



*Manitoba  
Department of Justice  
Prosecutions*

*Guideline No. 2:COM:4*

*Policy Directive*

*Subject: Communication with  
the News Media*

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*Date: November 2008*

**POLICY STATEMENT:**

Crown Attorneys are encouraged to provide information to the news media,<sup>1</sup> subject to the direction provided below and the overriding duty to safeguard the fairness of the trial process. The communication of accurate information to the news media can enhance public confidence in the justice system and promote greater understanding of it.

**PROCEDURE:**

Crown Attorneys should be guided by the following general principles:

- ***Protect the integrity of the trial*** – The most important principle to keep in mind when speaking to the media is that the Crown Attorney should avoid saying anything that could jeopardize the fairness of the trial. Crown Attorneys must not argue their case in the media or make comments that could prejudice the accused’s right to a fair trial.
- ***Provide facts, not opinions*** – The goal in communicating with the news media is to promote understanding, not to advocate a certain point of view or to create controversy. Crown Attorneys should provide factual information and they should explain as this will assist in understanding. However, they should not offer personal opinions.
- ***Be responsive*** – “No comment” is not an appropriate response to a request for information. If the particular question posed cannot be answered because it calls for an opinion, invites comment on a matter before the court, or attempts to confirm the existence of a police investigation, the Crown Attorney should explain why the question cannot be answered. Similarly, if the Crown Attorney is approached by the media at an awkward time or place (e.g. as the Crown is going into court or is approached at a social event), it is best to provide a brief explanation as to why questions cannot be answered at that time and invite the journalist to speak to you at a more appropriate time and location. Alternatively,

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<sup>1</sup> If a Crown Attorney chooses not to speak to the media, the assistance of the Communications Coordinator must be sought in order that a prompt response can be given to the media inquiry.

Crown Attorneys are reminded that there is a Manitoba Justice Communication Coordinator available if they do not want to speak to the media directly or in those situations where they would like some assistance in responding. The current Communication Coordinator is:

Eileen O'Donnell  
 Communication Coordinator  
 Communications Services Manitoba  
 10-155 Carlton St.  
 Winnipeg, MB  
 R3C 3H8

Phone: 945-7123

- ***Expect to be quoted*** – Crown Attorneys should assume that any comments they make to journalists will be attributed to them. All communication with the media should be considered “on the record”.

Further, it is necessary to stress the need for transparency when dealing with the media. In other words, a Crown Attorney is not to provide information on condition that he/she is named only as an “anonymous justice source”.

### **Inquiries about a particular case**

When a media inquiry concerns the handling of a prosecution, the evidence adduced or other issues related to a specific case, the amount of information that may be disclosed by the Crown Attorney is governed by the preceding guiding principles and the following guidelines:

- ***Prior to the laying of charges***  
 The provision of any information at this stage of proceedings could compromise an ongoing investigation. If questioned by the media as to whether a particular individual is under investigation or whether charges are to be laid, Crown Attorneys should always reply that it is departmental policy not to discuss such matters.
- ***While the case is pending before the courts***  
 A Crown Attorney should respond to a media request for factual information in a timely way. The following information may be provided:
  1. the fact that an information has been laid,
  2. the accused's name<sup>2</sup> but not the accused's address or other contact information,

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<sup>2</sup> There are situations where the accused's name must not be disclosed. For instance, where the accused is under age 18, the YCJA generally prohibits the disclosure of the accused's name. In addition, there may be cases where the court has ordered that an adult accused's name not be disclosed (e.g. under s. 486.4 where it would tend to identify a victim in a sexual offence).

3. the nature of charges (e.g. manslaughter) but not the particulars giving rise to the charge and not the names and addresses of the victims or witnesses,
4. the status of the case (e.g. set for trial on a certain date),
5. the name of the investigating agency and the length of the investigation,
6. the conditions of the accused's release but not the names or addresses of victims or witnesses.

Any further elaboration about the case is unwise: it may create an impression that the Crown is trying to influence the court, it may compromise the prosecution (e.g. the particulars contained in the police report may not be proven in evidence at the trial) and it may harm the Crown Attorney's position of trust and independence. In particular, public statements must not be made in regard to:

1. observations about the guilt or innocence of the accused,
2. the character or reputation of the accused, including any information about the accused's record,
3. the failure of the accused to testify, submit to any test or to cooperate with the police investigation,
4. the existence of any plea negotiations or the possibility of a guilty plea,
5. the correctness of the judge's charge to the jury or ruling on a particular point,
6. the character or credibility of any witness, or
7. the merit or weakness of either the Crown or defence case.

- ***Once the verdict has been delivered and the case could be appealed by either the Crown or defence***

If questioned regarding the possibility of an appeal, the Crown should indicate that decisions regarding whether to appeal are made following a complete review of the case. The Crown Attorney should not outline their recommendation regarding the appeal or make any public statement regarding the likelihood of a Crown appeal.

- ***Once the appeal period has expired or the appeal process has concluded***

If questioned about the reasons given by the judge or the result in the case, the best course is to simply refer the media to the decision in the case. Any further comment by a Crown Attorney must respect the finality of the decision.

Questions about factual matters related to the case remain subject to the same guidelines provided under the heading "While the case is pending before the courts".

### **Other Situations**

When asked, Crown Attorneys should provide general information to the news media about the operation of the criminal justice process in order to enhance the public's level of understanding.

However, requests of Crown Attorneys relating to Prosecutions policies or the merits of law reform, including the implications of court decisions or other matters which have broad implications for Prosecutions or the criminal justice system should be referred to the Communication Coordinator who will prepare a response in consultation with Prosecutions staff.

When a Crown Attorney becomes aware that a case is likely to attract significant media attention, the Crown Attorney must notify the appropriate Director and the appropriate Senior Crown Attorney (See policy entitled: Reporting on Sensitive Cases 2:REP:1). It is good practice to notify the Communications Coordinator in these situations as well.

This policy cannot anticipate every situation that may develop. Where an unusual media-related issue arises that does not appear to be addressed in this policy, Crown Attorneys are encouraged to consult with their Supervising Senior Crown and the Communications Coordinator before making public statements about the situation.

**RATIONALE:**

The public's confidence in the justice system is determined in large part by the information that citizens receive from the news media. In this era of increasing media scrutiny of the criminal justice system, it is important that Crown Attorneys provide accurate and timely information to the public through the news media.