

# Guide for Judicial Officers when speaking with media about mental illness

Courts are a valuable source of information for the media about incidents and cases where mental illness may be raised. In fact, having mental illness raised in court may make a particular case more 'newsworthy'. Through court proceedings, journalists are privy to details about a person's mental health status, past mental ill health and claims made by witnesses and experts called to give testimony. While magistrates and other court officials may not talk directly to the media or seek out media coverage on a regular basis, their general dealings with journalists may have an impact on the way a story is developed.

## Key Issues for Judicial Officers

### **Consider the potential impact of a particular story and whether to make official media comment.**

- Consider if you are able to provide comment or advice to media professionals. Do you need advice or support from the Media Unit?
- Does the story have the potential to contribute to a better understanding of mental health and mental illness in the wider community? There may be the potential to include information that will assist in understanding how mental illness is dealt with in the courts.

### **Consider whether journalists will be able to understand and correctly interpret the impact of mental illness on the proceedings and the judgement.**

- When issuing judgements, consider whether it is possible to place statements relating to mental illness in a context that minimises misinterpretation by members of the court, including journalists.
- Journalists are asked to question whether mental illness actually contributes to a news story in a significant way. Ensure that you provide enough information, through remarks and statements, to assist them in making this judgement call.
- Is there any capacity for you to remind journalists present in court of their responsibilities when reporting mental health and illness? This may prompt some journalists to do further research before they write their story.

**In sentencing and remarks from the bench, check that your language is appropriate and that it does not stigmatise mental illness.**

- A key part of court reporting involves quoting remarks made from the bench. The language used when reporting on mental illness can contribute to stereotypes, myths and stigma. Journalists are unlikely to edit 'direct quotes' from sentencing remarks and judgements, even when they recognise that the language may not be helpful.
- It is important that the language used is consistent when providing suggestions to the media. Remember that your comments may potentially reach many members of the community.
- Avoid negative language such as 'mental patient', 'lunatic', 'schizo', 'psycho' etc.
- Avoid labelling a person by their mental illness. A person is not 'a schizophrenic', they are 'currently experiencing', 'being treated for' or 'have a diagnosis of' schizophrenia.
- Be careful not to imply that all mental illnesses are the same and ensure that correct terminology is used in relation to specific diagnoses.
- Do not use diagnostic terms unless the diagnosis has been confirmed by a medical professional.
- Be aware of the language you use when referring to someone leaving hospital. A person is 'discharged' from hospital not 'released' and they 'leave' or 'go missing', they do not 'escape'.

**Be mindful not to reinforce common myths and stereotypes about mental illness.**

- While news stories that emanate from court proceedings relate to specific and relatively rare circumstances, audiences are likely to draw from them general inferences about mentally ill people and the risk they may pose to the public.
- The type of information presented in court, and subsequent media reports, may reinforce stereotypes such as those that link mental illness with violence or suggest people with mental illness are unable to work, parent or lead fulfilling lives.
- Ensure not to make generalisations about mental illness or specific mental illnesses.