

# Media impacts on victims of crime.

## Final report.

Prepared for NSW Department of Attorney General and Justice

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## A thank you to our contributors

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# 1. Introduction

Colmar Brunton (CB) was commissioned by Victims Services, operating within the NSW Department of Attorney General and Justice (DAGJ), in July 2012 to conduct research to improve its understanding of the impacts of media reporting on victims of crime. The aim of this research is to assist in informing and supporting:

- ▶ policy development
- ▶ program design
- ▶ improving service delivery for victims of crime in New South Wales (NSW).

This report marks the culmination of Colmar Brunton's in-depth study into the media impacts on victims of violent crime in the state of NSW. This piece of original research presents powerful insights into contemporary issues about how the media operates and interacts with a highly vulnerable group: people who have been victims of various forms of violent crime.

The real strength and power of this story comes from the highly personal and detailed accounts provided by individual victims. This story is strengthened by the breadth of the current approach which looks at key themes and issues from multiple perspectives. In addition to interviewing victims, extensive consultations were conducted with community-based victim support groups, key stakeholders and peak bodies, senior professionals within the media, and the media consuming public. This has provided a detailed understanding of the needs of all stakeholder groups and the current impact of the media on victims of violent crimes and their families. This comprehensive and intensive qualitative approach was supplemented by a literature review and desk research of the criminal process and victim's journey in the context of the media attention that victim's may or may not attract.

## 1.1 Research objectives

The overall objective was to inform and support policy development, program design and improve service delivery for victims of crime in NSW. More specifically, the research sought to:

- ▶ investigate the effect of media reports on victims of violent crime<sup>1</sup> in which they were involved/or media reporting of similar crimes
- ▶ identify the general effects of media reporting on victims of crime including:
  - ▶ specific issues and concerns
  - ▶ whether media interest was viewed as positive or negative
  - ▶ the role of current victim support services and gaps in support centres
- ▶ examine techniques to promote and encourage respectful reporting - particularly involving victims of crime
- ▶ explore victim's behaviours post media interest – particularly around their likelihood to report crimes in future
- ▶ review the media's effects on perceptions of justice within the general population – in relation to crime reporting
- ▶ understand what the public expects from the media when it reports on violent crimes (an additional aim that Colmar Brunton suggested). This was included because it helps to position the public expectations against current media practices and the experiences that victims have.

A complete summary of Colmar Brunton fieldwork is detailed in Appendix A.

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<sup>1</sup> For the purpose of this research, violent crime categories included homicide, sexual assault, domestic violence, assault, home invasion (with violence) and armed robbery. Within these parameters, the definition of victims can include direct victims or indirect victims (e.g. family members of the direct victim).

## 2. Key themes and issues

This research was commissioned by DAGJ because of growing concerns about the potential consequences that media reporting can have on victims of violent crime and the support that is needed to help deal with any trauma that is caused. The DAGJ has an active and ongoing program of work that to date has involved organising forums to discuss key issues and make practical recommendations to support victims and work with the media; the creation of a strategy “Respectful Reporting: Victims of Violent Crime Media Strategy 2011-2012”; the development of resources for journalists; and the creation of resources to support victims including a guide on how to deal with the media. There is also an active program of research, a database of published literature (national and international) and ongoing engagement with a diverse range of stakeholders.

The research is also timely and has been conducted against a background of intense scrutiny in the conduct, practices and ethics of the media both in Australia and in the United Kingdom. In Australia, the results of the Finkelstein Inquiry and the Convergence Review were reported to Government in 2012. Similarly, the Leveson Inquiry in the United Kingdom was published in late 2012. At the time of completing this report, Governments are in the process of considering new regulatory structures to hold the media to account with regards to its standards of behaviour.

The theme around ethics and the media is particularly relevant to victims of crime. Much of the literature that was reviewed refers to the emphasis of violent crime reporting shifting from a narrow focus on offenders to a broader interest in victims and their families (see for example, Katz 2010), with the media offering highly variable levels of empathy for victims. Many of the experts and support groups that were interviewed spoke about the media industry lacking in patience and humility and those working within the industry talked about a highly compressed news cycle and a fragmenting media landscape and the pressures associated with this. This



research report examines and discusses how and why the media reports violent crime and the new challenges facing the media in chapters 3 and 4 respectively.

There is strong evidence from the research that more empathetic styles of reporting can have beneficial consequences for victims and families who are trying to come to terms with the psychological effects of trauma. Conversely, it is also clear that insensitive and intrusive methods of investigating and reporting stories can exacerbate trauma, cause re-traumatisation and contribute to the stigma of victimisation and “victim blaming”.

The outputs from this research include both:

- i) evidence about the effects that media reporting of sensitive and traumatic events has on victims
- ii) recommendations about how to minimise further trauma to victims, reduce stigmatisation and how to provide better support.

A number of clear and identifiable themes emerged from the analysis of the interviews conducted with victims. These broadly centre on:

1. the way the media and news reporters gather information including the initial contact with the family:
  - building a relationship with victims and their families
  - respecting privacy and confidentiality
  - preparing victims to deal with the media.
2. the content of news reporting about the crime including what gets selected and ignored by editors, the use of visual imagery and the overall tone and style of the content that is reported including:
  - selective reporting
  - factual inaccuracies
  - sensationalism.

## 2.1. The effects of media reporting on victims of violent crime

Before examining in more detail why these matter to victims and the impacts they have, the research first needed to understand in more detail what kinds of impacts arise from the interactions that victims have with the media and the content that is published and broadcast. Impacts can be both positive and negative. The primary aim of the research was to look at how to minimise and mitigate the negative effects and promote more of the positive outcomes.

### 2.1.1. Positive impacts

There is considerable opportunity for the media to make a positive contribution to victims of violent crime, providing support, empowering victims, helping victims avoid feeling isolated and championing a wider societal cause.

Empowerment is a strong theme that comes through the accounts of those victims who have had a positive experience of dealing with the media. Some victims spoke about the strength they gained through the “power of the personal story”, that can be conveyed through the media.

Empathetic coverage of individual victims by the media can help the audience to better understand what happens to crime victims and survivors and how it affects them and their families—physically, emotionally, financially, socially, and spiritually.

“*But the one that I do remember and that stands out as the real good interview was the one with [XXXX]... He was absolutely fantastic... He put you at ease really. He did, he was...well he was very natural. (Family of a homicide victim)*

Media coverage can humanise crime and its impact on individuals, families, and communities.

Some victims who wanted their perspectives heard said that speaking to the media helped validate their experience.

There are also some instances where victims feel that the alleged perpetrator of a crime or convicted defendant receives too much coverage and hence the victim wishes to speak to the media and give their side of the case to provide balance.

Reading about other people's experiences can inspire other victims to come forward and report their crimes. One interviewee who took part in the research was an adult survivor of child abuse who learnt about other victims' experiences from reading a newspaper article and was inspired to report the crimes committed against himself as a child and seek supportive services. A representative of an Aboriginal community group spoke about a teenage girl who had been a victim of sexual abuse as a child decided to come forward and seek support and counselling after reading about experiences similar to her own in the media.

Victims can often feel isolated as a consequence of the mental trauma caused by the crime. Through victims speaking out via the media, people learn that crime is not something that happens to "somebody else" but are reminded that crime can happen anywhere and to anybody. Public awareness and understanding about the plight of crime victims are enhanced every time a sensitive story about one victim's experience is published or broadcast, which can lead to increased public support for victim assistance initiatives.

Finally, in some cases, the crime itself exposes a loophole in the criminal justice system. If that loophole is not closed, victims feel a sense of responsibility to campaign and bring about changes in the legal system to avoid other people in the future becoming victims of crime. For example, one interviewee was the sister of boy who had been raped and killed by man who had been given early parole. Her father campaigned for legal changes to tighten up parole decisions relating to convicted sex offenders. Victims also sometimes feel the need to speak-out, yet at the same time preserve their anonymity, about the unspoken truth concerning certain types of crime such as domestic violence and child abuse.

## 2.1.2. Negative impacts

News reporting and journalistic practices which are invasive, sensationalist and insensitive can inadvertently cause further psychological harm to victims, in addition to the harm caused by the initial criminal act. This research report is primarily concerned with trauma and secondary victimisation.

### **Traumatisation**

Crime victims often suffer long-term psychological problems that scar their lives. Mental trauma as a consequence of being exposed to a violent crime can produce strong emotions and behavioural responses such as intense fear or helplessness, withdrawal or detachment, lack of concentration, irritability, sleep disturbance, aggression, and hyper vigilance.

Posttraumatic Stress Disorder (PTSD) is an anxiety disorder that can occur from the effects of trauma. Although, this is the generic definition of the disorder, scholars have argued that PTSD can also involve symptoms that resemble mood disorders, and potentially anger disorders, specifically as a result of violent crime (Kunst et al, 2011). Furthermore, epidemiological studies have demonstrated that the prevalence of posttraumatic stress disorder is high in victims of violent crime (Orth et al, 2006):

- ▶ 35-70% of rape victims suffer from PTSD
- ▶ 2-58% of physical assault victims suffer from PTSD
- ▶ 18-28% of victims of robbery suffer from PTSD.

In many cases, victims identified in news stories about the crime involving them are further traumatised. Some feel humiliated by the local community being aware of what has happened to them. Others are concerned that the criminal, who victimised them, or their associates, will be able to use the information from media reporting to intimidate or harm them. Others fear that the publicity can lead to further harassment (for example when their confidentiality and privacy is breached).

## Secondary Victimisation

Secondary victimisation occurs when people or institutions respond in an inappropriate way towards victims leading to feelings of re-victimisation. While this can apply to all forms of violent crime, the concept emerged in the 1980s to highlight the way rape survivors are treated by the police and how this replicates the violation of rape itself.

Media coverage in the wake of a crime can result in a 'secondary victimisation' that may exacerbate victims' trauma and cause unnecessary additional harm. The shame that some victims feel, as well as the blame they sometimes feel from others, can be increased by untimely, inappropriate, or intrusive reporting.

This point is highlighted by the South Australian Commissioner for Victims Rights in his response to the Finkelstein Inquiry:

*"Media insensitivity towards victims of crime, especially violent crime, can cause a 'second injury'. In spite of media assertions that reporting on victims' plight humanises their coverage of crime, victims' opinions (influenced by their dealings with the media) can differ. Rather, insensitive (sometimes dehumanising) reporting and coverage often re-victimises victims."* (O'Connell, 2011)

For some victims, the trauma of victimisation can be compounded by speaking publicly about their experiences in the aftermath of a crime. It takes time to cope with the shock and trauma of being victimised and to participate in police investigations and criminal or juvenile justice processes. According to Rubak et al (2001) the detrimental mental health consequences of victim stigmatisation are well documented.

In understanding the support services that are currently accessible for victims it is important to recognise the impacts of crime that the support services are dealing with. This short, scene-setting chapter has shown that the media can make a real and positive difference to the lives of victims of crimes, but conversely it can exacerbate an already harrowing experience. Subsequent chapters in this report

provide detailed and compelling evidence about the different impacts that media reporting has on victims of different categories of crime. Before presenting this evidence, the report presents further commentary and insight into media practices and key trends that are transforming the industry.

# 3. Media Reporting of Violent Crime

The public has had a long standing fascination with crime and criminal justice. That interest continues to grow, yet most people have limited direct contact or experience with these matters and rely on media reporting to gain their knowledge. Crime reporting has always been particularly 'newsworthy' and is regarded as a 'staple' of the media machine.

This chapter reviews how and why crime stories get reported. It examines the criteria for a newsworthy story and why certain stories get covered and others do not. It also examines the competitive nature of journalism and the continuing importance of the scoop. Journalists are also highly dependent on others for information in building their story and in getting access to victims, so the relationship with the police is discussed. Finally, there is an inevitable bias in news reporting in metropolitan locations. However, regional and local press still play an important role in the lives of many Australians, and often report crime in a different way to the national and major regional media outlets.

## 3.1. What makes for a newsworthy crime story?

The term 'if it bleeds, it leads' was coined and popularised in the 1980's by American television executives. Eric Pooley, writing in New York Magazine in 1989 commented that:

*"The thoughtful report is buried because sensational stories must launch the broadcast: if it bleeds, it leads". (Pooley, 1989).*

The news media selects, defines and explains the events that comprise 'the news' and how violent crime gets reported. However, not all violent crime stories are

reported by the media, and only a limited number of cases make for front-page headlines.

Yvonne Jewkes has expanded on the notion of 'newsworthiness' and has suggested a list of 12 news values (Jewkes, 2004). These news values, she argues, are the framework and reference points used by journalists and editors in gauging the level of public interest that a story will generate. Jewkes's news values were framed in the British context, but if adapted to Australia would include:

1. threshold: the level of perceived importance or drama including whether the story would be of enough interest to a metro, regional or national audience.
2. predictability: predictable news stories, such as release of crime statistics allow news organisations to commit resources to these pre-planned events, ensuring their place in the news cycle.
3. simplification: a crime story must be 'reducible to a minimum number of parts or themes' with no shades of grey with a tendency to oversimplify.
4. individualism: stories must have a 'human interest' appeal and be easy to relate to; individual views and descriptions are preferred to group opinions; journalists also like to juxtapose opposing views, for example the victim versus the perpetrator.
5. risk: stories that convey real and immediate risk and suggest longer lasting danger from random violent crimes are newsworthy; we could all be potential victims.
6. sex: stories with an angle or the potential sexual violence angle are one of the most salient news values according to Jewkes. This includes 'stranger-danger', serial rapists and the misrepresentation of female victims.
7. celebrity or high status and notable individuals: The media is attracted to all elements of celebrity and crime is no different. This includes individuals in a senior position of influence, such as the clergy, teachers and politicians.
8. proximity: This refers to the spatial and cultural proximity of the story – how near it feels to home and how well it chimes with the current climate of opinion on topical issues. It is often referred to as an overarching news value.



9. violence: As with sex, it fulfils the media's desire for drama, but on its own is often insufficient to be newsworthy.
10. spectacle and graphic imagery: Quality images help to portray the "truth" of a story. The increased availability of Closed Circuit Television (CCTV) footage showing the victim in the minutes or seconds before the crime is committed and amateur footage shot with smart phones help to make a story especially newsworthy. This used to apply primarily to television news, but in the digital age is relevant to all media.
11. children: Either as victims or offenders, children help to make a story newsworthy.
12. conservative ideology and political diversion: Often portrayed as protecting 'The Australian way of life', this appeals to a status quo agenda that meets society's sense of morality. It can sometimes be dressed up by some sections of the media as indignation against minority groups who are portrayed as scapegoats.

Aspects of these news values were mentioned during the interviews that were conducted with journalists and victims, and were reflected to some extent in the views the public has of crime reporting in the media. However, these values are more implicit in the way the media operates, and are certainly not part of the daily discussions on the news room.

A theme that many journalists commented on was that news editors are looking for stories to appeal on several levels to readers, viewers and listeners. Violent crime clearly has the potential to be newsworthy, but it has to be more than just violent, no matter how brutal, to warrant significant media attention. This is often why some victims are thrust into the limelight and other stories about victims of violent crime go unnoticed.

Several journalists felt that crime stories are no longer as headline grabbing as they used to be and that there is a limit to the number of crime stories that can be covered at any one time.

“We don't report crime as much .... A murder was always front page news. It's not any more... It has to be unusual circumstances.”

Newspaper journalist

“We've got three really heavy crime stories at the moment. We need something a bit more light and bright. So I've really got to set my mind to finding something a bit lighter, and hopefully that balance comes out in the rest of the paper. I don't think anyone is going to read three stories about murder trials at any one time. Also in some instances we won't cover a story because it is too similar, too like other ones.”

Newspaper journalist

A number of other factors can also influence whether a story is newsworthy, including whether the day in question is a slow or busy news day, and the level of co-operation received from family members. An experienced newspaper journalist, when talking about what makes something newsworthy said:

“It can be as simple as a really busy news day when a crime story doesn't feature. It might also be a reasonably run of the mill sort of crime but you happen to get some amazing comments from a family member. That can make a front page story that runs for two or three days that is if the police involved are particularly good at getting the message out there.”

Another experienced newspaper journalist echoed the same point:

“The other thing that can be horrible for victims is when you get a story and you say you're going to run it and it's quite big and then the earthquake hits at 3.30 and they've gone from page 3 to page 44. “

A radio journalist, who has worked in the media for around six years, also felt newsworthiness was somewhat unpredictable and can simply depend on time of day, and where it falls in the news cycle. Stories can get overlooked if it happens

close to a TV deadline or if the crime is solved quickly, for example if a murderer is caught in the act.

“ Sometimes we just don't pay attention. If it's wrapped up very quickly we just think oh well.”

Crime journalist

One of the victims who was interviewed was particularly surprised that there was little media coverage relating to the murder of her son. This was a particularly brutal killing in regional NSW. Shortly after her son's death, the family member was informed by the police to expect a high level of media interest, but other than a few column inches in the local paper, the avalanche of calls from the media did not materialise.

“ The DPP and the police kept saying to me, there's going to be heaps of media, heaps of media, there wasn't. We couldn't identify the body for a week. You know he was so badly messed up... and the reporters were ringing for the police for a name and they couldn't tell them. By the time he was identified the media had moved on.”

Family of a homicide victim

This family member went on to talk about how, when the trial approached, she began actively courting the media because the case highlighted wider societal issues that went beyond the immediate, brutal criminal act that had been committed against her son. It was only when these issues were brought to the media's attention at trial stage that the story began to develop and receive publicity.

“ I said to the media, you know the Milat kid that murdered this boy, I said it's on a scale like that if not worse, and they're going oh ....hang on....”

Family of homicide victim

That experience chimes with the view of a newspaper journalist who felt that some stories only really capture the attention of the media when they approach trial. In

some instances, this may come about through interactions with the lawyers involved in the trial

“When it comes to trial it's like, I really want to know if that would be interesting and you go along and sure enough it is and that becomes a story that way.”

Crime journalist

Some journalists also felt that gender and someone's social status played an important role in determining the potential news value of a story. The contrast was made between the coverage of the murder of the Sydney nurse in the North Shore area of the city and an anonymous driving instructor who had been found dead shot in woodland.

“The Michelle Beets case is one we would cover in depth<sup>2</sup>. I think the callousness of the attack played a huge role and she's a woman and a nurse that everyone can relate to. At the time of her death, they didn't know who the killer was and this woman had come home and been murdered on her doorstep - sort of everyone's worst nightmare. By contrast stories about unnamed men get less attention.”

Radio journalist

The quality of the interaction with a victim's family can also influence the extent to which the media becomes involved. As one newspaper journalist commented:

“It can also really depend on the quality of the interaction you get with the victims. If they're really angry that the media's involved, then of course we'll back off.”

Newspaper journalist

In some respects this is a reassuring message for victims who are not actively seeking the media spotlight. Unfortunately, as portrayed in the following chapters there are many victims wishing to avoid media who still find themselves harassed

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<sup>2</sup> For examples of reporting of the conviction of Michelle Beets' killer, see:  
<http://www.smh.com.au/nsw/marsh-jailed-for-life-for-murdering-michelle-beets-20120309-1uo9y.html>

and pressured by the media. This suggests not all sections of the media live up to these ideals.

There are also certain types of crime which generally are under-reported by the media. In many sexual assault cases, including rape, the identity of the victims is protected and not revealed to the media.

“ We don't tend to interview a lot of rape victims and I think maybe some of it's the fact that they're anonymous. I think we're a bit reticent to invade and you just don't get to know their identity a lot of the time until it goes to a court. I do, however, remember there was a rape victim who was happy to reveal her identity. She gave me her 10 page statement and it was just horrendous, but nothing had been done and she was angry. She didn't think her case had been investigated properly.”

Crime journalist

Domestic violence also receives much less media attention relative to other types of crime. According to a victim of domestic violence, whose case was covered by the media:

“ Domestic violence is a very unpopular subject; with everybody, with the general public, as an issue. Domestic violence is portrayed as lower intelligence women being the only ones getting bashed. Women that weren't good mothers were getting bashed and they must deserve it... the media have done nothing to educate the public.”

Victim of domestic violence

For domestic violence cases to be report by the media, a story has to connect with a number of other news values to be reported by the media and to reach a threshold point.

“ I think there's a view when crimes are related to domestic assault, they're a bit less newsworthy, but then again it depends on the case. I think the question is more

where you take the story from there.”

Crime journalist

The media was also accused by many survivors of domestic violence of perpetuating myths about victims, their experiences and their behaviours. This is linked to the news value of simplification.

“The media will talk to a psychologist; they’ll be saying things like the victims have low self-esteem... The media play on that and just keep quoting those stupid quotes. I know lots of women who have been involved in domestic violence, and not one of them felt they deserved it, or had low self-esteem...”

Victim of domestic violence

“The media likes to say that kids from domestic violence situations end up being violators themselves, I can’t see that either.”

Victim of domestic violence

The media also likes to individualise the story, where views of the perpetrator of violence can be set against the experiences of the victim. When reported in an empathetic way, this can be beneficial to the victim:

“There was an article in the Sydney Morning Herald which exposed his behaviour. We got a lot of joy out of the coverage because it exposed him for the way he is using the court, and the way he is abusing the system.”

Victim of domestic violence

Different media organisations appear to take a different stance on crimes of a sensitive nature. There are also topical types of crime. One journalist commented that at the previous newspaper he worked at, he was told by news editors to avoid stories around paedophiles. He contrasted that with his current place of work:

“ We didn't want to know about child sex, so we just ignored it. But here it is different. There's a real view that this is really important and happens to an awful lot of people and these cases need to be covered.”

Crime journalist

Many journalists and stakeholders also commented on the importance of class and race in determining whether a story is newsworthy and whether it meets threshold values for national coverage.

“ I personally think race and class play a big role in the amount of attention these kinds of crimes get. Most of the media is white and upper middle class and I think that's reflected in the kind of victims we focus on.”

Radio journalist

Many CALD victims and their support groups feel the true story about their circumstances is lost and the focus becomes more of a nationalistic reporting style.

CALD victim support services groups such as Trans-Cultural Mental Health Centre (TMHC) stated that the mainstream media's priority when it comes to reporting on crime is to *“often sensationalise and emphasise certain cultural factors.”*

An example cited in discussion with TMHC was the reporting of crimes against Indian students in Melbourne 2009 where the priority for the media reporting became more about how the news was reported in India rather than the plight of the victims.

Furthermore, the TMHC believe ethnicity is becoming more relevant when it comes to the reporting of violent crimes:

“ Ethnicity has become quite detrimental to CALD people who are victims of crime where mainstream media often report CALD people as perpetrators –or sensationalise crimes involving CALD people. This may stop CALD victims from reporting crime.”

Based on the review of the literature and interviews with JEAA and Wirringa Baiya, an Aboriginal Women's Legal Centre, similar issues for indigenous victims of violent crime have been identified, specifically in terms of understanding and explaining the cultural context and a lack of understanding of the cultural practices of Aboriginal and Torres Straits Islander people.

"The failure to properly contextualise Aboriginal problems and issues in their social and cultural background is effectively to leave readers in ignorance and, often, to reinforce existing prejudices." (1994, Media Forum Report)

The same article goes on to make the point that there is a "need for journalists to understand Aboriginal affairs in their social, cultural and historical background. Without providing this context, journalists failed to situate Aboriginal issues in a way that provides the community with any information to challenge existing prejudices."

On a broader level, many of the stakeholders and support groups interviewed during the research felt that the media rarely reports violent crime within Indigenous Australian communities in terms of how it impacts on the individuals and families concerned. The media has tended to focus on reporting on issues at a community level, for example issues regarding child abuse. Stakeholders felt that the media did not make enough effort to research the background to these stories and leans towards over-simplification:

“To explain why something like this is happening in a community - It's a very complex answer, unless people are prepared to devote the media time and space to explore that then you are always going to have very simplistic discussions around these issues and simple stories about this.”

Some support groups also felt that the media exaggerates the level of violence in the Aboriginal community to the extent that every man is a perpetrator and every woman and child is a victim. There are issues which Aboriginal community groups would like to talk about but are reluctant to engage with the media because of the concerns that the media will distort and misrepresent the story and be used to stereotype Aboriginal men and women.



One stakeholder argued that there is still a lack of media and wider public interest and empathy regarding issues of violent crime in the Aboriginal community. It was suggested that much depends on the circumstances, for example where and how the victim died.

“The death of an aboriginal kid who made good and won a scholarship might be newsworthy but not a kid from ‘the block’.”

According to a representative of the Journalism Education Association of Australia (JEAA), the media strongly influences public opinion about crime through society’s general attitudes towards stereotyping. This point is summed up as follows:

“The media reinforces our stereotypes about innocent middle class victims. Poorer working class victims often portrayed in a different light. The murder of Lateesha Nolan by Malcolm Naden in January 2005 in Dubbo was not reported as widely as the Kings Cross murder of Thomas Kelly.”

### 3.2. The scoop

The desire amongst journalists to be the first at the scene, to have an exclusive relationship, to be the first to report the story remains a powerful motivation for many. Journalists often referred to what the competition might be doing and the pressure from editors to ensure that a particular story gets covered. Journalists also talked about some of the practices used to get the scoop and the exclusive and some victims provided details of their experiences. There are also some differences with regard to the way different media treats and considers the exclusive. In television, there’s a difference between stories which feature in news bulletins and stories which feature in an in-depth documentary format. In radio, often it’s the talk format where new revelations on a crime case may come out during an interview with a victim or from a member of the public during a phone-in. In newspapers, there is a difference between quality investigative journalism and practices which are simply aimed at keeping competitors at bay.

The desire to compete, be better than and out manoeuvre the opposition is encapsulated amongst some journalists:

“My competitive streak is highly tuned.”

Crime Journalist

But there are others who feel that the competitive streak needs to be kept in check:

“I’m a journo I want to get the full story, I want to be competitive, but I also want to do it right. And if that means that I’ve got to wait a day then so be it. ”

Crime Journalist

More experienced journalists felt that although competition for a story and for the attention of a victim was still strong, journalistic practices which can have an adverse effect on the victim have changed for the better.

“In the '80s the idea was to get every single photo out of the house so that when the opposition newspaper turned up there were no photos left. We were literally carrying out photo albums out of the house and that was to protect an exclusive. Facebook has changed that to a large extent.”

Newspaper journalist.

One journalist gave a frank account of how he used a police radio scanner to listen to operations which included personal details about the location of victims. Police radio scanners are also available as free smartphone applications making it easy for any journalist or member of the public to eavesdrop.

“The scanner’s always very useful, even though it’s illegal. The crime manager up here knows we’ve got a scanner on my desk, and he said ‘Look, they’re illegal, but it’s not something that we particularly enforce’; he said ‘We’ve got other things more pressing to deal with most of the time.’

Crime Journalist

### 3.3. Building relationships with the police and other groups

The media is highly dependent on the police when reporting crime. While most journalists will be able to access press conferences and observe proceedings during court, the relationship with senior detectives is highly prized, particularly by seasoned journalists.

“ I've had examples where the only way I've been able to get to speak to family or people involved, is through a police officer who knows and trusts me that I won't do anything, you know to upset them.”

Newspaper reporter.

“ It's vital and it's tricky as well. You want to be trusted but that doesn't necessarily mean that you have to be liked. You need to have the trust and support of the police media unit, senior police who you can use as sources. That takes a lot of work building their trust.”

Radio reporter.

Younger, inexperienced journalists are less likely to have to the same level of access to the investigating team.

“ There are young crime reporters that are not trusted by the police and the only way they can get stories is by going around the official channels and often that's terrible.”

Newspaper reporter.

The police also place a significant amount of trust in journalists sometimes giving access to confidential information which is provided under strict privacy conditions. One victim described an example where a journalist broke that trust.

“ There was a woman working with the AFP, an FBI trained profiler...spent a week with them putting together questions to ask the suspect about a connection with another case. A lot of the journalists had found out about this, but they'd

respected the call for hands off, but one journalist saw fit to blow everybody's cover and print. We were completely shot. She was barred from all press conferences. What made that idiot woman do that? What made her editor let it go through? Where is the responsibility? You are playing with very big stakes."

Family of a homicide victim

More senior journalists felt that the quality of the relationship with the police was not as it used to be, becoming more formalised and organised through the police media unit.

“Our relationship has changed dramatically, you know. Thirty years ago I was out with them socially four times a week. Now it's, you know, one or two guys I would consider friends and socially I see them outside otherwise I have coffee with them.”

Newspaper reporter

Sometimes there is tension in the police relationship where journalists are also investigating alleged miscarriages of justice or cases where the police may have exceeded their powers.

“A lot of news outlets split their crime reporting from the politics of law and order reporting because a lot of that latter stuff probably won't please the police whereas it's my job to do both.”

Radio reporter

### 3.4. Local and regional Considerations

The local news is an important part of the social fabric in regional Australia. The group discussions that were conducted in the Central Coast and Northern Rivers showed that most people turn to their local newspaper and local radio station first. Their primary interest is in stories which they can connect with – people and places they can recognise and have some affinity with. The news values that shape regional and local crime reporting are proximity and individualism, with a sprinkling of conservative ideology (protecting our way of life). Members of the public spoke about

how local crime stories help make people aware of possible threats from child abductors and rapists. The example was given of a story in the local paper in Ballina, about a man who had been seen in supermarkets following young children.

Respondents said this story grabbed their attention and that it had been shared rapidly via their social networks on Facebook. The same group of women also felt the local media had a duty to report incidences of rape. Although they did not wish to know the identity of the victim, they felt that they needed to be aware of the risk so that they could take necessary precautions.

From a victim's perspective, the local newspaper is often seen as being highly supportive, and being ever present throughout their journey. For example, local newspapers and radio are seen as being vital to helping find a missing person. When someone who is a pillar of the local community is killed, the local media is highly regarded by many victims for paying an empathetic tribute to the deceased.

Regional stories often fail to make the threshold news values for reporting in metro media. The journalists that were interviewed felt it was a real challenge to get regional coverage, when there's competing metro stories and when the bulk of the readership for newspapers is in Sydney.

## 4. New Challenges Facing the Australian Media

### 4.1. Media in the digital era

The digital age has fundamentally altered the way news media is delivered and consumed resulting in a media landscape that is almost unrecognisable from the industry that existed 10 years ago. These changes are having particular consequences for journalism and the way crime is reported, with consequential impacts on victims of crime. Through group discussions that were conducted with consumers of news media, the depth interviews with senior journalists and desk research, the research has identified the following trends:

- ▶ News is instant and available anytime, anywhere. Consumers no longer wait to hear, watch and read the latest news media from set piece publications and broadcasts, such as the morning newspaper and the 7 o'clock news.
- ▶ Media organisations have transformed from single to multi-platform channels meaning news stories are streamed simultaneously in multiple formats. Consumers tell us they absorb news about violent crimes across a diverse range of platforms, often simultaneously.
- ▶ News now breaks globally at a rapid pace. The proliferation of online channels such as CNN, BBC and Al Jazeera as well as access to broader TV coverage through subscription television means that Australians can access their news from global providers.
- ▶ Competitive pressures. The industry has experienced significant jobs cuts, with ad revenues falling, and a consolidation of platforms. One TV

journalist recounted that in past times she would have had a dedicated producer however in today's environment, there is one producer shared between five reporters. There are concerns about the impact of cost reductions on the quality of news reporting and the time and resources that can be devoted to training junior reporters around ethical standards.

- ▶ As resourcing models alter within the large media organisations, more and more journalists are seeking or are forced to seek freelance work, reducing the role and importance of reporters on salary, dedicated to an individual media outlet.
- ▶ The ability to manage the message is becoming increasingly difficult with a rising 'citizen reporter' society, where anyone can comment on anything, anytime. In today's environment, the news can be broken by anyone. New channels have also emerged such as YouTube, the Huffington Post and a myriad of blogs and Gen-Y newsrooms. Furthermore, news aggregation sites such as Google news is becoming consumer's first port of call for all the latest news. Journalists question the quality and ethics of some of this consumer generated content.
- ▶ The nature of Twitter as a newsfeed means we can have instant access to sound bites (via links to other sites) literally as stories break, but this desire for instantaneous news also means that mistakes and inaccuracies occur more frequently.
- ▶ The news cycle is highly compressed and operates on a 24-hour basis. The same stories are recycled during the day, with editors trying and struggling to find a new angle. Stories are increasingly lacking original substance and context, a trend which one senior journalist described as the rise of "churnalism".
- ▶ Traditional media uses social media to source stories or obtain content, for example using Facebook to obtain photographs of victims and their families is now standard journalistic practice. Media sources argue this is beneficial as it avoids direct contact with victims but on the other hand it

also means the opportunity to form close relationships with victims is missed.

- ➡ The public is increasingly demanding greater levels of honesty and transparency from not just the media but also more generally large corporations and public bodies. Social media provides consumers with a louder voice to make these demands. The expression of the consumer voice through social media is increasingly influential, and in some high profile instances has resulted in advertisers withdrawing their support for influential broadcasters.

This new media environment presents many challenges to both the business model of commercial media and the profession of journalism. It is also important to separate the problems facing the commercial media and the problems facing journalism and to understand how these issues affect crime reporting and the way victims are treated and portrayed by the media.

## 4.2. Churnalism

The term 'churnalism' was first coined in the United Kingdom to describe a practice where journalists are primarily involved in recycling second hand news (churning) and spending less time checking facts, and developing relationships with potential subjects. Several senior journalists felt this is a growing trend in the Australia media and that it is adversely impacting on the quality of news reporting. The experience of some journalists is that they are being tasked with creating more stories, on a faster production schedule with fewer resources:



I think with the pressures today, you've got more and more people being stretched across different channels, I mean at the ABC for example you've got radio, TV, news 24, internet, and social media."

Crime journalist



This trend has potentially negative consequences where victims of crime are concerned, because less time is spent checking important facts, and less time is spent developing the important relationships which, (as discussed in section four), can lead to positive/negative outcomes for both victims and journalists.

“ The standard of writing is going down. I think when I first started here we had a check sub, and his sole job was to go through every single story, cleaning up any linguistic mistakes, spelling, typos, grammar, syntax, street names and so on. A real pain in the ass, but vital. But with cost cutting, you lose all those, and now it's basically left to journos to clean up their language.”

Crime journalist

As mentioned previously the emphasis on relationship building may be impacted:

“ It's speed, reduced staffing, all these factors have reduced the emphasis on relationships with victims.”

Crime journalist

### 4.3. The demand for instant news

Some of the journalists and members of the public felt that the demand for immediacy in news reporting is leading to a more tabloid, headline grabbing style of reporting. This applies especially to an online environment where there is a need to grab attention with a headline in order for the reader to click through and read the story.

“ The idea that headlines are becoming more sensationalist is probably true. But the headline is supposed to cut through that noise for the majority of print readers. Headlines on online stories are much more crucial because you don't get the option to see a full story at first.”

Crime journalist

During the group discussions conducted, consumers spoke about how they are no longer waiting for the news to be broadcast or appear in print.

“ If you know something is going on you can look at the story straight away.”  
Male, media consumer

Journalists also complain about the high pressure environment in which they operate to deliver consumers their diet of constant news. There is a real concern about the lack of time and resources to gather and check essential facts, and the sense of being constantly bombarded by an endless stream of information.

“ The unfiltered barrage of information we get every day makes your head spin even when you're used to it like me.”  
Crime journalist

“ I find the biggest challenge is covering breaking news whilst also providing an original angle on a story. We have a lot less resources than a newspaper for example who can spend a whole day, digging up a fresh angle for tomorrow's paper. I'm trying to cover off the breaking news for every bulletin, which is an hourly bulletin, and trying to get something fresh as well.”  
Crime journalist

“ I think there is a huge pressure to break the news as soon as you have it and sometimes that means that your stories aren't that well thought through. I think that's a massive risk and I think despite all this new technology which allows us to present a whole lot more news, the pressure to put it out there immediately actually means that perhaps we're covering less.”  
Crime journalist

In order to deliver news rapidly, journalists spoke about the need to have smartphones and tablets to capture events as they unfold.



We're given iPhones and iPads and we go out and get the news as its breaking. We're required to take videos and photos and e-mail them back to the newsroom so they can be uploaded to the website straight away."

Print crime reporter

Social media plays an important part in how people find out about a breaking news story but, in the group discussions that were undertaken with consumers of news media, it did not feature prominently as a medium through which people follow a crime story. The digital versions of mainstream media were much more commonly used for following crime stories, though the depth of reading of individual media reports was questionable. Many people said they skimmed over stories. The research found that social media is having a significant impact on journalists who commented that Twitter and Facebook have in the last year become more of a source for breaking news as well as a source of competition. The issue of how professional journalists use Twitter in the courtroom was considered to be a secondary issue relative to the challenge presented from social media.



The whole social media thing's just a different world and there are not the same checks and balances that we have. They're nowhere near as rigorous, plus they don't have the money behind them so if someone decides to sue, you know they're not Rupert Murdoch."

Crime Journalist

Many journalists describe challenges in keeping their reporting detailed in information and unquestionable in accuracy. This is particularly relevant given the volume of consumer generated information that is available on Twitter, blogs, and websites.

There is a genuine concern among many journalists that the public has a right to reply if they get it wrong. Consumer backlash via established and social media is a real concern.



The last thing we want is the mother of a seven year old victim ringing up Ray Hadley and going you ‘know what those arseholes did?’ That just hurts us really badly. The backlash can be enormous.”

Crime journalist

This chapter has highlighted the challenges facing the media and professional journalism, especially the impact of churnalism and the saturation of which it has been adopted within the media industry. This contextual background helps to better interpret the experiences that victims have when dealing with the media. Annex C provides an overview of the expectations that the public has from the media regarding standards of reporting on violent crime.

## 5. Developing the story: investigation and information gathering

### 5.1. Building the relationship with the victim and the family

How the media makes contact with victims and their families is a fundamental issue that emerged from the interviews conducted during the research. The experiences of victims were highly varied – positive experiences of the initial contact generally led to positive overall outcomes. Whereas negative experiences (at initial contact) were typically associated with negative outcomes. Experienced journalists also recognised the importance of forging a trusting relationship with victims particularly at the initial point of contact and maintaining that relationship.

Those victims who had negative experiences spoke about reporters having a ruthless approach, with little regard or empathy for the trauma experienced. Victims felt as if they were being used by the media, with reporters prying for information at any cost, using intrusive and invasive methods. The effect of this approach on victims consequently effected victims negatively including feelings of anger, frustration, vulnerability, helplessness, shock and fear.

#### 5.1.1. Respect and empathy

The media should make respectful honest and open relationships with victims of violent crime. One of the qualities which journalists believe is critical when dealing with victims is a very deep sense of empathy and the ability to put yourself in shoes of the victims (however hard that might be).

Many journalists agreed.

“ You're dealing with people who, well...this is their life, it's their experience not ours; I think sometimes we forget that.”

Crime journalist

“ I think the thing that I always try and do, and I can only speak from my own experience, is to think for a split second before you knock on a door, approach them at court; to go gently, like be careful. Be careful, be sensitive - I often try and think well what would I do if it happened to me?”

Crime journalist

“ I try to remember, they are the victim and I really do feel that, because I've got close to a few victims over the years and you do, we're not inhuman, you've got to realise they're the victim and you try to say if there's time I will write this. I'll let you even have a look; I'll read it back to you. There are some times when they will ask things to be omitted. And if it's not pertinent why worry.”

Crime journalist

“ The main considerations are also always after the family. Because I know, my Chief of Staff is a pretty sensitive sort of bloke and he said that to me a couple of times, “In these sorts of stories you've got to put yourselves in the shoes of the family”. We're not going to go out there and put up a story about some bloke who's been bashed to death out the front of the pub, because the victim's poor family, they don't want to wake up on Sunday and see in the paper that's the big headline, “Man bashed to death outside pub”. It's something they're very considerate about. I wouldn't say it's across the board in my experiences in journalism. But I think it's just where I work now.”

Crime journalist

Respect for victims is also a theme which came across strongly in the interviews with journalists. There is also a belief that the media is more respectful to victims than in the past.

“ I think we are a lot more respectful than we were back in the '80s. I really do think. I literally have seen the old photograph taken off the mantel piece and put in the jacket while the mother was out. I was there, I saw a reporter do it. I wouldn't do that now and I wouldn't let any of our reporters do it.”

Crime journalist

“ It's got to be respectful for a start. If you come across as just wanting a story, that's a bit off putting.”

Crime journalist

“ I just think that a lot of people probably aren't aware that we are very mindful that victims are victims. Now we seriously weigh things up and it's talked about in the newsroom.”

Radio journalist

Victims spoke fondly of journalists where a rapport had been developed. In these cases, the media interest and interactions helped to manage a stressful situation. However, trust is fragile and easily damaged. This can significantly impact the perceptions of the media in the eyes of a victim. Journalists with experience are very aware of this and spend time building trust.

An example of this was a TV journalist who described a scenario where after the announcement of the verdict he went up to the victim and said he was sorry for their loss and wanted them to know that she could call on him at any time. This was at a point in time when a number of journalists were asking for the victims reactions. This human response evoked a sense of trust from the victim. Two weeks later this journalist was approached by the victim for an exclusive interview. In this case, the trust built led to an exclusive story and worked in the best interest of the journalist and the victim in question.

Victims spoke about the beneficial consequences of positive initial approaches such as the strength they gained, feeling more resilient, being validated, feeling and showing appreciation, gratitude, and support. Media approaches when used

correctly have the ability to enable the story to be told in a human way. Positive effects were generally experienced when the media demonstrated a continuing and consistent empathetic relationship throughout the criminal justice process but nevertheless which was forged right at the outset.

When the relationship between a victim and the media becomes soured, it is often because mistakes are made from the outset, and there is no scope to build trust. Journalists put this down to largely clumsiness, or just youthful inexperience.

“ I’ve seen it go wrong once or twice by journos who were kids, wanted to make a name for themselves, and thought that going in hard and fast was the way to do it when it’s not. So no relationship developed, it was just antagonism from the start and we never got much of a story out of it.”

Crime journalist

Younger reporters are perceived by more established reporters (and some of our stakeholders) as taking a more invasive and aggressive approach with victims. This is perhaps symptomatic of the media landscape today, however it is damaging the credibility of the media.

“ The younger TV reporters are more aggressive. Younger ones are more ambitious.”

Crime journalist

“ I think the attitude of some young reporters is different - I now see people coming through who are less driven by the desire to find out things and be a journalist and are wanting more to be famous, wanting to make a name for themselves.”

Crime journalist

“ We’ve got lots of junior people coming through and no-one’s got time to teach them properly.”

Crime journalist



Some journalists believe further restriction should be enforced so that more respect is shown to victims in the aftermath of a crime.

“ I think the media should be banned from going near victims of crime for at least 24 hours, because people are so vulnerable. They don't know whether they want to talk to the media. My editor said that there's an unwritten rule over in Perth there that you don't go near victims for 24 hours. There might be times when the family really wants to talk, or the police say 'Hey, it would be good if you did a press appeal for information in the first 24 hours, while people's memories are hot', but any other time, it really should be banned. Just let people cool down, decide if they want to talk. I don't know whether many of my colleagues would agree though.”

Crime reporter

The following are examples of where the media has evidently acted inconsiderately towards victims (especially in the formative stage of relationship building).

“ They don't have to do anything but just say hello or acknowledge us. They should acknowledge us just to be human and just by saying hello. The media made a very strong impact on us by just saying that 'it must be tough for you', and just leaving it at that.”

Family of a homicide victim

“ They were running here and there to film me. They didn't even tell me that they were filming me. My head was full of glass. They didn't tell me anything; my daughter noticed we were being filmed. It was inappropriate for the media to film me, my daughter and my two-year-old granddaughter without permission.”

Victim of assault

“ The media doesn't know the victims. They just report the crime. The media doesn't care about the psychological aspect. They care about the practical side, to them news is what really matters.”

Victim of assault



There is a disconnect between what the media do and the actual victim. The media report, it is a job to them. They are not sympathetic. If it's television it's viewing persons. If it's newspapers, it's how many you can sell. That is all the media cares about."

Victim of sexual assault

Where journalists failed to maintain an initial positive approach, for example showing empathy and interest to gain initial access to the family but then losing interest soon after, victims often felt betrayed and used. None of the victims interviewed during the research spoke about an initially negative experience that turned around into something more positive.

#### 5.1.2. Techniques to engage with victims

Depending on the nature of the crime, the media uses a wide range of techniques to engage with victims, many of which are considered to be empathetic to the circumstances and feelings of the victim. Others are regarded by victims to be predatory and invasive. Some form of contact with victims is deemed essential by the media, and is often sought at particularly sensitive moments: the hours immediately after a crime has been committed; the arrest of the accused; the funeral of a victim when the crime is a homicide; and key milestones during court proceedings including verdict, sentencing, appeal decisions and parole hearings. During these moments, victims are in a heightened emotional state, which is sometimes exploited by the media. The media uses a variety of techniques to obtain the elusive quote or build the relationships with victims of crime and persuade them into contributing towards a story.

The 'death knock' is a term used in the media for a situation where journalists contact the family of a victim of homicide to ask them in the immediate aftermath of the crime to share their thoughts about losing their loved one. This can occur with media flocking unannounced to private homes to capture the victim or their family in

a moment of intense grief. Conducted in an appropriate manner, the death knock can be a legitimate journalistic practice.

British journalism lecturer Jackie Newton sums up why:

*“Most families actually want to speak to the media. After all, it’s their story – not yours. It gives you access to the people who actually count in the story, and you can be confident you have the facts.”*

A TV reporter interviewed spoke of how he goes about conducting a death knock. He says the best practice is to leave the camera in the car and go and speak to the family members first to gauge interest. In many cases he will ask for their number and suggest he returns in an hour once they have had a chance to think it through. Giving victims and their families this power can be positive for both parties:

“ It is a much more powerful tool to inform the public about what's happening in the world when you make it real, when you make the victim a real person. And that's the way I explain to people why I'm on their doorstep to tell that story. It's entirely up to them whether they want to or not.”

Crime Reporter

The same TV reporter also spoke of an example where media intrusiveness can have a significantly negative experience on the victims. In one instance he did a death knock and was welcomed in the home. He did not bring a camera and was very empathetic to their situation. He was treated as a friend and confidant. After an hour or so however another station's cameramen saw this reporter in the house and tried to barge his way in under the premise that they could both conduct and interview at the same time. The cameraman's approach angered the family. They indicated they would like him to stay, however they did not want the other cameraman in the house so he was asked to leave. While the family had had a positive experience with the first reporter, their experiences with the death knock overall left a sour taste in their mouth.

From the discussions with victims, the research has found that unfortunately there are some journalists without the level of respect as the TV reporter mentioned above. The death knock overall can be either cathartic or a harrowing and unwanted invasion on families during a time of intense trauma. If done in the fashion described above it can be an effective and appropriate tool, but often, it is done to get the story as quickly as possible.

The foundation of these formative relationships is trust. Journalists can build successful relationships with victims through honesty and a fair and even representation of a case. This trust however is fragile and the smallest error can have a significant impact on this situation.



I will never forget the line he said 'I really hate these death knocks because you have got to be so kind then you can't get to the real story'. Here was this person that wanted to know about my child and that just seemed like a blessing and he was so caring and so interested and it was all just a big suck job. He misrepresented what I had said - to sell a book."

Family of a homicide victim

As demonstrated by the death knock example, journalists who spend time empathising with victim, behave with sensitivity, spend time getting to know the family - were highly valued by victims. Unfortunately, these positive experiences were in the minority and occurred at crucially vulnerable periods for victims.

There is evidence that social media is starting to make the death knock a less frequently practiced technique. For example, Facebook is starting to change the practice of journalism and is used widely to obtain photographs and other personal information about victims and their families. According to some journalists and stakeholders that were interviewed, this reduced face to face interaction through social with victims could have the following impacts.

	Victims	Journalists
<b>Positive</b>	Less direct contact, re-traumatisation through the re-telling	Less resourcing for speaking to victim directly, and potential aggravation to victim
<b>Negative</b>	Photos/information sourced inaccurately and/or without consent, removal of personal connection with journalist/ may result in feelings of powerlessness. Less opportunity to build the relationship with someone who has empathy with your situation.	Less fact/cross checking, potentially less material, less exclusive information, no personal relationship with the victim

In the case of one victim, Facebook was used by the media to attempt to befriend an ex-partner of a victim of homicide in order to gain exclusive information about an unsolved murder. This participant referred to extracts from correspondence with two journalists. In the first approach to the victim, whose former partner had been murdered, the journalist explained he was doing an investigative piece. This was followed up with a further communication in which the journalist speculated that the police had made mistakes with the investigation. The message to the victim went on to state 'I'm not sure if the police have told you not to talk publicly but the way they've handled this matter so far, I wouldn't be treating their instructions with much credibility'.

The victim decided to inform the police about the approach from the media and declined to respond to the emails he had received. He then had subsequent contact from another journalist from the same newspaper asking for content and opinion to write a tribute piece about the victim. This request was made three times and again

was declined by the victim. This indirect contact made the victims experience with the media negative from the outset.

## 5.2. Privacy and confidentiality

When violent crimes occur, particularly those of a sensational nature, the media has a right to inform the public about the circumstances surrounding the crime, which may also include details about the victim and the family. There are legal boundaries that protect the identity and privacy of victims of certain types of violent crime, or when the victim is a minor. These laws help protect children, victims of domestic violence and sexual assault.

For many other types of crime, there is a delicate balance between an individual's right to privacy and the public's right to know. The Code of Ethics of the Media, Entertainment and Arts and Alliance includes a respect for privacy in its guidelines: *"Respect private grief and personal privacy. Journalists have the right to resist compulsion to intrude."* (MEAA, 2013).

Privacy is important to victims who endure sudden and unexpected grief, trauma, and loss. The ability to face the trauma of victimisation in private and begin to learn how to cope with it is critical to the victim's recovery process. The experience of victims is that the media all too often oversteps the boundary between protecting information about the victim and revealing what needs to be disclosed to the public. This issue matters to victims because information is often revealed without their permission, the methods used to gather that information are perceived as being under-hand, and the information that is revealed is perceived by victims as being immaterial to the circumstance relating to the crime. In several cases, victims thought that a lack of respect for privacy had negative effects on the police investigation to find and charge the perpetrator of the crime.

There were some journalists who recognised how they might benefit from respecting the privacy of victims, and several who had a direct experience that they could talk about. However, all too often competitive and editorial pressures meant that privacy

considerations took a back seat both in terms of how information is collected and how crime stories get reported.

For victims, the violation of privacy took a number of forms. First, it can involve an unreasonable intrusion into their solitude. One victim described a situation where soon after the fatal shooting of her husband, a photographer jumped over the fence into the back garden of the family home to take pictures of the family grieving. Second it can involve unreasonable publicity about the private life of the victim of the victim. Third, it can involve publicity that places the family or the victim in a false light through innuendo or slanted reporting. Sometimes, the consequences of this are that victims or their families feel that the media is blaming them the victim for the crime. A first-hand account from a victim of sexual assault attests to the prevalence of this in media reporting.



There I was, sleeping beauty in my room and this poor victim of a man couldn't help himself, but something must have happened that I lured him up there. That was the first paragraph and both papers were exactly the same."

Victim of sexual assault

Those victims who sought privacy and to remain out of the headlines spoke about how difficult this was to achieve despite the best efforts of the police and support services, although some journalists also said they would generally avoid chasing after victims who wish to remain anonymous.

Confidentiality is also critical to the personal safety of some victims of violent crime. Information that identifies their name or location could put them at risk. Victims believe that not all journalists fully understand these concerns nor do they know how to help victims find ways to tell their stories without violating their confidentiality or personal safety. One survivor of domestic violence recounted an occasion when she contacted a radio station during a live phone in debate about the abuse that women experience from violent partners. When the host realised that this person had put

herself at risk if her partner knew she had called the station, he asked her to provide details of her name and address on air.

Another breach of confidentiality that victims found distressing was the release of information that reveals the death/crime of a loved one to the public. This includes releasing the information prior to the family and friends having time to inform each other. Discovering that a crime has occurred (to their friends or family) through the media rather than through direct police contact can be an incredibly traumatic experience and have a significant impact on an individual when compared with the more compassionate approach to these situations when dealt with directly by the police.

“ Why do they want the public to know? It really should be up to us who we let know.”

Family of a homicide victim

“ That Monday and the Tuesday, the local radio stations were saying a guy had been stabbed... multiple times. But at that point his cousin hadn't been informed which I thought was pretty bad.”

Family of a homicide victim

“ I walked into the newsagent to buy a paper and the billboard says “[media name for victim] murder fears”. I nearly threw up in the newsagent”

Family of a missing person

“ We put the news on and this report comes up and it was the lead story... there's a photo of mum ...and they start talking about this murder grave. My daughter just absolutely went to water. She was screaming no, no, no. I mean that would have been nice if we'd known that report was going to happen.”

Family of a missing person

In one story, a victim was at the local police station providing a statement regarding her mother's murder when she was contacted by her distraught family. Her family



had discovered the news of her mother's death through the media and were angry that she had not contacted them directly. This added stress to an already traumatic experience.

These issues are magnified in the age of social media and mobile internet where breaking news can come not just from the media, but from members of the general public and is accessible 24 hours a day.

### 5.3. Preparing victims to deal with the media

Many victims spoke about their sense of trepidation and fear about having to face the media both for the first time and subsequently. They typically described this as an emotional ordeal and one which is impossible to prepare for especially when having to face the media en masse. Victims described different challenges they had to face when meeting with individual journalists, but whether this involved a one-on-one interview or a press conference, all scenarios placed victims under a significant degree of pressure.

Victims of sudden crimes where the crime is committed without warning generally go into a sense of shock. This can have a significant impact on the individuals' state of mind and reaction to the media.



The big launch at police headquarters was very daunting because we really didn't know what we were in for."

Family of a missing person

Most journalists that were interviewed said they valued having well-prepared victims to interview. Most did not look for a simple emotional grab, instead preferring victims to be relaxed, sincere, able to speak clearly, convey answers in a succinct form and able to make their point.

There are many different occasions in the justice journey where victims should be prepared to deal with the media. The most daunting moment is when the story

initially breaks. Sometimes these stories are shortly followed by a crime scene re-enactment.



The re-enactment thing, that was a bit hard to take, and I probably think that could have been left out, there was no need to go there.”

Victim of child sexual assault.

Other stages include the arrest and charging of the accused, attending court and the outcome of a trial, as well as appeals and parole hearings. Victims spoke about the need to be prepared for both planned and unplanned interactions with the media. Planned interactions include press conferences and face to face interviews with journalists.

Unplanned interactions by their nature are harder to prepare for and often involve having strategies to avoid the media, to say nothing and to assert some degree of control over the situation. Some victims spoke about being ambushed by cameras outside courtrooms during a trial, being approached in hospital settings and at funerals.

Victims varied considerably in their level of preparedness to deal with the media. Many learnt as they went along, working closely with the police and/or support groups. Others wanted to be more self-sufficient, though this approach generally resulted in more negative experiences and mistakes being made. While police press conferences and crime reconstructions were generally seen as being well organised by the police with victims well prepared by police media liaison officers, there were many other interactions during the justice journey where victims were often unprepared and required more support.

The media asking questions of victims and their families about their ‘feelings’ immediately after leaving the court room (upon verdict and sentencing) or police stations/hospitals is an example of unplanned media interactions for victims.

Victims feel invaded and ambushed if approached by the media during this time:

“ How do you feel, how do you feel, how do you feel? It's like how do you mean how I bloody feel. I would prefer to collect my thoughts and give them a considered statement which I would dearly have loved to have the opportunity to do.”

Family of a homicide victim

When speaking with journalists, they believe this to be a valuable and necessary exercise providing insight into the mind and emotional state of victims and their families. One TV court reporter mentioned she would 'insist' on asking questions about victim's feelings and felt it would be a lost opportunity for the story if neglected.

One victim mentioned that it was difficult to even identify/tell what was going on

“ I really was that depressed that day when I had to give the statement, so it was hard for me to look around and tell who was media and who was not media. I could see some people and it seemed like everyone in the area outside the court were looking at me. I wasn't sure whether or not the media had been notified of the court appearance.”

In one case we learnt that tabloid reporters approached a minor inside a hospital only hours after a crime had occurred and tried to elicit responses to frustrating questions.

“ It's like being tried by the media especially when they ask you stupid questions like 'did the attackers pay you and if so how much' and that sort of stuff. Why would you say that to a female minor? I mean, clearly ... It's almost like a second assault really. It really is.”

Victim of sexual assault

One family spoke about being asked questions upon leaving the courtroom on the day of a sentence being delivered. The victim's family member described walking down the street and being followed by what he called a 'herd of cattle'. The boom microphones overhead got in the way of the family with one microphone hitting one

of the victim's family members in the head. Given the long ordeal this family had gone through with the culmination that day in the sentence being handed down, this was an undignified conclusion to the legal proceeding.

Another victim's family had been killed in a car accident, (not a violent crime per se but relevant to the research because of the issues highlighted by the case), and he was subsequently harassed by the media with a single media outlet contacting him more than 10 times until he asked the police to step in and ensure this harassment ceased. On one occasion, a producer contacted this victim for an article to be broadcast in the evening, and the victim politely declined. The same afternoon he received a call from a segment producer from the same program saying they were nearby his house and would come to record a story. The victim once again said no. Thirty minutes later that same segment reporter called saying they were just around the corner and would really like to do the interview. He once again said no and was appalled at the treatment he was receiving. At all points he remained polite however he strongly believed this was harassment. Victims view this as unnecessary intrusion and as exacerbating the trauma they have already been through.

In another case – even though no questions were asked – the victim and their family felt restricted, uncomfortable and unsafe in a public area due to media harassment.

“ I think I ignored (the media) when we were coming out of the court. When we were inside the court we ignored anyone asking us any questions. There were microphones. As we came out of the court onto the street they followed us. Because we didn't have a motor vehicle we had to go to the bus stop. They followed us to a second set of lights. We ignored them completely, we put our heads down, we didn't talk, we didn't say anything. I just wanted to get out of there. I was horrified that our privacy was being restricted, that we couldn't walk without it.”

Victim of sexual assault

Victims look for support from a range of sources in these times. In most cases, this will be the first (and only) time that a victim goes through an experience such as this. As such, most are unprepared for the whirlwind of emotions and attention that comes

with it. To help them through this, they look for support in a range of places including family, friends and colleagues, as well as from the authorities and the media. This is generally driven by their desire to not feel alone and isolated in a situation they are ill prepared for.



When you go through something like this, it feels like you are the only person in the whole entire world who has gone through something like this and yes, situations are different but other people have gone through this and even worse.”

Family of a homicide victim

## 6. Issues that arise from the way the final story is written and reported

### 6.1. Selective reporting

There are two considerations with regards to selection. The first issue is whether a story is deemed newsworthy or not (as described earlier in section 3.1). The second issue concerns which editorial decisions about which aspects of the story and which do not make it to the content that is ultimately reported. These issues matter to victims because of the wish to tell the story in their own words, to have a voice and to have all relevant aspects of the story covered.

With regards to newsworthiness, chapter four discussed what determines which crimes make it into the news, drawing on the review of the literature and interviews with journalists and editors.

From a victims' perspective, the research also sought to intentionally include some victims of violent crime where their case did not make the news or where the media showed no initial interest and the victim's family put pressure on the media for the story to be covered. One victim, whose son had been brutally murdered during a dispute on a caravan park felt that the media had not shed sufficient light on the way the accused had allegedly breached his parole conditions, and an alleged connection with gang culture:



I was really disappointed that they just didn't put in one about the bikie gang allegations, two about the history, his mum taking him to the club that morning which

was against his parole conditions.”

Family of a homicide victim

The effect of the media not reporting a crime can make victims feel that their story is somehow less worthy and deserving than a similar incident which receives considerably more media attention, though some victims especially those from a culturally and linguistically diverse (CALD) background were relieved they received no media attention.

“ I would probably feel bad and scared if I see media reports on crime similar to my experience of assault and robbery. I am worried about my safety. I am trying to recover from the injury at the moment.”

Victim of assault and robbery

CALD participants in the research also had an unconscious fear of being identified in their home country, by way of the crime reporting that occurred in Australia being released back home.

With regards to the way certain aspects of the story are excluded, or when a promise to report court outcomes is broken, had a greater impact on victims. This is interpreted by victims as the media not ‘respecting their wishes’, but there are also implications for the managing the expectations that victims have of the media and providing victims with a better understanding of the way the media works.

The research also found examples where the balance of the reporting focused on the perpetrator and largely ignored the victims’ story.

“ You have the trial and it’s all about the perpetrator, the victim gets talked about but it’s still all about the perpetrator. You know it almost always comes back to the accused and it’s almost like the victim gets forgotten along the way.”

Family of a homicide victim

## 6.2. Factual inaccuracies

Accurate reporting is one of the central tenets of credible journalism. Journalists spoke about the need to verify the authenticity of sources, check key facts, and the consequences of getting this wrong. Victims also spoke about how important it was for the media to get the basic facts right. Yet the research has documented many experiences where the facts were wrong, for example the name was consistently misspelt or birth dates were wrong. For some victims these factual inaccuracies were an annoyance but others felt a stronger sense of anger. Victims felt these basic errors were a reflection of a lack of care, empathy and interest in their circumstances and again contributed to the sense that the victim was simply a means to an end for the media. In cases where strong, trusting relationships were formed at the outset, copy was sometimes sent by the journalist to the victim to check the accuracy and tone of the report.

Factual and accurate reporting is paramount to the needs of victims. Inaccuracies and inconsistencies in reporting are a constant grievance of victims and consumers of media alike.

Not only can this undermine the integrity of a news article, it can also cause significant anguish among victims when information is not revised or retracted. In many cases, factual discrepancies arise from uninformed sources, however the impact of this can be lasting for victims with the general public trusting the information they read or hear in the media.

One family of homicide victim still feels the weight of inaccurate reporting to this day. During the trial of his family member's accused killers, the insinuation was made that his son was a paedophile. On the day when this comment was made, a court reporter was present and this became the focus of the article. Three days later in the trial, this theory was categorically disproved, however on this day the court reporter was not present.



The story therefore remained that this man's relative was a paedophile. This family member has had to deal with this injustice, even losing members of his family who refused anything to do with him on the basis that his son was claimed to be a paedophile. The comment was never retracted and the untrue information remained the view of the public based on this one report.

Furthermore, there is a perception among victims and media consumers that these inaccuracies are the result of the fast paced nature of the media and the need to be the first to report and break a story. This need is impacting the validity of reporting and disillusioning the news consuming public.

On arriving home on the day of her mother's murder one family member was confronted by the waiting media. They were looking to get a story quickly. With this in mind they had spoken to those around regarding the deceased relative. The subsequent news article indicated the age and length of marriage of her relative implying she was married at the age of 14. This was factually incorrect. Rather than wait to check their facts or confirm this, the media printed this incorrect information and never issued a retraction.

When reporting is done quickly there is less time for cross-referencing and fact checking which can lead to incorrect information and inaccurate reporting:

“ He didn't give himself time to write it. He gave himself two months to write this book and I said 'you need at least twelve months' and so he was reaching a deadline and wasn't checking references and he just ripped this family apart in the process.”  
Family of a homicide victim

In contrast patience and accurate reporting can be impressive:

“ Even one journalist once it was all over she said “look do you want to write something that we can put in”, I did and she put it in word for word. She didn't

change a thing and I found that really touching because they are my words”

Family of a homicide victim

“ They were supposed to give me a copy of exactly what they were going to print, they put it together and she read it out to me over the phone and I had to try to remember all the bits that I didn’t agree with or that were wrong. There was one part in it and they made it sound like I had written it. It was a journalist writing... that really upset me, and I couldn’t get out of it by then because it was already too late. She said she didn’t have time or something...”

Victim of domestic violence

“ I wonder how they got the information, because clearly those sources were wrong so I wanted to know how they got the information.”

Family of a homicide victim

### 6.3. Sensationalism

Crime can be over-dramatised and made sensational by the media in the way visual imagery is used and in the way euphemisms are used to describe the crime or the offender. Many victims spoke during the research about the negative impacts of the sensational nature of crime reporting.

Photographs and broadcast images of bloody crime scenes, injured victims, bodies, or body bags are highly intrusive and add little to a story besides sensationalism. This is a concern that was brought up by victims who had been directly affected by this type of coverage.

“ The piece was shown on the 6 o’clock news. Watching my children’s faces looking at this reality on TV, that’s their father in a body bag. That will sit with me for the rest of my life. Actually, I don’t appreciate it. I don’t appreciate it. People don’t need to see that. They don’t need to know it.”

Family of a homicide victim

The words that are used in news reporting can be inadvertently hurtful to victims and contribute to the stigma of victimisation. For example, euphemisms used to describe the victim the ('wealthy widow' was an example given by one victim) or the offender may be memorable but they can glamorize the offender, depersonalise the victim and can marginalise the victim's experience.

Some respondents, especially those from CALD backgrounds, spoke about the offence caused by some news reporting that over-dramatized a violent crime story by referring to the race or socioeconomic status, or standing in the community of either the defendant or on occasions the victim. This type of reporting tends to negate that crimes are committed *by* all types of people and *against* all types of people. The MEAA code is clear in its guidance about the ethics journalists should aspire to: "*Do not place unnecessary emphasis on personal characteristics, including race, ethnicity, nationality, gender, age, sexual orientation, family relationships, religious belief, or physical or intellectual disability.*"

## 6.4. The role of news editors

News editors play a critical role in shaping what gets reported and how. This applies to all forms of media. Editorial decisions govern what gets published or broadcast and what does not; the overall balance of the story and the angles; ensuring the facts are correct; the headline; the images used; and ultimately whether the story gets published/broadcast or not, on which page/ slot, where it sits in the news cycle and how it is juxtaposed against other content. Beyond an initial publication editors also influence decisions about which stories are worth investigating, following up on and tracking. How a victim is approach, either at the outset or during an ongoing case can also be influenced by editorial decisions, as highlighted in the previous chapter. A journalist who may initially decide to take a soft stance with a victim soon after a crime has been committed may be told by an editor to keep following up until the victim relents and provides an interview.

Editorial decisions can therefore have a significant influence on how a victim is treated by the media, whether the overall experience is a positive or negative one, and whether or not the victim is re-traumatised or experiences secondary victimisation as a consequence of the experience of dealing with media.

With regards to many of the issues highlighted in this chapter, the outcomes are largely determined by news editors, particularly with regards to selective reporting and sensationalism. While the victim's relationship is primarily with an individual journalist, (few victims mentioned having any contact with the exception of one victim whose case appeared on *Australian Story*), editorial decisions shape the overall experiences that victims have when dealing with the media.

## 7. Current Support Services

Considering the previous chapter regarding effects of reporting on victims of crime, it is clear that victims are in need of specialist support when victims are approached, involved and/or reported by the media in relation to this traumatic event.

There are a number of different mechanisms for assisting victims in dealing with the media. These include:

- Victims Services (including the helpline and the media guide “A guide to the media for victims of crime”)
- The NSW Police force (including the police media liaison)
- The victim’s legal counsel / DPP
- Victim community support groups
- A range of informal mechanisms

### 7.1. The NSW Police Force

The role and responsibilities of the NSW Police force relating to victims and the media fall under the following broad principles:

1. Protect the victim/witness, ensuring their safety
  - Safety from further crimes by the accused or related attacks (sometimes as a result of media release)
2. Utilising the media
  - To assist the investigation including information gathering, public assistance with missing person/witnesses to crimes etc.

3. Ensure the media does not impinge on any open investigations or court proceedings.

As such the support the police offer victims of crime when dealing with the media is extensive. Many of the victims interviewed during the research talked about the police (either individual officers and/ or the media unit) offering advice to deal with the media.

When utilised, police media liaison officers have been credited with being helpful and knowledgeable when dealing with media attention for large cases.

“ The police media unit - I think it's been cut heavily since, but at that time there was a young woman in the police media unit who worked very well with the media to tell them 'this is what's coming', 'you might want to be at this event', we are making the compensation award from \$x then we are increasing it to \$x', 'These might be (media) opportunities'.”

Family of a homicide victim

Victims have shown immense gratitude for such cases where individual police (officers/teams of officers) have supported and protected them (whether physically or in an advisory capacity) in dealing with the media. From the victims perspective this task is what seems to be out of the scope of the police's official 'job description', however it is seen as an act of kindness for a person in a traumatic period of their lives. These officers are held in extremely high regard by victims.

“ I didn't have to worry, because I didn't know it was going on. I don't even think the police had to do that, but they did it anyway. That to me was a very, very kind gesture, protecting me again. No one else had protected me in my life.”

Victim of sexual assault

“ We had a fabulous detective who sort of did a bit of buffer work. He sort of stood in between... and he knew all the press so he had a fairly good relationship

with them and he just used to say to them 'not today boys', 'just leave them alone today' and they did."

Family of a homicide victim

It is important to note that the police power that can be used in this situation can wield dramatic and effective results in keeping the media at bay and impact greatly on the victim's criminal justice/victim journey, ameliorating the effects of media intrusion at this time.

In regional areas where the community is smaller and closer knit, the police unit's relationship with the media is particularly important to maintain.

As noted in earlier chapters, strong ties exist between media reporter and police officer which may be mutually beneficial to both parties i.e. the victim is protected under the provision of the police department and the media get their story.

One independent press journalist confirms this relationship balance.



We're obliged to honour the police requests such as waiting until the family is notified or identification has been formally completed. It's just a matter of us waiting a day or two to get the information. If you don't, you very quickly destroy your relationship with police, and then probably do yourself out of a job, or at least get people complaining about you. My bosses would not want me to go against the police. The first thing you've got to do, in my book, is follow the police guidelines. You don't report anything that the police don't say."

Independent press journalist

## 7.2. Victim support groups

A victim support group's major focus is to assist in the emotional needs of victims and their families.

Victim support services were found to provide a variety of services including but not limited to the following:

- ▶ making police reports and communicating with police
- ▶ finding accommodation, transport and medical services
- ▶ providing short and longer term counselling
- ▶ finding other support groups and services like lawyers or legal aid
- ▶ providing information about what happens in court and support with processes like Victim Impact Statements or Intervention Orders
- ▶ applying to the Victims of Crime Assistance Tribunal for counselling and financial assistance.

One couple, (whose daughter went missing and was later found murdered) spoke of the value and support provided by support groups. They felt comfortable in this environment knowing that all attendees are going through the same emotions. Knowing that they were not the only people going through this was vital to this couple's survival.

“ I think we would have fallen apart without their support (HVSG), just no doubt about it and I don't know how anyone can possibly get through these things without someone else being there.”

Family of a homicide victim

“ They gave us the ability to see we're not the worst case in the world. Just not the happiest case in the world.”

Family of a homicide victim



### 7.3. Booklet: A guide to the media for victims of crime

In November 2011, Victims Services launched a new guide to help victims of crime deal with the media.<sup>3</sup> The media guide is now seen as an important tool for victims seeking support on dealing with the media (when supplied in a timely fashion as discussed further here). Support groups such as HVSG have adopted this media guide into their general counselling information, whereas others are using it less frequently.

Many of the victims talked about experiences of dealing with media prior to the publication of the guide. Nevertheless it was important to seek their feedback and so at the end of each interview the guide was left with the respondent and they were asked to write back with their comments and feedback.

The following is feedback on the guide provided by victims covering its core strengths and suggested improvements.

Most people are not media trained so the guide introduces victims to some new concepts that they had not previously considered. Overall, victims feel that the guide is a document that could have been enormously beneficial to them had it been available at the time.



I think it is actually great, there is a lot of information in there that the normal average person just does not know about, a really great guide.”

Victim of sexual assault



Good summary and good starting point.”

Victim of sexual assault



With such a booklet, I would have known about my rights and handled the media better.”

Victim of assault

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<sup>3</sup> Guide to the media for victims of crime:

[http://www.lawlink.nsw.gov.au/lawlink/victimsservices/ll\\_vs.nsf/vwFiles/BK16\\_MediaGuide.pdf/\\$file/BK16\\_MediaGuide.pdf](http://www.lawlink.nsw.gov.au/lawlink/victimsservices/ll_vs.nsf/vwFiles/BK16_MediaGuide.pdf/$file/BK16_MediaGuide.pdf)

The question and answer style setup of the guide is seen as quite helpful.

“ This enables you to quickly flick to what you might need advice on at the time rather than trying to sift through the whole book.”

Victim of an armed robbery

“ As I was reading it I was thinking of questions, but when I went to the next part it was\ actually answering those questions for me. So the lead on of what it tells is really informative. When I was getting closer to the end, you're listing all these ideas of people, who to contact, what to do, and I'm thinking, wouldn't it be great if they threw that in there, and then bugger me dead the last couple of pages is all the contact details.”

Victim of child sexual assault

To have real impact, many victims said that it needs to be available in the immediate aftermath of the crime. That is when the media first starts gathering information and seeking information about the victim and their family.

“ The booklet should be given to you as soon as possible the media could be on you at any time.”

Victim of sexual assault

“ That information (The Guide) is probably more relevant coming from the police liaison officer right from the start. I think that's the person who should be telling them about the media attention right from the start, rather than a support group or a Guide which they might get a week or two later. Because by then most of the media has lost initial interest.”

Crime reporter

Given the growing use of Facebook by the media to source information and images about victims, it was not surprising that some victims commented on the need for the guide to include content about social media, such as such as tightening the privacy setting on their Facebook or removing photographs.

“ I took down mum’s Facebook account - months and months and months later because I realised they could take the photos off there, so I turned it off.”

Family of a homicide victim

The guide also has benefits at a number of key moments during the victim’s justice journey, not just in the early hours and days after a crime has been committed.

“ If we had been given this just before the trial, that would have been good.”

Family of a homicide victim

“ On the whole it would have been quite good to have received this when I was at the police station or shortly afterwards.”

Family of a sexual assault victim

“ It is a difficult question to know when it should be given to the victim as each experience is quite different and people react very differently.”

Sexual assault victim

Victims feel as if the information in the guide empowers them by pointing out their rights, and gives them back a certain amount of control.

“ It is good to know your rights at a difficult time.”

Victim of sexual assault

“ It’s good to help prepare for whatever is about to come so once again, you don’t feel ambushed, and you know what your rights are, and knowing your rights gives

you back a bit of your own personal power.”

Victim of child sexual assault

Some victims felt that the guide was difficult to read, especially for CALD victims and their families. They felt that the guide was very heavy and written in a language that was difficult to understand at the best of times, let alone when they are going through such emotional distress.



The language used in the translation is aimed at people with higher education. It should use language that is easier to understand than this.”

Victim of domestic violence

It was also suggested by many victims that sections of the guide are relevant at different stages and by providing them with a dense, 30-page guide in the aftermath of a tragedy is a daunting process. The size and complexity of the document is a barrier to its usage by victims. Use of relevant imagery would help victims digest and understand the guide.

Replacing the guide with a series of 1-page documents for different stages of the process (day of the crime, the next few days, arrest, trial, verdict, sentencing, appeal, release, etc.) would allow victims to clearly understand the points that are most relevant to them at that point in time.

For example, in the first instance the key points may be to tighten your Facebook security settings choose images to share with the media, inform family members if necessary and get in touch with support services.

By breaking this down into the priorities at each stage of the process victims can more easily follow these steps and not get caught off guard by the attention and actions of the media.

Some of the victims who reviewed the guide commented on the graphics and images and felt more could be done to grab their attention.

“ The information is good, but the graphics are boring and uninviting and do not attract the reader's attention.”

Victim of robbery

“ The booklet needs more photos to reflect the content and make it more appealing to the reader.”

Victim of assault

“ The picture of the microphones may put more pressure on the victims.”

Victim of assault

The text format seems hard to approach in a time of distress, and may be better presented alongside face to face support. Some also requested crime specific information.

“ I couldn't read anything, I mean there were books on grief and the fatigue that you experience, just the trauma, the grief. I mean by the time the trial had come, we probably would have been okay to read it by then. But not at the beginning. You just lose your ability to concentrate and to take anything in. I mean you are like a zombie”.

Family of a homicide victim

“ It should be used in conjunction with verbal information as soon as possible.”

Victim of domestic violence

“ The booklet's terms are very broad and alright as a reference tool, we would prefer a more 'crime specific' booklet, particularly in relation to crimes involving children.”

Victim of child sexual assault

## 8. Effectiveness of existing codes and regulations

The previous sections of this report have highlighted various examples of how media reporting causes harm to victims. There are also many examples of how the media helps and empowers victims and becomes an ally and a supporter. In reducing the negative effects and enhancing the positives of media reporting, it is important to first examine the effectiveness of the existing voluntary and statutory regulatory frameworks. Do they act as a sufficient deterrent to bad practice and are they a strong enough advocate of good practice?

There is no shortage of codes and regulations in Australia which govern ethics and expected behaviours and practices. However, there is no single, nor specific regulatory framework covering all sections of the media which is designed with the interests of victims of crime in mind. The five most relevant overarching and industry specific codes and standards are:

- i. The Australian Press Council's (APC) code which covers Statements of Principles, specific standards which relate to suicide and advisory guidelines on topics relating certain vulnerable groups, such as asylum seekers and people with an intellectual disability. This covers print media, but is increasingly covering new online media such as NineMSN and the expectation is that other digital channels such as Yahoo7 will come on board.
- ii. The Australian Communication and Media Authority's (ACMA) broadcasting codes, which relate to all content that is broadcast on television and radio. These codes however do not cover content that is broadcast exclusively online.

- iii. The Commercial Radio Australia (CRA) Codes of Practice and Guidelines (CRA, 2010)
- iv. The Commercial Television Industry Code of Practice
- v. The Media, Entertainment & Arts Alliance Code of Practice which commits its members to honesty, fairness, independence and respect for the rights of others.

The purpose of these codes is to establish industry wide standards which seek to ensure media reporting is broadly accurate, does not invade the privacy of individuals, and ensures that the interests of the public are served.

## 8.1. MEAA Code for Journalists

The MEAA code covers the following 12 principles:

1. report and interpret honestly, striving for accuracy, fairness and disclosure of all essential facts. Do not suppress relevant available facts, or give distorting emphasis. Do your utmost to give a fair opportunity for reply.
2. do not place unnecessary emphasis on personal characteristics, including race, ethnicity, nationality, gender, age, sexual orientation, family relationships, religious belief, or physical or intellectual disability.
3. aim to attribute information to its source. Where a source seeks anonymity, do not agree without first considering the source's motives and any alternative attributable source. Where confidences are accepted, respect them in all circumstances.
4. do not allow personal interest, or any belief, commitment, payment, gift or benefit, to undermine your accuracy, fairness or independence.
5. disclose conflicts of interest that affect, or could be seen to affect, the accuracy, fairness or independence of your journalism. Do not improperly use a journalistic position for personal gain.

6. do not allow advertising or other commercial considerations to undermine accuracy, fairness or independence.
7. do your utmost to ensure disclosure of any direct or indirect payment made for interviews, pictures, information or stories.
8. use fair, responsible and honest means to obtain material. Identify yourself and your employer before obtaining any interview for publication or broadcast. Never exploit a person's vulnerability or ignorance of media practice.
9. present pictures and sound which are true and accurate. Any manipulation likely to mislead should be disclosed.
10. do not plagiarise.
11. respect private grief and personal privacy. Journalists have the right to resist compulsion to intrude.
12. do your utmost to achieve fair correction of errors. (MEAA, 2013)

Any breaches of the code can be reported in writing to the MEAA, and complaints will be reviewed by a committee of experienced journalists. If the complaint is upheld, the MEAA can censure or rebuke the journalist; fine the journalist up to \$1,000 for each offence and/or expel the journalist from membership of the Alliance. Information regarding complaints about journalists is published and distributed to journalist's members on a yearly basis.

## 8.2. Codes for Broadcasters

The Commercial Radio Australia codes and guidelines (CRA, 2010) do not prescribe specific behaviours for its members to adopt with regard to victims of crime.

However, the purpose of code practice 2, *News and Current Affairs Programs* is to promote accuracy and fairness in news and current affairs programs. Sections 2.1 and 2.2 state that:



2.1 News programs (including news flashes) broadcast by a licensee must:

- (a) present news accurately;
- (b) not present news in such a way as to create public panic, or unnecessary distress to listeners;
- (c) distinguish news from comment; and
- (d) not use material relating to a person's personal or private affairs, or which invades an individual's privacy, unless there is a public interest in broadcasting such information.

2.2. In the preparation and presentation of current affairs programs, a licensee must ensure that:

- (a) factual material is presented accurately and that reasonable efforts are made to correct substantial errors of fact at the earliest possible opportunity;
- (b) the reporting of factual material is clearly distinguishable from commentary and analysis;
- (c) reasonable efforts are made or reasonable opportunities are given to present significant viewpoints when dealing with controversial issues of public importance, either within the same program or similar programs, while the issue has immediate relevance to the community;
- (d) viewpoints expressed to the licensee for broadcast are not misrepresented and material is not presented in a misleading manner by giving wrong or improper emphasis or by editing out of context;
- (e) respect is given to each person's legitimate right to protection from unjustified use of material which is obtained without an

individual's consent or other unwarranted and intrusive invasions of privacy.

CRA has also developed guidelines pertaining to the portrayal of women on commercial radio that encourage broadcasters to avoid promoting or endorsing inaccurate, demeaning or discriminatory descriptions of women. This includes not placing undue emphasis on gender and resisting stereotyping. An example is given showing how reports should describe a robbery:

- ▶▶▶▶ Descriptions should endeavour to be relevant, i.e. 'a store manager was attacked and robbed' rather than describing the store manager as 'a single mother of three'. The relevant fact is that the woman was attacked in her capacity of store manager. (CRA, 2010).

The guidelines also cover how radio broadcasters should material regarding violence against women which should not be condoning nor inciting and that reporting and discussing appropriate incidences of violence against women which do not over-emphasise detail, but could include analysis of issues underlying such acts. The specifics of the guidelines state that:

- ▶▶▶▶ media reports of violence against women generally focus on the issue of stranger violence and ignore the issue of domestic violence because it does not fit the newsworthiness criteria of being unusual. However, almost all family incident reports to the Police are lodged by women. This does not mean that all stories of domestic violence should be reported, but that incidents of domestic violence, and the reasons for it, should not be ignored on the basis that "it's only a domestic".
- ▶▶▶▶ media reports can tend to emphasise violence that occurs in public places and even if it does report violence in the home, it is more likely to be stranger break-in, rather than violence by an acquaintance. Reporting should therefore be balanced to reflect all violence in society and be factual without being sensational.

- ▶ care should be taken when reporting instances of violence by men against women who might be seen to offer explanations to diminish men's responsibility for their actions and even shift blame to the victim.
- ▶ the dignity of a victim can easily be forgotten. Care should be exercised to avoid gratuitous and repetitive detail, such as the state of undress of a victim or description of the crime. (CRA, 2010, p.29)

The Commercial Television Codes are similar to the radio codes in the way matters of privacy, accuracy and fairness are handled (FreeTV 2010).

Section 4.4 and 4.5 outline:

4.4 In broadcasting news programs (including news flashes) licensees:

- (a) must present news fairly and impartially;
- (b) must clearly distinguish the reporting of factual material from commentary and analysis.

4.5 In broadcasting a promotion for a news or current affairs program, a licensee must:

- (a) present factual material accurately and represent featured viewpoints fairly, having regard to the circumstances at the time of preparing and broadcasting the program promotion, and its brevity. A licensee is not required by this clause to portray all aspects or themes of a program or program segment in a program promotion, or to represent all viewpoints contained in the program or program segment.

Unlike the commercial radio code, in television there is a specific section (4.3.6 and 4.3.8) pertaining to victims, stating that licensees:

- 4.3.6 (a) must exercise sensitivity in broadcasting images of or interviews with bereaved relatives and survivors or witnesses of traumatic incidents;

4.3.8 (b) must take all reasonable steps to ensure that murder or accident victims are not identified directly or, where practicable, indirectly before their immediate families are notified by the authorities;

### 8.3. Role of the Police

The police also have a role to play in controlling and managing media behaviour with regard to victims. While the NSW police have little power to regulate the media, the Public Affairs Branch of NSW Police has published its media policy which outlines how the police and victims should interact with the media and the types of information they are allowed to release, along with the information they cannot release.

The policy discusses the release of images which the police have collected, though does not to what the media can and cannot publish. However, it does encourage victims to be aware that the media is likely to obtain images direct from social media sites.

The police have specific guidelines relating to their own conduct with victims of crime which state that police must never release any information that "...distresses victims of crime or their families unless there is an operational need or risk of harm to any person." This includes the publication of information which:

1. identifies a child accused or found guilty of a crime
2. identifies a child who is a witness or otherwise involved in any type of court proceedings
3. identifies a victim of a sexual crime whether a child or an adult (unless an adult victim consents, or the person is missing or dead and has not lodged a complaint)

Section 6.6 'Releasing CCTV Footage to the Media', requires that if the NSW police are releasing CCTV of a crime occurring, they must '*...consider the effects this may have on the victim (e.g. showing a violent crime may cause unnecessary distress)*'. (NSW Police Force, 2013, pg. 32).

Section 7, is dedicated to provisions towards the protection of Witnesses and Victims of Crime. 7.2.1 Release of information and Media Appearances (NSW Police Force, 2013, pg. 35) Information or images must not be released where it may:

1. identify a crime victim or their address (including companies and organisations)
2. identify a witness
3. embarrass or distress a victim (e.g. details of sexual assaults or wounds, or missing clothing)

With regard to social networking sites, the NSW Police Media Policy requires that police warn victims of crime as to the dangers of social websites and the possibility that the media could get their hands on photographs without the family's permission. Furthermore, the policy states it should be recommended to victims of crime that they should remove images or personal information from a social media site and that victims of crime should warn their friends that the "...media may try and make contact or check their social websites." (NSW Police Force, 2013 pg. 36).

## 8.4. Enforcement

The codes are enforced in somewhat different ways. ACMA can only respond to a potential breach of its code when a complaint has been made. The example was given of the way Channel 7 covered the recent death of Molly Lord who died in a quad biking accident (ABC News online, 2012). This coverage received much criticism, however until a formal complaint is made, ACMA is powerless to intervene. The outcomes of all ACMA investigations are a matter of public record and published on ACMA's website ([www.ACMA.gov.au](http://www.ACMA.gov.au)). Each investigation report carries a full account of the verdict and the reasons why decisions have been reached. An example of recent report is attached at Annex C. In this case, the decision was reached that channel 7 had breached code 4.3.1 which states that in broadcasting news and current affairs programs licensees must "present factual material accurately and represent viewpoints fairly, having regard to the circumstances at the time of preparing and broadcasting the program."

By way of contrast to the ACMA, the APC is able to proactively intervene in cases where it feels the media has fallen foul of its principles. The APC's remit only covers the organisations that have opted in to be members of the APC. While this covers the vast majority of print media, there is still only limited coverage of digital media content providers. The APC currently only publishes specific standards relating to the reporting of suicides, however is developing an approach which would govern the reporting of victims of crime.

## 8.5. Effectiveness of codes and regulations in protecting victims

The impression given from the existing regulatory frameworks is that they are something of a patchwork quilt. There appears to be a general lack of cohesion both in terms of principles, scope and enforcement powers. There also appears to be a fairly visible gap in regulatory frameworks when it comes to digital and social media. Fundamentally, as discussed with the ACMA, the broadcasting codes do not extend to content that is only published online but not on television. For example, if a television channel only releases content on its website that breaches the ACMA's codes, but did not broadcast this content on television, the ACMA would be powerless to intervene if a complaint was made about the online content.

Many of these regulatory challenges have been discussed in the Convergence Review's final report, published in March 2012 and the Government's response to this report and the Finkelstein Inquiry published on 12 March 2013. The key reform with regards to standards is the intention to establish a press standards model which ensures strong self-regulation of the print and online news media.

The journalists that were interviewed were broadly in favour of ongoing self-regulation and felt that only a small minority of journalists (mainly younger professionals looking to make a name for themselves) were making life difficult for the majority. Those who worked for non-commercial channels felt that their internal standards and codes were both complied with and enforced to a rigorous standard.

Moreover, there was a sense that there should be a higher standard of enforcement and compliance among commercial channels rather than the need for new regulations to cover traditional media.

Notwithstanding the concerns among the media industry about regulatory scope creep, there is consistent evidence from the interviews conducted with victims that the media does not consistently abide by its existing codes. The issue would appear to be one about effective enforcement of existing codes and whether there is a sufficient deterrent to bad practice and not a question of whether new codes are needed. The MEAA codes in particular appear to be comprehensive in their scope, but it would seem they are not universally adopted by all journalists, nor are they championed by the majority of news organisations. To reiterate the questions posed by the Dart Centre (Kawamoto, 2005), journalists and news editors should be asking themselves the following questions on a consistent basis:

1. Does my story portray victims of violence with accuracy, insight and sensitivity?
2. Is my story clear and engaging, with a strong theme or focus?
3. Does it inform readers about the ways individuals react to and cope with emotional trauma and the process of recovery?
4. Does it avoid sensationalism, melodrama, and portrayal of victims as tragic or pathetic?
5. Does the story emphasise the victims' experience rather than the perpetrator's?

Among the many barriers to adopting best practice on a consistent basis within the media industry, the key ones would appear to be:

- commercial and cost-cutting pressures which means training receives less priority
- the 24 hour news cycle and the constant recycling of the same stories and content
- the ongoing competitive desire among news organisations to get the scoop above all other considerations

➤➤ insufficient recognition given to journalists who consistently follow best practice and make positive contributions to the lives of victims.

Some of these barriers are relatively insurmountable – the 24 hour news cycle is now ingrained in our lives; commercial pressures are unavoidable and many commercial news organisations are struggling to survive. Despite these challenges and some of the constraints that are inherent in reporting on crime, many news organizations continue to succeed in providing the Australian public exceptional stories that help people understand crime, victimisation, and crime policy. Many also give victims an opportunity to tell their stories. A news organisation's reputation sometimes rest on how its editors and reporters treat crime victims and the issues that matter to them. Maintaining a good relationship with victims, their families can enhance a news organization's standing in the community a fact which was clearly recognised by some of the journalists that were interviewed.

The goal is to find ways to promote more of these positive examples of media reporting and to reduce the negative behaviours. Our final question is to consider what can be done to address some of the problems the research has identified and to help mitigate the trauma that victims experience through inappropriate and insensitive media reporting. In addition to deterrence and support, there is a further consideration about how to incentivise news organisations and journalists to deliver best practice crime reporting.



## 9. Detailed recommendations

The recommendations which flow from the research have been grouped into two distinct categories. First, the low hanging fruit, which constitutes easy quick wins, and second the longer term activities which are likely to require further discussion and thinking if they are to be implemented.

Consideration has also been given to the applicability and relevance of these recommendations. Fundamentally, much of what has been uncovered through the research is relevant to the media on a national scale. There is little that is peculiar or specific to New South Wales. While the NSW Department for Attorney General and Justice has the discretion to decide which of these recommendations should be followed up and how, it would seem logical that all jurisdictions work together to formulate a national strategy and response.

### 9.1. Quick wins

#### 9.1.1. **Getting the media on board**

To successfully change the impact of the media on victims of crime, it is essential that the results of this research are embedded into the DAGJ's ongoing media engagement strategy. This strategy has two key aims:

1. to raise awareness in the media about both potential vulnerabilities of victims of violent crime and strategies they may be able to use to minimise their trauma.
2. to provide resources to victims that explain how to deal with the media and how it works.

The research findings contribute significantly to helping achieve both aims. First, there is clear and systematic research-based evidence about the circumstances that

victims find themselves in when having to deal with the media and examples of different strategies which can increase or reduce trauma. Moreover, there is also recognition of the positive contribution the media can make. The research also provides insights into the efficacy of existing resources to help victims deal with the media and provide a better understanding of how the media works and strategies for engaging with the media.

Dialogue and engagement with the media is the most effective way of bringing about change. The DAGJ should build on existing relationships with media organisations to foster collaborative approach that will assist in the successful implementation of any changes required to improve the victim's experience in dealing with the media. The recommended approach for this would include the following:

- ▶ workshop this report with support groups and key media representatives in a workshop environment with the aim of reaching agreement around action points and mechanisms for monitoring compliance
- ▶ consider organising a forum, following on from the initial *Road to Recovery* Forum held in May 2011 using the research as the cornerstone for a follow up forum.

### **A revised “Guide to the Media” for victims**

The research clearly shows that victims welcome clear guidance on how to deal with the media. While there was a very positive reaction to the existing guide, victims felt that it was hard to take in all the messages at once. Victims also felt that this sense of message overload would be magnified when victims are in a heightened emotional state at the time of the crime.

The following changes to the guide are recommended:

- ▶ keep the 30 page guide as an overarching reference document but consider supplement this with a number of 1 page fact sheets given to victims who are receiving attention from the media

- ▶ each fact sheet should be tailored to the information needs of victims at each stage of the justice journey: from the initial crime, through to arrest, court appearances and conviction.
- ▶ each fact sheet should highlight in plain English the key points that victims and their families need to consider when dealing with the media attention at different stages.
- ▶ each fact sheet should be given at the appropriate stage. For example, if there is initial interest shortly after the crime has been reported, these should be provided by the police. Other agencies, including support groups and the DPP would provide relevant fact sheets at subsequent stages. Victims Services should liaise with relevant agencies to ensure victims and their families receive each fact sheet at the appropriate time.
- ▶ a separate fact sheet should be created for each stage of the process, for example. The details of these can be worked out separately in consultation with key stakeholders.

It is also recommended that the guide is update to include useful tips about how victims of crime and families should manage social media. By way of example, in the UK, the Press Complaints Commission has produced a short leaflet for victims of crime which is designed to help victims deal with the press in the aftermath of a violent crime. This includes guidance around managing Facebook pages.

[http://www.pcc.org.uk/assets/482/PCC\\_guidance\\_following\\_a\\_death.pdf](http://www.pcc.org.uk/assets/482/PCC_guidance_following_a_death.pdf)

By supplementing the current guide with a more digestible fact sheet, victims will be better prepared for and informed about the media attention they might face.

## 9.2. Longer term recommendations

### 9.2.1. **Ongoing training for Police and other support providers**

There is an opportunity to work with a cross section of organisations to develop an ongoing and integrated training program. Initial work could see the DAGJ working with educational institutions who provide training for students on entry pathways to the NSW Police force or support organisations (e.g. psychology and social work and human services). This would complement similar training for journalists. Training should be designed and delivered in a format and style that helps to build rapport and greater understanding of the effects of media on the victim's journey.

Ongoing media training is also important and the development of trust and rapport between Police, support organisations and the media. This can be progressed through programs tailored to the specific requirements of these groups.

### 9.2.2. **Ongoing training for all stakeholders that interact with victims**

The need for onsite training for practicing journalists was identified at the *Road to Recovery* Forum organised by DAGJ in May 2011. From the interviews with experienced media professionals and other stakeholders the need for ongoing training was highlighted as being relevant to all stakeholders that interact with victims and should not be limited to journalists. Customised training for each stakeholder group should have an overarching outcome of reducing re-traumatisation triggered by media reporting and delivering a more empathetic and supportive environment and experience for victims of crime. There is an opportunity to work with a cross section of organisations to develop an ongoing and integrated training program. Training should be designed and delivered in a format and style that helps different organisations overcome some of the barriers that exist to give training the priority it deserves.

#### **9.2.3. Trauma support for the media**

While it is difficult to understand the position that victims find themselves in, it would be beneficial for the media to receive trauma training to understand the state of mind of victims during their experience.

This training would help understand the most form strategies for approaching victims and increase the likelihood of victims interacting with the media.

#### **9.2.4. Increased recognition for positive examples of media reporting**

To encourage positive and factual reporting in the media, the instigation of crime reporting awards would enhance the quality of journalism and provide an incentive for the media to report and conduct themselves in a manner respectful to all victims.

While the vast majority of the media acts in such a manner currently, by creating an award scheme, it would draw attention to positive examples to be held as standard bearers in the media.

Furthermore, this recommendation should appeal to the media's sense of ensuring justice is seen to be done and their sense of duty by reporting the truth in a balanced, empathetic and compassionate way.

### **9.3. Requiring further review**

#### **9.3.1. Interactive online resources for victims of crime and their families**

Many victims cited the sense of isolation they felt throughout the journey from crime. This sense of isolation in many cases never goes away despite the work done by counselling and support services. There are already some excellent face to face mechanisms available for victims. For example, Colmar Brunton researchers attended (as observers) group meetings organised by Homicide Victim Support Group where they listened to the personal accounts of victims of crime. This face to

face environment could be further supported by the development of more interactive online resources such as a forum and a Facebook page. However, it is also important to recognise there are considerable risks involved around maintaining security and governance around the content that might be posted and the resources that might entail. The forum would need to be secure, and consideration would need to be given to the degree of interactivity offered. There should be some monitoring of how organisations in other jurisdictions make best use of social media. There may also be opportunities to partner with other organisations to increase engagement with victims through social media.

### 9.3.2. **A Register of Victim's Intentions for Dealing With the Media**

The early stages of an incident involving a violent crime is a time when victims are at their most vulnerable and when interactions with the media are most critical. Very few victims have a clear idea about what they say to the media, and who they should speak to. If a police press conference is organised there is an opportunity to place some structure around the relationship between the victim and the media, but prior to that there appears to be a need for a more systematic approach to enable victims to make known their intentions with regards to dealing with the media.

It is recommended that, when the media shows interest in the early stages of a violent crime incident, the wishes of the victim with regards to the dealing with the media are documented. These intentions should be recorded on a register and updated as the case develops and as and when the victim's intentions change. The benefit of this recommendation for victims is that all victims have access to a system that provides some safeguards and support during a time when victims feel particularly exposed and vulnerable.

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### 9.3.3. **Revisiting the Charter of Victims' Rights**

Many victims spoke with emotion and disdain over the rights that accused criminals are afforded in the media in contrast to the lack of rights afforded to victims. Most victims are also unaware that there is an existing Charter of Victims' Rights which was established as part of the Victims Rights Act 1996.

It is recommended that the Charter of Victims' Rights is reviewed in the light of this research and consideration is given to affording victims greater privacy and that the Charter is promoted more to victims. Promoting the Charter more comprehensively was a recommendation of the DAGJ Media Strategy.

### 9.3.4. **Collaboration with media to ensure codes are complied with**

Some media representatives described breaches of the codes of conduct within their industry as a choice; a trade-off between the financial ramifications and the benefits of breaching the codes.

To ensure codes are breached less the DAGJ should continue its existing collaborations with the Australian Press Council, The Australian Communications and Media Authority, the JEAA and major media organisations to identify that ways to ensure breaches of codes are minimised and to ensure the rights of the victims are maintained significantly more often.

Further review and consultation is required around incentives for compliance and stronger disincentives for breaching codes. Perhaps this may best manifest itself through the implementation of an incentive for ethical journalism. This could be through publicising the benefits of complying with the codes. Further discussions are required to determine the most appropriate course of action here.

## 9.4. Future Research

This report has been comprehensive in its approach and has addressed a wide ranging set of objectives. Inevitably, through the process of answering the questions that the research was designed to address, new lines of enquiry open and new questions emerge.

The research methodology has been based on qualitative tools and technique, which has allowed issues to be explored in considerable depth. However, this also means that there are unanswered questions about the extent of the impact of media reporting on victims of crime. For example, how many victims are impacted negatively or positively by media reporting? How much additional trauma is caused by insensitive and intrusive media reporting? How effective are current support services at meeting the needs of victims when dealing with the media? To answer these questions effectively, would require a quantitative survey based methodology. This is not without difficulties, given that there are few readily available sample frames of victims of violent crime. Timeliness is also a consideration. Asking victims to complete a survey about their experience of dealing with the media could cause further trauma, so this may be better mediated through existing support services. However, victims may also feel uncomfortable about giving honest feedback about the support they have received if this is not done in an anonymous manner.

This research has covered a diverse profile of violent crime cases – victims from different backgrounds, regional versus metropolitan locations and different categories of crime. However, some compromises are inevitably made and more work should be undertaken to understand the needs of victims with multiple needs. These needs may be influenced by considerations around disability, mental health, sexuality or race and are likely to be complex and extend beyond having to deal with the media.

The research has also shown that social media is a game changer that is reshaping how crime stories are investigated by journalists, how information is gathered, how stories break and how victims are portrayed. Issues relating to social media featured prominently in the interviews that were conducted with journalists and some



stakeholders. However, the impact on victims and how citizens consume, follow and contribute to crime reporting through social media did not feature prominently. Given the prevalence of social media and some of the regulatory challenges presented, a further recommendation is that more research should be conducted with victims who have had their own experiences reported extensively through social media and with citizens who consume and contribute to crime reporting via social media channels.

Finally, the scope of this research has been largely limited to New South Wales, although some of the cases covered include examples of crimes committed in other jurisdictions. However, this does beg the question about the treatment that victims nationally receive when dealing with the media and whether other jurisdictions are more effective at providing support. It also begs the question about whether more co-ordination is required at a federal level to manage and monitor the relationship between the media and victims of violent crime.

# Appendix A-C

# 10. Appendix A: How the research was conducted

To best achieve the desired objectives, the research program recommended by CB involved a six stage research approach. These stages included:

## **1. Project scoping meeting with DAGJ and CB teams – Held 11th July 2012.**

The CB team met with the team from DAGJ to discuss the vision for the project, the outcomes it must deliver and the decisions that it will contribute to.

In understanding firsthand the view of victims and their families, an important stage of the methodology proposed by CB was qualitative in-depth interviews with direct or indirect (e.g. Family members of the direct victim) victims of violent crime. During the scoping meeting it was decided upon from which categories of violent crime these victims should be sourced.

It was also suggested to CB that victims were sourced from support services such as The Families and Friends of Missing Persons Unit (FFMPU) (to include cases where it ended as a criminal matter).

## **2. Desk Research/literature review - Conducted from 11<sup>th</sup> July 2013 – 1<sup>st</sup> December 2012**

As a means to gather all academic and public knowledge on the topic of victims of crime and their relationship with the media, desk research was conducted by CB and delivered to DAGJ in the interim report.

### **3. In-depth interviews with stakeholders and victims of crime support groups – Held 13th August – 18th August 2012**

- Collecting of stakeholder information and gauging outcomes they would like see from the study
- Suggestions of support groups and journalists to approach
- Viewpoints on the operating models of the different sections of the media
- Suggestions on literature to be included (including restricted department documents or previous research)
- Provision of names and contact details of victims and their families who were willing to participate in the research

The stakeholder and support groups that were included in this stage are as follows:

#### **4. 11 Stakeholder interviews:**

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**The Australian Communications and Media  
Authority (ACMA)**

**DAGJ**

**DART Centre for Journalism and Trauma (a  
project of the Columbia University Graduate  
School of Journalism)**

**The Australian Press Council**

**ABC News**

**Hunter New England Health (Mindframe:  
Response Ability)**

**Journalism Education Association of Australia  
(JEAA)**

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**NSW Health**

**Bond University**

**NSW Police Force**

**5. 13 Support group interviews:**

**Homicide Victims' Support Group (Australia) Inc.  
(HVSG)**

**Intellectual Disability Rights Service**

**NSW Rape Crisis Centre**

**Transcultural Mental Health Centre (TMHC)**

**NSW Health: Northern Sydney Sexual Assault  
Service**

**Office of the Director of Public Prosecutions  
(ODPP)**

**Sydney Domestic Violence Advocacy Service  
(SWDVCAS)**

**NSW Child and Adolescent Sexual Assault  
counsellors network (CASAC)**

**Wirringa Baiya Aboriginal Women's Legal Centre**

**Friends and Families of Missing Persons (Funded  
by DAGJ)**

**Legal Aid NSW: Women's Domestic Violence  
Court Advocacy Program (WDVCAP)**

**Enough is Enough (Anti Violence movement Inc.)**

**NSW Service for the Treatment and Rehabilitation  
of Torture and Trauma Survivors (STARTTS)**

NB: 24 CALD support groups and CALD networks were contacted via MMM bilingual consultants through the process of; initial phone call, bilingual recruitment notice and confirmation and progress calls.

All other support groups were contacted from DAGJ provided list or desk research/phone calls etc.

**6. In-depth interviews with victims of crime. A total of 45 face-to-face interviews with victims of crime and their families in Sydney metropolitan and regional areas. Interviews conducted between the 24th October 2012 – 23rd January 2013**

CB undertook a Training Day with The Education Centre Against Violence (ECAV) to gain knowledge prior to interviewing. Topics included:

- ▶ Practical advice on dealing with traumatised participants
- ▶ Dealing with vicarious trauma (for interviewers)

Recruitment of victims and their families was facilitated by support groups making contact with victims, a post on the NSW Police Force Facebook 'Project Eye Watch' page, and a pre-screener questionnaire emailed to Colmar Brunton Panel members.

Willing participants were instructed to call the Project Manager on this directly, and were then screened via the participant criteria over the telephone, and booked for interview.

Interviews took place at the participant's homes, where suitable. The Colmar Brunton office was used as an alternative/optional interview venue and interviews were also undertaken at the Homicide Victims' Support Group offices in Parramatta.

The victim groups included in the research were the following:

45 Victims of crime

During the course of the research 45 victims of violent crimes were interviewed, including 7 CALD victims. These individuals were victims in a wide range of crimes

including:

- ▶ 15 surviving friends and family of a homicide victims
- ▶ 12 victims of sexual assault
- ▶ 5 victims of other violent crimes including surviving friends and family of road accident fatalities, victims of armed robberies, etc.
- ▶ 4 victims of domestic violence
- ▶ 3 victims of violent assault
- ▶ 3 victims of child sexual assault
- ▶ 2 surviving friends and family of missing persons

**Note:** CB's original remit included N=60 in-depth interviews with victims and their families that had been *reported in the media*. During the initial recruitment stages of the research, the criterion that was first proposed appeared too rigid, and after discussion with DAGJ the specifications were loosened to include victims that had *not been covered in the media*. Despite best efforts to reach 60 victims, the expected sample size of N=60 was not reached. CB does not believe this shortfall in recruitment has affected the depth and breadth of this study and its findings. N=5 CALD victims declined to be interviewed. Through discussions with the Wirringa Baiya Aboriginal Women's Legal Centre, as indicated in section 3.1 (What makes for a newsworthy crime story - pg. 15), it was ascertained that the media was not likely to contact the victim directly '*the media does not want the perspective of the victim, they want a service perspective from us*'. This meant that recruitment via the support service was impractical and further time spent on recruitment would have delayed fieldwork, as such; the Aboriginal and Torres Strait Island perspective on the research topic was limited to the support group in-depth interviews.

**7. Focus groups: A total of 4 group discussions amongst ‘consumers’ of crime reporting in the Sydney metropolitan and regional areas**

CB held the following 4 focus groups:

1. Male, Regional, Gosford, 31/10/12
2. Female, Metro, North Ryde, 07/11/12
3. Male, Metro, North Ryde, 08/11/12
4. Female Regional Ballina, 22/11/12

Participants were asked to bring two pieces of crime reporting; one that they liked/appreciated, one that they disliked/thought was in poor taste. The media coverage was to be in the format of a clipping from a newspaper / a print out of a social media article / an audio file from a radio broadcast or a TV clip. There was no timeline on the article coverage: participants could bring any article they believed fit into the above two categories.

**8. In-depth interviews with journalists and news editors. A total of 9 face-to-face interviews with journalists and news editors across radio, television, print and digital media. Conducted 21st November 2012 – 30th January 2013**

Journalists were sourced from references in interviews with stakeholder, support groups and victims and their families. A range of journalists were chosen to be part of the research, including 5 Commercial, 3 Government and 1 Independent media representative.



# 11. Appendix B: Detailed Results

## from Focus Groups with Media Consumers

News media plays a significant role in shaping how Australians view crime and victimisation in Australia. It is important for journalists to understand what the public expects from the media in terms of keeping the public informed about crime, the quality and accuracy of crime reporting, and the standards that journalists abide by when researching and publishing crime stories. Journalism plays an important role in educating the community about public policy issues that affect public safety.

The purpose of the group discussions undertaken was to better understand the unique role the media plays and the impact it has on perceptions the public has about violent crime. The research also aimed to understand the importance of the public's desire and right to know about violent crimes that are taking place and how this balances against the individual's desire for privacy. Finally, and most importantly, the research aimed to understand how the public perceives the media's responsibility to report on and record violent crime accurately without distorting reality and how the public perceived the media's responsibility when dealing with victims. In doing so, the research sought to contrast how the public currently perceives media reporting of crime stories and whether that matches the ideal of good crime reporting.

Using word associations group participants were asked to identify adjectives which they felt best described how the media reports violent crime. The following image summarises the words which were most commonly mentioned throughout the discussion:



The following summary provides more detail on what consumers do not want to consume within a crime report:

### **Sensationalist**

There was a strong view that the media use dramatic tactics to attract readers. This sensationalist content was not seen as necessary for crime reporting according to the consumers:

“The media never sells a neutral story, they usually print the really good stuff or the really bad – they are seeking the ad dollars.”

Male, media consumer

“The media does bombard us with stories so they stick in your mind.”

Female, media consumer

“Newspaper headlines tend to be the most dramatic”

Male, media consumer

### **Invasive and intrusive for victims and their families**

Consumers expressed concern for victims and their families when dealing with the media. Consumers did not want to become victims based on the reporting that they have seen, and they mentioned it would not encourage them to report a crime.

“ “It’s like the media doesn’t know when to quit. I feel sorry for the people in the articles sometimes.”

Male, media consumer

“ “You see the way victims are treated, shoving microphones in their faces outside court. This is a deterrent to report a crime.”

Female, media consumer

### **Getting the facts rather than getting the ‘scoop’**

Consumers allege that they would rather read the correct facts in a crime story, than read something first that has errors. It comes across to consumers that the media does not spend enough time researching the information reported on.

“ “Just because they have breaking news and the story first doesn’t mean that they are getting their facts right.”

Female, media consumer

“ “Sometimes it looks like it’s more about getting the story than the crime; it’s all about competition for the story.”

Male, media consumer

### **Emphasis on racial groups**

Consumers of crime media believed that there was undue emphasis on certain racial groups or the racial characteristics of offenders.

“ “When I first arrived in Australia from Egypt, I was warned against Lebanese people, who are stereotyped in the media as being violent and troublesome. The

media exaggerates its reporting to make things look this way.”

Victim of a car hijacking

“ “Because the people accused of the robbery were minors, they didn’t print their full names but only their initials. They then proceeded to say the 3 men all had the same first name and were of a certain racial origin. This led me to guess what the offender’s names were.”

Female, media consumer

### **No human element/empathy presented in the story**

Consumers noted that they were not privy to the victims ‘side of the story’ and the article/report removed the human element for this reason.

“ “They sensationalise news stories to sell papers, and don’t actually care what the outcome is; you never hear about the victims in more detail, unless they bring out a book or are interviewed privately.”

Female, media consumer

“ “Most crimes, you don’t get to hear the voice of the victim.”

Male, media consumer

### **Stories should be anonymous**

There were concerns regarding the anonymity of the victims and their families. Consumers agreed that naming and printing the victim’s details is disrespectful of the victim.

“ “It’s sad because it makes the victim public property, unless they want their story to be told I don’t want to know about it. I feel sad for feeling sad for them”

Female media consumer

“ “Now I know her name and details, and that’s not fair.”

Female media consumer

Consumers consider releasing the names and details of people who have been sexually assaulted in particular disrespectful and somewhat irrelevant to the story itself:

“I only need to know about the crime in my area and where I need to be careful; I don't need to know her name though.”

Female media consumer

The following image gives a summary of the important elements of ideal crime reporting. This stands in sharp contrast to how the public regards existing reporting.



The following summary provides more detail into what consumers want in terms of crime media and the evidence to this reasoning.

## Informative

Consumers wish to be informed on their local area, and what they need to be concerned about (particularly those consumers that have young families).

“ “It’s about information gathering, so we can be safe.”

Female, media consumer

“ “The news just lets you know what is going on and how close it is to you.”

Female, media consumer

### **Factual and accurate – therefore trustworthy**

The public expect the media to be factual, otherwise they are not doing their job properly

“ “We don’t like being spun shit. If we are spun shit then they (the media) are lying to us and we can’t trust them. We aren’t stupid. We need to be able to trust the media.”

Female, media consumer

“ “I don’t believe you get unbiased reporting, but we would like it!”

Male, media consumer

### **Factual also had connotations to ‘reality’ and wanting to see representations of the ‘real world’**

One consumer mentioned that ‘real crime hits home more, rather than fictional crime’. There appears to be a resignation that there is ‘a lot of hate’ in the world and some consumers are shocked that this is occurring. There is an expectation (and desire) however to be up to date with what is going on, ‘in the real world’ in order to be a present member of society.

### **Transparent - therefore honest**

Consumers believe honest reporting is conveys word for word quotes. Consumers are not satisfied with paraphrasing of the story and the quotes give the report more

credibility. One consumer spoke of the crime report he brought in as homework – (story he disliked)

“ I don't like that this story hasn't got many quotes in it. Quotes make it more real, truthful, if there are no quotes it leads me to think that the journalist has paraphrased and then it's their opinion and not the truth.”

Male, media consumer|

### **Relevant**

Consumers believe that there is a lot of information and framing of the story that they do not need to know. This is polarising in regards to the beliefs of journalists, usually focused on setting the scene and providing adequate context for the story. According to consumer belief information needs to be filtered to a consumer on a 'need to know' basis.

“ It needs to be straight to the point, this sounds bad, but we don't care if he owned a dog.”

Female, media consumer

### **Respectful to the victim**

Consumers empathise with the victims, perhaps more so when prompted and asked to focus on this throughout the group exercises. However crime reporting representing human suffering does not go unnoticed.

“ Everybody is human, and something bad has already happened to them, they are suffering already, we don't want to make them feel worse.”

Female, media consumer

## 12. Appendix C: References

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