

Justitiële verkenningen

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Justice and the media

Summaries

Trust and suspicion; the three cornered relationship between the justice system, media and citizens

C. Brants and K. Brants

In this article the authors put the divide between the administration of justice and society in a historical perspective. The relationship between the justice system and the media has changed dramatically during the last four decennia. In the era of denominationalism there still was a somewhat symbiotic relation of trust between the two: the media just passed on the opinions of the elites. The emancipation and professionalisation of journalism led to a more critical distance in the seventies, but the consensus on a mutual division of roles and the importance of reserved news coverage on crime remained intact. In the eighties for the first time criminality became an item during the elections and discussions sprouted on how to combat it. The media started to shift their attention from court journalism to the criminal investigation and started to compete between themselves and with the justice system for disclosures, a development that went on in the nineties. In the media the prosecutors office was regularly depicted as a blundering organisation that could hardly fulfill its tasks. Natural trust in the government as keeper of the public interest made way for suspicion. Journalists set themselves up as keepers and controllers of the constitutional state and increasingly played a role in investigation and the administration of justice. Nowadays one can hardly speak of reserved news coverage, also because 'disclosures' are necessary in the increasingly ferocious battle between the media and mean personal succes and satisfaction for journalists. With the attention for victims, the battle between the justice system and the media takes place in a three-cornered relationship with the citizen as third party. According to the authors, the reason for the great divide between the justice system and society is the fact that in the penal practice there is hardly any place for the victim. The media employ this void by bringing infotainment and talkshows and thus offering a platform for civil indignation. The authors conclude by stating that the constitutional state becomes problematic when the public interest increasingly coincides with the things society is interested in.

Media and law enforcement: who is influencing who?

B. van Gestel

A much-heard statement is that media set the political agendas of police and government. However, the statement lacks a solid empirical basis because not sufficient empirical research has yet been done concerning the role of media in the formulating, planning and execution of criminal policy. This article focuses on the hypothetical relationship between media and criminal policy. It presents a theoretical analysis, based on the concepts *agendabuilding* and *framing*. By combining those concepts we can construct four ideal typical models of influencing: media set the agenda; citizens and pressure groups set the agenda; government set the agenda; rational crime figures determine the agenda. For every model one can find supporting and denying empirical evidence. At present it is not clear which model or mixture of models dominates.

Imaging in the administration of criminal justice

L. van Lent

The main objectives of the principle of publicity are to ensure the fairness of criminal proceedings and to legitimise the administration of criminal justice. The public character of the criminal process is to meet these aims by making the process receptive to public scrutiny and to publicly show this receptiveness. 'Justice must not only be done, it must also be seen to be done'. An insight into how this notion can be implemented is offered by the case law of the European Court of Human Rights. In deciding whether the requirements of a fair trial have been met, the Court attaches importance to

'appearances', referring to 'the increased sensitivity of the public to the fair administration of justice'. Thus, public opinion of fairness acquires influence on the legal substance of fairness. The administration of justice has to conceive of its image with the public.

Public relations officers, communication advisors and media-managers; the window dressers of government?

J.L. de Wijkerslooth and J. Simonis

This article looks into the three-cornered relationship government, media and citizens. The authors analyse the developments in (state)government public relations focussing on the question of what kind of information policy judicial and police authorities should adopt. The traditional public relations officer, who only follows and communicates the policy, has become a rare species. Public relations officers nowadays see themselves as communication advisors, whose main goal it is to get the policy accepted. With that some manipulation of journalists is all in the game. The so called 'spin doctor' goes even further: image building is his primary goal. The outgoing stream of information should underline this image. But a government that wants to 'score' a success so eagerly, will in the end only reap mistrust of the press and general public, as experiences in the United Kingdom seem to show. Now that the Dutch judicial authorities find themselves under increasing pressure to be more effective in the battle against crime, the temptation is strong to make the most of successes in criminal investigation and to provide the media with information necessary for a nice, entertaining, story. As new privacy laws have recently come into force, the public prosecutor's office as well as police authorities - even more than before - should be most reserved in providing personal information on suspects. Ultimately they have to give account of this part of their information policy in court.

'The justice system has a problem of image'; an interview with Peter R. de Vries

M.P.C. Scheepmaker

Crime reporter Peter R. de Vries has been 'the louse in the fur' of the justice system and police. He is the living example of the proposition that investigation is not exclusively the task of the government: many a criminal has been caught red handed by De Vries and delivered into the custody of the police authorities. Tip-offs by the public watching his television show have regularly led to the solutions of crimes. In this interview De Vries states that the justice system shows too little to the general public of how it operates. This is, among other things, due to an ivory tower mentality. The justice system should be much more open with the media and general public.