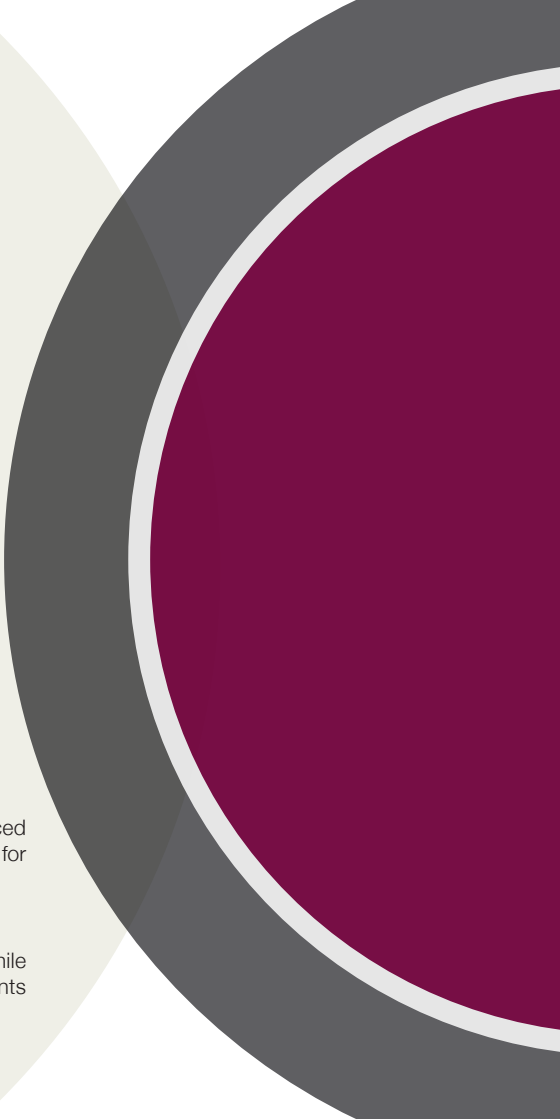




Government of **Western Australia**  
Department of **Justice**

# A guide to the media for victims of crime





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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 help you in dealing with the media, and to tell you about the positives and negatives associated with talking to the media.

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## 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 investigating police officer and/or prosecutor.
- 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 are not expecting them and may include information they were not aware of.
- The media can apply to the court to access certain materials including the statement of material facts for a particular case, or a transcript of proceedings. The court always considers the interests of the victim when making a decision on these matters.

- 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.
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- The judge may refer to your victim impact statement in sentencing and these sentencing remarks will appear in the transcript. In the Supreme Court sentencing remarks are published on the Court's website.
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- Victims of sexual offences (and in some cases children), are protected by law from being identified by the media. The Director of Public Prosecutions may also in some cases apply for an order protecting the identity of witnesses. However, the media can still report on the case.
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- Media may approach you requesting an interview for a magazine, newspaper or TV story and they sometimes offer to pay for your story. Give careful consideration to these offers and the pros and cons.
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- It is important to remember that any information you have put on social media or the internet is in the public domain. If you post information you will lose control over how it is republished or responded to. Remember too that once something exists on the internet it is potentially there forever.
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## About “public interest”

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

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

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 whether you divulge any details to them or give an interview. You are not obliged to speak to them. Think about the request and decide whether you actually want to talk to the media. It is your choice.

## What about social media?

**People may comment about your case on social media, especially if your name is publicly known or if your case is a high-profile one.**

You should be aware that these comments can be very aggressive, threatening, profane, or can be verbally abusive or overly personal. Those who post them may also hide behind a false identity or pretend to be someone you know.

They may speculate on the circumstances of your case and express views about what the outcome should be.

It can be very difficult not to respond to criticism of yourself, your conduct, your friends or family, but you should not engage in any social media commentary while your matter is before the courts. To do so may have a negative impact on your case.

Where possible, you should limit the information you put on social media, including Facebook, Twitter and Instagram, or even better, stop posting altogether while the case is underway.

It is better to speak with family and friends on private channels such as direct messages, texts and emails, or preferably, face to face.

You should consider reviewing and updating your privacy settings and consider who can access your social media posts.

You should also consider de-activating old or not recently used social media accounts



## 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. The media may also contact you through your social media accounts.

In some longer trials the media may 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 your friend or support person. They may keep a record of private conversations for their future reference.



Informal chats with the media outside court and in similar circumstances may be referred to as 'off the record', but be aware that any comment you make to the media at any point may 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 you make.


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.

The media can approach anyone 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 in certain cases.

Victims of sexual offences should not be photographed in a way that reveals their identity.





## What will the media want from me?

Journalists 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.

Exclusive means 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.

The media may search online for any information about you including on Facebook, Instagram, LinkedIn, forums and other websites. They can use this information without seeking your permission.

## Do I have to talk to the media?

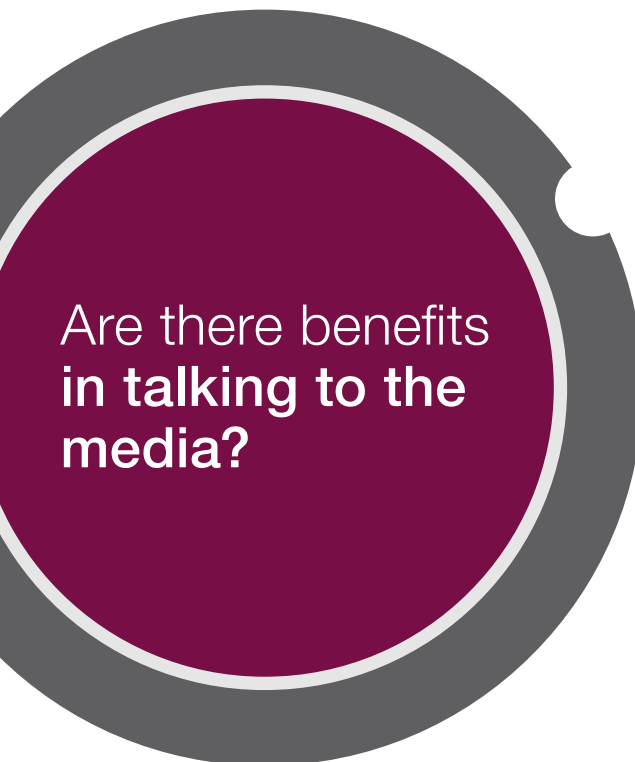
**No. It is your choice entirely.**

However, journalists 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 may 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 or a support person or agency to speak with the media or 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 or not 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. If that occurs you won't have any control over what images are published. These photos can be re-used for years after the crime - on the anniversary of its occurrence or when an offender is charged or convicted for instance.

- Newspapers, radio stations 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.
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- 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.
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- If a journalist approaches and asks to speak with you at a later date, you do not have to provide your personal phone 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. You may be able to hide your mobile phone number via your settings before you call.
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- Without media training or support from media experts, statements you make to the media may be misrepresented and affect an investigation. It is advisable to seek the assistance of police media experts to assist you and your family in effectively managing the media.
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Can talking  
to the media  
**affect 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 for advice.

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

You can also ask the Commissioner for Victims of Crime or Victim Support Services for advice.



The WA 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.





## How much control do I have over interviews?

If you are approached for an interview, you should find out what kinds of questions the journalist wants to ask you. You can ask to be provided 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 may 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.

If you agree to be interviewed 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 anything that you don't want reported.

You may want a copy of the interview and you are within your rights to request a copy but they cannot be made to do so.



## 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 information 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.

Despite this, some journalists choose to report stories that may be viewed as contentious or risky. It is strongly advised that you contact the investigating police officer and/or prosecutor before speaking to the media to ensure that any information you provide to the media will not jeopardise an investigation or a trial.

There is legislation that prohibits the publishing or broadcasting of any detail which is likely to lead members of the public to identify an alleged victim of a sexual offence. These details may include the name, or an image, of the victim or a close relative of the victim; the address and suburb where the victim lives; any details of their employment; or where they attend school and even the name of the accused. Publishing prohibited information is an offence.<sup>1</sup>

A victim of a sexual offence may authorise in writing the publication or broadcasting of a matter identifying themselves.<sup>2</sup>

Before deciding whether to give such written authorisation, legal advice and advice from the investigating police officer or the prosecutor should be sought as there may be ramifications if a victim’s identity is revealed, for instance a detail which reveals one victim’s identity may reveal the identity of other victims.

A judge or magistrate presiding in a case may make a non-publication (suppression) order. This means that journalists cannot publish certain details of the case. In order for those details to be published an application has to be made to the court to have the non-publication order varied or discharged. Publishing information that is subject to a non-publication order is an offence.<sup>3</sup>

<sup>1</sup> Section 36C Evidence Act 1906; section 35(3) *Children’s Court of Western Australia Act 1988*.

<sup>2</sup> Section 36C(6) *Evidence Act 1906*.

<sup>3</sup> Section 171 *Criminal Procedure Act 2004*.

Journalists cannot report any details about the identity of children involved in crimes whether they are witnesses, child victims of crime or accused (this is covered under section 35 of the *Children's Court of Western Australia Act 1988*).

In certain criminal and appeal cases, an order may be sought by the prosecutor to prevent the publication or broadcasting of details likely to lead to the identification of a child involved in those cases. This applies to cases which do not concern sexual offences or offences against morality.

Alternatively, if a parent or guardian does not want the details of the identity of a child, including a photograph, to be published or broadcast, they can ask media organisations directly. There is no guarantee they will agree to the request.



## 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 may be done 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 and seek your own legal advice. Remember, once you have signed a contract you are bound by the conditions of that contract.

You should be aware if you have engaged in a paid interview this may affect the investigation and you may be asked about it if there is a trial.



## Being filmed in public places

You may be filmed at court or perhaps attending the police station. The media are within their rights to film people if they are in public places and it can be difficult to avoid.

This may also include filming and photographing at the crime scene if it is in a public place. The media can also film and 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 that you have some support people with you. You'll be surprised how helpful this is – you'll feel less anxious 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 best 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.

It is 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

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, the Australian Press Council or, in the case of several WA newspapers, the Independent Media Council.

If you need more information you can speak to the investigating police officer, the prosecutor or the Office of the Commissioner for Victims of crime

### Australian Communications and Media Authority

Phone 1300 850 115  
Website [www.acma.gov.au](http://www.acma.gov.au)

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### Australian Press Council

Phone 1800 025 712  
Email [complaints@presscouncil.org.au](mailto:complaints@presscouncil.org.au)  
Website [www.presscouncil.org.au](http://www.presscouncil.org.au)

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### Independent Media Council

Email [complaints@independentmediacouncil.com.au](mailto:complaints@independentmediacouncil.com.au)  
Website [www.independentmediacouncil.com.au](http://www.independentmediacouncil.com.au)





## Contacts for victims of crime

### Police Assistance Line

Phone 131 444

Website [www.police.wa.gov.au](http://www.police.wa.gov.au)

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### Office of the Director of Public Prosecutions

Phone 9425 3999

Country callers 1800 264 144

Website [www.dpp.wa.gov.au](http://www.dpp.wa.gov.au)

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### Victim Support and Child Witness Service

The Victim Support Service provides free professional counselling to victims of crime in the metropolitan and regional areas.

Phone 9425 2850

Freecall 1800 818 988

Email [vss@justice.wa.gov.au](mailto:vss@justice.wa.gov.au)

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### Office of the Commissioner for Victims of Crime

Phone 1800 428 873

Email [cvoc@justice.wa.gov.au](mailto:cvoc@justice.wa.gov.au)

Website [www.victimsofcrime.wa.gov.au](http://www.victimsofcrime.wa.gov.au)

### **Sexual Assault Resource Centre (SARC)**

Provides free and confidential medical care and counselling support to people who have experienced sexual assault and sexual abuse.

Phone 6458 1828  
Freecall 1800 199 888

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### **Women's Domestic Violence Helpline**

Provides support and counselling for women experiencing family and domestic violence.

Phone 9223 1188  
Freecall 1800 007 339

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### **Support Groups**

A list of support groups for victims is available on the Victims of Crime website.

Website [www.victimsofcrime.wa.gov.au](http://www.victimsofcrime.wa.gov.au)

