

Media Guidelines on ICAC Cases

1. Overview

The effectiveness of the ICAC hinges on public support, and the mass media is a potent means of spreading the anti-corruption message. There is also a rising public expectation for greater transparency of the work of the ICAC through the media. A fine balance, however, has to be maintained between the rights of individuals, reputation of the organisations concerned and the interests of the public. Prudence should be exercised in the release of information and that it should be under tight supervision and control.

Public support, meanwhile, could easily wane given the mercurial nature of the masses. The ICAC should be on constant alert to unexpected incidents that may generate adverse publicity to the Commission. Timely response to such incidents shall be given top priority in order to defuse, mitigate and lessen their impact on the ICAC's reputation.

2. Information Policies

As a law enforcement agency, the ICAC must abide by the rule of law at all times and has to be seen to be doing so. The following policies on the release of information should be strictly adhered to :

- ⇒ No press releases on ICAC investigations shall be issued without the clearance of an Ops directorate officer.
- ⇒ No information that may be regarded as sub judicial or may compromise on-going investigations shall be released.
- ⇒ No identities of suspects shall be revealed in any press releases/statements unless charges have been laid, nor any confirmation of their identifies be made upon media revelation except under very exceptional circumstances.

- ⇒ No further information on the investigations, other than those disclosed in ICAC press releases, shall be provided except tangential factual information such as operation code names or number of search warrants exercised.
- ⇒ No investigators, unless authorised by the Ops directorate, shall speak to the press on investigation matters. All communication with the media shall be confined to officers of the Press Information Office.

3. Steering Principles for Media Publicity

The guiding principles in media publicity shall be such that it could serve the following objectives :

- ⇒ To deter perpetration of corruption or related crime.
- ⇒ To educate the public the dire consequence of corruption.
- ⇒ To prevent the occurrence of similar corruption-related crimes by exposing them.
- ⇒ To enlist continued public support.
- ⇒ To project the ICAC as an effective and accountable agency.

4. Guidelines of Implementation

The following sets out the various yardsticks in considering the issue of press releases. The guidelines are by no means exhaustive, for it is neither practicable nor feasible to list out all situations. The officers-in-charge shall consult the directorate on any uncertainty and liaise with the Press Information Office on the best approach.

(a) Publicity on Operations

In addition to legal consideration, the integrity of an ICAC operation is of utmost importance. The relevant PIs and case officers shall be consulted and a final clearance from the directorate is a must. In the process, the following criteria should be used to measure for or against the issue of press releases.

Publicity should be considered when arrests have been made in relation to

an operation and meet the following criteria :

- Serious acts of corruption and related malpractice/ offences have been committed.
- Unusual modus operandi of crimes is involved.
- Widespread corrupt practices are in question.
- Public safety/consumer protection issues are at stake.
- Warning/educating the public not to fall prey to the corrupt practice.
- There is a need to appeal to the public for information.
- There is justified need to respond to press enquiries when an investigation is exposed prematurely under unforeseen circumstances.

Content

While there is no rigid rule in presenting an operation, the following should be observed :

- Origin of complaints should not be too specific unless it is central to the case in question.
- General is better than specific.
- The name of private company should not be mentioned unless very special consideration of public interest is involved.
- When consumer right/safety is at stake, the balance shall tilt towards the protection of the general public in the release of more specific information.

- ➔ Appropriate details shall be given in a press release, such as the titles, ranks, government departments/ units or nature of the private organisations involved.
- ➔ Every effort must be made to make clear that all allegations are allegations only and are subject to continuing enquiries.
- ➔ The Press Information Office should be prepared to provide the media with supplementary information and statistics on past ICAC publicised cases of similar nature to the subject of press release.

(b) Publicity on Court Cases

For ICAC court cases, there are normally three phases of publicity and the rule of court reporting should be strictly observed.

Pre-Court

- ➔ The charges should be strictly adhered to in the press releases. Only minimal amount of factual and non-sub judicial information should be mentioned such as brief case background in order to facilitate public comprehension of the case.

First Court Appearance

- ➔ Only what has been said in the open court shall be publicised. Background is forbidden. It should be noted that for some well-publicised cases, such ICAC releases might not be necessary.

Convictions

- ➔ A court conviction and sometimes remarks made by the judges on the case are of public interests and it is also of deterrent and education value. A press release is thus warranted. In some circumstances, it should be taken as an opportunity to convey the anti-corruption messages.
- ➔ After-court briefing should be considered depending on the intensity of public interests, the complexity of the case, its educational value. This also applies to major appeal cases.

5. Response to Emergency

The Commission from time to time will be thrown into the defensive due to unexpected turn of events in connection with operations, court proceedings, unjustified allegations arising from misunderstandings, etc.

Some of these incidents would develop into a full-blown public relations crisis if not handled expediently and properly. In most cases, however, their impact could be mollified with straightforward release of facts. Hence, frontline vigilance is crucial in alerting the Ops directorate, the responsible PIs/CIs and the PIO any emergency or irregularities at the first possible instance. (A contingency response mechanism will be explained in a separate paper plus a reference checklist.)

6. Conclusion

These guidelines aim to provide a general steering to all officers, including that of the Press Information Office, when considering media publicity/response in connection with ICAC cases.

≈ ≈ ≈ ≈ ≈ ≈