and may prevent such events occurring again.

- It may assist in finding those responsible if no one has been charged.
- Police need your help to issue a public appeal for information in an attempt to find the perpetrator.
- If one or more persons have died, it is a way of paying tribute to them publicly.



WHAT ARE THE RISKS IN TALKING TO THE MEDIA?

In considering whether to speak to the media or not, here are some points and possible risks you may wish to consider:

- Any photo you give to the media will be used continually. This may not affect you in the first weeks, but it may bring you repeated grief six months or so down the track. In saying that, it may bring you relief to know that by providing a photo you are ensuring the best image of your loved one is out there. Often if photos aren't provided by relatives, media turn to options like social networking sites to locate photos. This can be risky as you won't have any control over what image is published.

- Newspapers, radio programs and television networks all have libraries and keep records of interviews and images. Any article concerning your matter could be used as research material in the future, either for a story about the crime, the victim or the accused.
- Consider the partners, siblings and/or children of any deceased person. They may not be named in articles but all their friends and peers will know them as a family member of a victim of crime. This can be a big burden for a child. Discuss any decision to talk to the media with your children if they are old enough to understand.
- If the media approaches and ask to speak to you at a later date, try not to provide your personal contact number. Take their details and call them on a private or public line. Once your number is provided to the media there is little that can be done to stop them calling. Also be mindful that if you call from a mobile or landline that is not a private number, it will appear on their phone.
- Without media training or support from media experts, statements you make to the media may be misrepresented and can often impact negatively on an investigation. It is advisable to seek the assistance of police media experts to assist you and your family in effectively managing the media.



**CAN TALKING
TO THE MEDIA
IMPACT ON
A POLICE
INVESTIGATION?**

Often victims and witnesses can feel pressured by the media into making comments. If police are not aware of the comments or their content this can impact on an investigation. If in doubt, contact the police officer in charge of your investigation to seek further advice.

Police are aware of the welfare of victims. At no point will you be asked to make comment to the media if there is any concern for your welfare or that of your family or relatives.

The NSW Police Force is committed to investigating crimes and arresting perpetrators, and can seek the assistance of victims to appeal to the public for information. This is often done through a joint media conference conducted by police and victims of crime.

The Police Media Unit has expert media staff available to assist you and your family in managing media requests. They can provide support, guidance, and can assist you in drafting victim statements to the media if you are not ready to speak to the media directly. They can also manage the media on your behalf to ensure your privacy. If you require media assistance, contact your case officer.



HOW MUCH CONTROL DO I HAVE OVER INTERVIEWS?

If you are approached for an interview, you should find out what kinds of questions they want to ask you. You can ask them to provide you with the questions for consideration before you make any comment. This will help you decide if you want to do the interview.

Often the media seek emotion in their story, and as such an interview from an immediate family member of a deceased can be very powerful. Should you agree to give such an interview, and in particular soon after the crime has been committed, it is likely the journalist will want to use as much of it as possible.

At a crime scene the media will try to speak with victims and witnesses. Although it can be difficult to avoid the media it is advisable not to be interviewed while you are in a state of distress. The police do have media experts at most crime scenes to assist with managing the media during such times.

If you agree to conduct an interview after the incident, it is expected that you will be upset and may cry. If you would prefer not to be seen in a state of distress, tell the journalist that you don't want those images used, or that you would like to record that portion of the interview again. It is advisable however that you don't facilitate an interview until you are ready to do so, as some journalists will use whatever footage is on the tape despite what you may request to have edited out.

If you are talking to a print journalist and you say some things that you do not want reported, tell them quite clearly "that is not for publication". Ask them to repeat to you that they will not publish that quote or statement. Again, it is advisable that you take time to formulate your response before answering as you can't always guarantee that a journalist will not use the information. Don't be afraid to ask the journalist for time to compile your thoughts before answering the question.

Journalists are very used to dealing with people in these circumstances and you will most likely find them to be sympathetic and gentle with you. They may tell you that they do not want to misrepresent you so keep them to their word. Make sure you let them know what you want reported and remind them of any piece that you don't want reported.

You may want a copy of the interview and you are within your rights to request a copy.



WHAT CAN JOURNALISTS REPORT?

The amount of information that a journalist can report on at a particular time can depend on where the investigation is up to, and whether the matter is still being investigated or is before the court.

Journalists are interested in matters that are newsworthy. If you consider the kinds of things that you would find interesting in a newspaper or on the television news, these might include serious assaults, murders and vehicle accidents in which people have died. You would know, too, that these stories are more interesting when you know the names and some details about the people who have been affected in these incidents. These are the details journalists will want from you.

Journalists can report more about a crime before a person is charged. Once a person has been charged with a crime, any reportage or opinion about the matter might be viewed as prejudicial – that is, it could influence a jury or otherwise affect the accused person’s right to a fair trial.

Journalists may or may not follow this limitation and some still choose to report stories that may be contentious or risky. It is advisable that contact is made with the police and/or prosecutor before speaking to the media to ensure that information you provide to them will not jeopardise an investigation or a court hearing.

There is legislation that prevents a journalist reporting any details that will identify victims of sexual assault. These details include the name, address and suburb where the victim lives, any details of their employment or where they attend school – in fact, any detail that might offer clues as to their identity (578a, *Crimes Act 1900*). A victim of sexual assault over 14 years may decide that a journalist can use their name and/or image and the Act allows them to do this.

The judge may also impose additional non-publication orders on a case. This means that journalists cannot publish specific details as designated by the judge. In order for those details to be published an application has to be made to the court to have the non-publication order lifted.

Publishing information that is prohibited by legislation, or that is subject to a non-publication order, is contempt of court.

Journalists cannot report any details about the identity of children involved in crimes be they witnesses, child victims of crime or accused (this is covered under section 11 of the *Children (Criminal Proceedings) Act 1987* and you may hear it referred to as section 11).

There is an exception to section 11. In the case of a deceased child, an immediate guardian with custody of that child can give permission for the media to name and perhaps show an image of the child.

If you are considering doing this, discuss the matter with your whole family. The media will want the details immediately, but you are under no obligation to abide by their deadlines. Think about it carefully and consider closely how it might affect the siblings of the dead child or others who were close to them.

If you have made the details and images of a deceased child available at the time of death, you may find that by the time the matter is at trial you feel very differently about seeing the image of the child, or even hearing the name in news reports. You can contact the newsroom directly and advise that you are now withdrawing your permission to use the child's name and/or image.

Journalists can access court files and use the information (although this information might also be covered by non-publication orders). Victim Impact Statements (VIS) can be kept on the court file and journalists must observe any statutory obligations or non-publication orders in using this material (for example, the use of any information in a VIS made by a child).



PAID INTERVIEWS AND CONTRACTS

Occasionally some programs and publications will offer you payment for your story. There is no fixed sum for these kinds of arrangements and the negotiations will be undertaken in strict confidence.

It is up to you whether you want to enter such an agreement. Make sure you understand fully all the conditions of the contract. If you are uncertain, ask the media outlet's lawyers to explain to you in plain (non-legal) language what you are agreeing to or seek your own legal advice. Remember, once you have signed a contract you are bound by the conditions of that contract.



BEING FILMED IN PUBLIC PLACES

You may be filmed at court or perhaps attending the police station. Television reporters are within their rights to film people if they are in public places and it is difficult to avoid, particularly if the matter is a controversial one.

This may also include filming/photographing at the crime scene if it is on a public road or in a public place. Media can also film/photograph your home and your movements to and from home if they are filming from the roadway and not on your property.

If you think you will be filmed at court, it is advisable to make sure you have some support people with you. You'll be surprised how helpful this is – you'll feel less hounded and it will keep the camera crews at a slight distance.

You should not talk to the media while a matter is before the court.





GOOD RELATIONSHIPS WITH THE MEDIA

It is in a journalist's interest to foster good relationships with newsworthy people. You might find that journalists become very friendly with you quickly. You don't have to doubt their sincerity, but remember they have a vested interest in being on good terms with you.

You may find that once a matter has concluded the media is no longer interested in you. This can be a relief or strangely unsettling.

However, this is not always the case – occasionally a journalist will become a lifelong friend with a family they have met while reporting a crime.

It is also advisable to remain calm when dealing with the media. This can be difficult when you are dealing with grief or the incident at hand, however the media are interested in the emotion of a story and will run anything. This can include tears and sadness, but the media are also very quick to run anger and outbursts. You don't want to put yourself in a position where you are painted in a bad light by the media, so it is advisable to ensure you have support around you at all times.

While it is important to foster good relations with the media, the welfare of you and your family is paramount and at no point should you feel like your good nature is being exploited or used against you. Never feel forced into anything – if in doubt, seek further advice.



INFORMATION AND SUPPORT

Police, the Supreme Court and the Office of the Director of Public Prosecutions have media officers you can call and talk to about your involvement with the media. Talk to the police officer in charge of your case.

If you are unhappy with the conduct of a particular news outlet, you can make a complaint directly to the News Director of that organisation or the Australian Press Council.

.....
**Australian Communications
and Media Authority**

Phone **1800 226 667**
Website **www.acma.gov.au**
.....

Australian Press Council

Phone **(02) 9261 1930**
Outside Sydney **1800 025 712**
Email
(for information) **info@presscouncil.org.au**
(for complaints) **complaints@presscouncil.org.au**
Website **www.presscouncil.org.au**
.....



CONTACTS FOR VICTIMS OF CRIME

Police Assistance Line

Phone **131 444**

Interstate callers **1800 725 631**

Witness Assistance Service – Office of the Director of Public Prosecutions (ODPP)

The Witness Assistance Service can assist you through the legal process in cases prosecuted by the ODPP.

Phone **(02) 9285 2502**

Outside Sydney **1800 814 534**

Website **www.odpp.nsw.gov.au**

Victims Services

For further information about support, counselling and compensation call the Victims Access Line:

Phone **1800 633 063**

Sydney metropolitan area **(02) 8688 5511**

Website **www.lawlink.nsw.gov.au/vs**

.....
Enough is Enough Anti Violence Movement Inc

Support for all victims of crime, cooperative justice education programs, support for victims of road trauma.

Phone (02) 9542 4029
Website www.enoughisenough.org.au

.....

Homicide Victims Support Group (Aust) Inc

Provides 24-hour information or support when someone has been murdered and support groups for family members.

Phone (02) 8833 8400
Freecall 1800 191 777
Website www.hvsgnsw.org.au

.....

Victims of Crime Assistance League Inc NSW (VOCAL)

Provides free support for victims of crime, including domestic violence and homicide, victims of road trauma, court preparation support, community education and practical strategies.

Phone (02) 4961 4755
Website www.vocal.org.au

.....

.....
Domestic Violence Line

Provides telephone counselling, information and referrals for people who are experiencing domestic violence.

Phone 1800 656 463
Website www.community.nsw.gov.au

.....

NSW Rape Crisis Centre

Provides a state-wide 24/7 telephone and online crisis counselling service to anyone who has been impacted by sexual violence.

Phone 1800 424 017
Website www.nswrapecrisis.com.au

.....



Victims Services
Attorney General & Justice

