

# Developing Media Policy in a Democracy

The Conference of the Commissioners of Police of Australasia and the South West Pacific Region was held in Adelaide on 11-15 March. Among the speakers was Rick Sarre from the School of Business at the University of South Australia.

His address, entitled "Policing and Democracy in the 1990s - Some Thoughts on Police Media Policy", is reprinted here (in edited form). It should be noted that the address is Mr Sarre's independent view and does not reflect AFP policy, which is consistent with a set of guidelines devised by the Australian Police Ministers Council.

I have been given the opportunity to explore any topic of policing in so far as it deals with an issue of democracy, and touches upon actual policy. I plan to present some ideas concerning police and their relationship with the media.

This relationship is, in this State at least, often shrouded in secrecy, embroiled in controversy and riddled with misunderstandings. I thought that it would be interesting to look at current police-media policy, such as the one that exists in South Australia, to see whether it is being observed, to see how it operates, and to see whether any other models might be better employed.

Obviously there is a huge variety in the quality of media presentations. I plan to treat all electronic and print media together, although I recognise the limitations of so doing.

There is a South Australian media policy which deals with police media contact. Now that the Australian electronic and print media is published nationally, there would appear to be an excellent case for seeking uniformity in the Australian police-media policy generally.

For the most part the South Australian policy speaks of encouraging good media relations and developing mutual trust with all media. It sets out the role and accountability of media liaison officers. Essentially, the policy is concerned with the appropriate and professional manner in which factual information is passed from police to the media.

In summary officers can refer to factual issues although they are not permitted to comment on policy

unless they have been concerned with its promulgation. My concern is with what might be referred to as non-factual issues, that is, statements that are opinions only, or are comments and opinions on policy (to the contrary or not).

I am concerned chiefly with the practice of police putting a so-called 'police' view into the so-called 'law and order' debate. I want Police Commissioners to think seriously about the effect of police 'going public' as it were in justifying their practices, explaining themselves and having their say about why crime is committed, what is to be done to stop it, and whether the police are getting a fair go in carrying out their often thankless tasks.

Sometimes the media highlights the opinions of those who have left the police force, and there is little that any department can do other than to insist that they be clearly identified as being no longer employed as police officers. But it is not unusual to find letters to the Adelaide print media from, and interviews in the electronic media with, present, serving police officers - and sometimes spouses of officers - defending police practices and calling for political action on matters affecting policy generally, for example opinions on the crime rate and what to do about it, police work-loads, morale and the numbers of people leaving the force, the rights of suspects compared to the rights of victims, the dangerous tasks that police have to engage in, and general industrial concerns such as rates of pay and conditions of employment. There appears to be a reluctant acceptance, apparently unregulated, of the practice which

allows police or their friends and relatives to call for certain punishments, or to seek certain sentences, or to encourage public support. I would refer to this as a rather *open* policy. Although it does not appear to be encouraged under the current policy, it is not explicitly discouraged or prohibited.

Arguments for open access

It is fundamental in any democracy that free speech be encouraged. The right to free access to the media and the existence of media which is free from commercial or political restraints are essential components of our democracy. The free interchange of ideas and information is essential for good government. All people, regardless of their profession, are entitled to their opinion. Members of all police ranks should have a *prima facie* right to express their views on policing and law and order, just like any citizen in a democracy.

The more information that is provided by the police to the public, and the more the interchange of views, ideas, and inquiring questions with the community continues, the more likelihood there is of better so-called 'community policing'. This exchange of ideas is best served where there is mutual trust and openness with the public, that is, an ability to be frank about weaknesses in departmental policy, fears, uncertainties and needs. This will make community policing more of a truly joint enterprise, a task which all thinking police administrators and academic commentators appear to be embracing at the present time.

The argument continues that policing with the consent of the community enhances accountability. Police are less likely to step outside the bounds of propriety where they are engaged in a joint venture with the community of which they form a part. An officer in such an 'open' environment would find it difficult to hide behind a 'veil of official silence'.

**Independence**

With this style of accountability

firmly in place, and with the confidence of the community behind them, the police will become more independent from the Parliamentary executive of the day, allowing essential operational discretion to remain in place. This will allay fears of the public that the police are not independent but rather merely a well-armed extension of state powers serving the state interests against the people.

Openness enhances police officers' perceptions of their role and thus should enhance morale. Better morale means better policing.

There is a down-side, however, as well. Let me list why there may be an argument to restrict the access to the media currently enjoyed by police.

#### **Policy which curtails access**

There is always the danger that whatever is presented by the media may be poorly represented or wrong. In that case, it may be better to say nothing.

The media relies a great deal upon police statistics for information on policing, deviance and crime issues (Windschuttle 1990:267). Again, with the dangers of the misuse of statistics ever-present, it may be best to direct that police do not use them in their media comments unless there is an undertaking that certain explanatory notes will accompany them.

Symbiosis describes the situation where partners are attached to one another to their mutual advantage. For example, the media may use the police information to further their agendas. The police, in turn, may use the media for a variety of reasons arguably somewhat peripheral to their role, for example, in seeking better industrial terms for their officers, more resources, expanded powers and greater public sympathy.

However, consumers of media may not be well served in attempting to determine their policing needs by the presentation of material which is selected as a result of symbiotic interests of the media and the police.

Although media analyses of criminal justice issues appear neutral and independent, they are, for the most part, police-source dominated. Police are not dispassionate observers (Freckelton 1988:73). Their view is, understandably, a

police view. This view is dominated by middle aged, able-bodied, middle class, white, Christian, conservative values (Sarre 1988). Indeed, these values, like the law they defend, reflect an adversarial, middle-class, rational, autonomous, 'masculine' view (Naffine 1990: 52, 115). Thus, if crime reporters convey a view of law and order issues that tends to reflect the police perspective alone (Grabosky and Wilson 1989:42), there is a likelihood that the law and order debate will be decidedly limited.

I was determined to find the best model under which the police and media relationship would operate.

I must admit to being initially persuaded to attempt to adopt the restrictive model. I first had to rebut the strengths of the openness model. One could maintain that free speech has to be qualified even in a democracy, community policing is a lot more than just openness in the press, formal accountability models can make allowance for the loss of the more informal ones, while independence and morale can be manipulated by clever managerial skills. The rebuttal argument is, therefore, quite plausible.

But to adopt the restrictive model created fundamental problems. This model is plagued by a crucial flaw. The arguments in favour of the restrictive model are all based upon the need to avoid negative influences (misrepresentation, symbiosis and prejudice), unlike the arguments for the openness model which appeal to its positive values.

The restrictive model would insist that the Parliament alone be the forum for debate over police practices. That would be an untenable proposition, given that, for the most part, parliamentary debate is a sham and thus there would be unsatisfactory public accountability. The restrictive model could not be enforced, it would seriously threaten the entire community policing initiative by stifling candour between the public and the police, and provide grist for the rumour mill which grinds inexorably along at the first hint of secrecy and cover-up.

Any honest theoretician who attempted to restrict categorically the right of the police to approach the media is doomed to disappointment. The risks which I have listed which sometimes accompany police who speak out - misleading use

of statistics, misreporting, symbiosis and lack of objectivity - pale into insignificance when placed beside the risks associated with secrecy, denial of free speech, and threats to proper accountability, independence and open public scrutiny of policing practices.

There is some merit in the arguments presented in favour of the restrictive approach. I have listed a few items that could be addressed by Commissioners in their media policies.

Commissioners could copy the South Australian policy on access to the media, ensuring that officers do concentrate on factual issues alone, and stray into making comment on factual matters or non-factual opinions - including policy - only when they are personally involved in the formulation of that policy, or of higher rank. The media policy ought to explicitly state that gratuitous comments or opinions on policing practices or law and order issues by police officers generally ought to be discouraged, unless there is good reason. The onus should be placed upon the person who makes the comment to establish the existence of that good reason.

Training in how to meet the media and to develop an honest and workable relationship with the media should be a compulsory part of an officer's training (Hall 1984; Kajari 1982; Silvester and Eccleston 1981). This training could be conducted in conjunction with like training of crime reporters.

Commissioners should devote greater attention to improving, updating and clarifying the media policy constantly (Garner 1987:97) and in particular the role of the media-liaison units in operation around Australia to take them out of the role of stolid information sifters and into a role of informed information providers.

Commissioners should be pressing for the creation of further offices of crime statistics and using the statistical facilities of the Australian Institute of Criminology and the National Crime Statistics Unit of the Australian Bureau of Statistics.

The issue of police and media is a sensitive area and requires constant attention. While there are good arguments for an open policy, there are many dangers associated with embracing openness with over-enthusiasm. There are also significant dangers associated with censoring the voices of police officers.