

# *The Michigan Prosecutor's Guide to Community, Media and Public Relations*



*January 2017*

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# Table of Contents

Table of Contents	1
Introduction	2
<b>Community Relations</b>	<b>3</b>
Communications Plan	4
Elements of a Good Public Relations Plan	5
Public Outreach Calendar	6
Social Media	7
Communicating When You Are Not Being Covered	8-9
<b>Media Relations</b>	<b>10</b>
Top Ten Rules of Media Relations	11
Messaging	12
PAAM Best Practices For Law Enforcement and Communication to the Media	13-14
Press Conferences	15
The Interview	16-17
Difficult Interview Tip Sheet	18
Responding to the Negative Story	19
How to Write a News Release	20
Sample Media Advisory	21
Sample Press Release	22
Sample Op-Ed	23
New Reporter Press Packet	24-25
Media in the Courtroom	26
Sample Court Order for Courtroom Media on High-Profile Cases	27-29

# Introduction

This guide is designed as a resource to give you ideas to use in your communities and suggestions for speaking with reporters in your jurisdiction to educate them on your ethical constraints, the policies of your office and the basics of the criminal justice system. This guide will also give you tips in your efforts to proactively seek positive public relations and to develop a strategic plan.

PAAM emphasizes the importance of training on adhering to the standards that govern public statements. These standards include Michigan Rules of Professional Conduct 3.6 governing extrajudicial statements by attorneys, and Rule 3.8 (e) concerning our special responsibilities as prosecutors. We also encourage you to view our “Best Practices Recommendation for Prosecutors and Law Enforcement Communication to Media” on the following page. PAAM’s Michigan Prosecutors’ Justice Initiative: Best Practices Committee, made up of members from various-sized counties, worked to implement this best practice and adopted it on June 19, 2015.

PAAM recognizes that there are times when a prosecutor is constrained in discussing the details of a particular case, yet would find it helpful if the broader issues were presented. For example, you may not be able to discuss the details of the juvenile’s case, but it would be helpful to have the broader issue of juveniles and the criminal justice system addressed. In such instances, PAAM has a list of prosecutors who have agreed to be resources on different issue areas. If you’d like a referral to a prosecutor who can speak on the issue, or if you would like to offer to be a source for an issue, please contact KC Steckelberg or Mike Pendency at PAAM.



# Community Relations

# Communications Plan

## **Goals:**

What are your plans for the short term and long term throughout your year that you want to communicate to the public? What are the future issues that your office will address?

**Identify the key initiatives you want to communicate to the public:** Ideally, you will have at least one per quarter.

## **Establish a leadership position:**

As the chief law enforcement official in the county, look at the areas where you want to carve out a leadership position. Does your county need truancy enforcement? Unified law enforcement? Focus on drunk driving, domestic violence or teen pregnancy?

## **Develop community relationships:**

Identify what community groups your office should work with, such as MADD, the local domestic violence shelter, schools, churches, chambers, etc.

## **Develop an individual plan for each project:**

For example, develop a communications plan on Crime Victims' Rights Week, which includes:

The different audiences you want to reach (such as community leaders, media, victims, etc.).

The way you are going to reach out—such as media interviews, community events, speaking engagements, etc.



# Elements of a Good Plan

Prioritize communicating about issues and activities important to your office and community. For example, maybe your jurisdiction has suddenly been experiencing a high volume of opioid abuse. Outreach and presentations at schools, community groups and businesses can go a long way.

Meet with individual reporters in your area once a year to talk about the impact of crime on victims, victim sensitization, crime statistics, and victim privacy issues, etc. Give them a press kit with statistical information and the rules of ethics.

Look at natural times of years to promote your projects. (Crime Victims' Rights Month, Domestic Violence Prevention Month, etc.). You should plan one media/public relations project a quarter. (See Public Outreach Calendar on page 6).

- Consider asking a victim that is likely to want to be available to the media when the media is looking for an interview.
  - This person could answer questions like, "how does it feel when..."
- Reach out in "non-press" ways:
  - Include information about your office's activities in speeches to community groups.
  - Distribute brochures in the office lobby, or set up a lobby display.
  - Work with local schools on community events.
  - Set up charity events with law enforcement to attract the public or the media.
- Develop your message: the "three key messages" to these questions:
  - What is the importance of a prosecutor to the community?
  - What should the public know about crime, or crime prevention?
- Develop your answers for "when you can't answer the question."
  - Prosecutors are public servants. We owe our constituents as much openness as permitted under the rules of ethics.
  - See "Difficult Interview Tip Sheet" on Page 18.



**"That's why I am a prosecutor."**

# Public Outreach Calendar

<b>JANUARY</b>	<ul style="list-style-type: none"> <li>-National Stalking Awareness Month</li> <li>-National Slavery and Human Trafficking Prevention Month</li> <li>-National Drug and Alcohol Facts Week (last week of January)</li> <li>-National Mentoring Month</li> </ul>
<b>FEBRUARY</b>	<ul style="list-style-type: none"> <li>-Teen Dating Violence Awareness Month</li> <li>-Give Kids a Smile Day (February 5)</li> </ul>
<b>MARCH</b>	<ul style="list-style-type: none"> <li>-National Poison Prevention Week (March 15-21)</li> <li>-Problem Gambling Awareness Month</li> <li>-International Day of Happiness (March 20)</li> </ul>
<b>APRIL</b>	<ul style="list-style-type: none"> <li><b>-Crime Victims' Rights Month</b></li> <li>-Sexual Assault Awareness and Prevention Month</li> <li>-Alcohol Awareness Month</li> <li>-National Child Abuse Prevention Month</li> <li>-National Distracted Driving Awareness Month</li> <li>-National Youth Violence Prevention Week (April 3-9)</li> </ul>
<b>MAY</b>	<ul style="list-style-type: none"> <li>-Law Day (May 1)</li> <li>-Mental Health Awareness Month</li> <li>-Children's Mental Health Awareness Week (first full week of May)</li> <li>-National Alcohol &amp; Other Drug-Related Birth Defects Awareness Week (begins on Mother's Day)</li> <li>-Global Youth Traffic Safety Month</li> <li>-National Missing Children Day (May 25)</li> </ul>
<b>JUNE</b>	<ul style="list-style-type: none"> <li>-Fireworks Safety Month (June 1-July 4)</li> <li>-Men's Health Month</li> <li>-National Safety Month</li> <li>-Helen Keller Deaf-Blind Awareness Week (last week of June)</li> <li>-PTSD Awareness Month</li> </ul>
<b>JULY</b>	<ul style="list-style-type: none"> <li>-National Ice Cream Month</li> <li>-National Drowning Prevention Week (third week)</li> </ul>
<b>AUGUST</b>	<ul style="list-style-type: none"> <li>-National Children's Day (varies)</li> <li>-Don't be a Bully Month</li> </ul>
<b>SEPTEMBER</b>	<ul style="list-style-type: none"> <li>-Rape, Abuse &amp; Incest National Network (RAINN) Day (September 15)</li> <li>-National Suicide Prevention Week (September 5-11)</li> <li>-Sexual Health Awareness Month</li> <li>-National Guide Dog Month</li> </ul>
<b>OCTOBER</b>	<ul style="list-style-type: none"> <li>-National Domestic Violence Awareness Month</li> <li>-National Crime Prevention Month</li> <li>-Mental Illness Awareness Week (first full week of October)</li> <li>-National Bullying Prevention Month</li> <li>-National Cyber Security Awareness Month</li> <li>-National Youth Justice Awareness Month</li> </ul>
<b>NOVEMBER</b>	<ul style="list-style-type: none"> <li>-Red Ribbon Month (Anti-drunk-driving)</li> <li>-National Child Mental Health Month</li> </ul>
<b>DECEMBER</b>	<ul style="list-style-type: none"> <li>-National Impaired Driving Prevention Month</li> <li>-Human Rights Awareness Month</li> </ul>

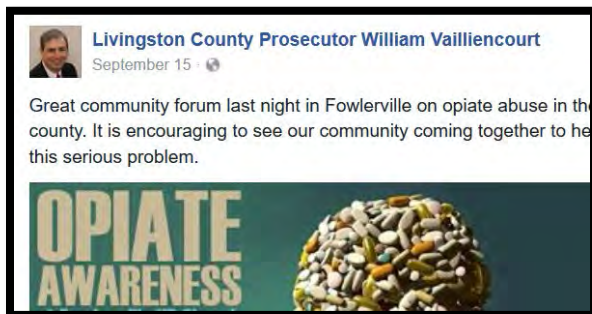


# Social Media

Social media can be a great tool to use to communicate information to the public, your media market, community groups, your fellow prosecutors, state and local elected officials and more. Everyone uses their own style and preference when it comes to using social but there are some things to think about.

- Have policies
  - Employees' personal use representing the office
  - Follow the same brand and stay on message
  - Who is allowed to run your social media? (Office manager, APA, elected only, multiple people, etc.).
  - What content will you allow on your page? Is it totally open for anyone to comment?
- Message
  - People subscribe to your Facebook page and Twitter feed because they want to know what is going on in regards to crime and justice in the community they live in. Be professional, ethical and concise.
- Press Releases/Case Updates

Using social media to disseminate case happenings and press releases is an easy way to get information out. No matter how big or small your county is, you have a major media market nearby that will cover you from time to time. It is okay to update on the latest occurrences of a criminal case, provided you abide by Michigan Rule of Professional Conduct 3.6.



# Communicating When You Are Not Being Covered

## ***What Can You Do?***

First, frame your story so that it has interest and impacts your entire community. Can you identify a person from the community to be interviewed? Can you involve kids or animals? Is there an interesting photo that can go with it?

Sometimes, after all of that, the media just isn't going to pick up your story. But, you do not need the media. How else can you get the word out?

- Announce it at a city council or county commission meeting.
- Speak to community groups, such as Rotary, Kiwanis, Elks, Moose, etc.
- Write an Op Ed piece.
- Host a breakfast of community “leaders”. Note that this is the person who starts “word of mouth” news in your county. This may be the local gas station owner, or the waitress at a popular restaurant, or a business leader. If your “leader” starts word of mouth, you can often get information out there quicker than if you get the feature story in the media.
- Host your own cable or radio show.
- Identify alternate media. Often such things as placemats, grocery store bags, or a coffee cup can be used as communication tools.
- Can someone else communicate your message? For example, if your local drug team is announcing the project, see if the law enforcement officials or health care officials can take the lead.
- Use Tie-In media promotion. For example, can you approach the media about being a cosponsor for Crime Victims' Rights Week?
- Use your web site effectively! You can include as much, or as little information as you like. For example, consider having a monthly prosecutor's column on the main page.



DJ Hilson (Muskegon) used the opportunity afforded by a local film premier to reach out to his community on prosecution and the criminal justice system.

The Heartland Independent Film Forum invited Hilson to attend their showing of *Anatomy of a Murder* (written by former Marquette County Prosecutor John Voelker) to talk about the differences between movie and real life.



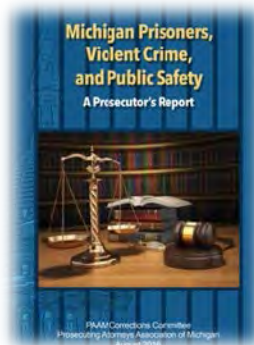
“This event is actually the second time I have done this presentation,” Hilson said. “It went so well last year that they did it again this year.”

At the end of the film, Hilson drew from his own courtroom experience to shed light on how close the courtroom scenes in the movie were to actual courtroom action. “I opened it up to questions and was able to talk about how case law works in a trial, what we do during jury selection, and the relationship between the lawyers both in and out of the courtroom.” Hilson also spoke about the impact today’s media has on a trial.

Approximately 70 people attended the showing. “Overall, it was a great opportunity to connect with a nice group of people to talk about what it means to be a prosecutor. I stressed the importance of a fair playing field and how we deal with issues that may not be favorable to our case (the rape issue in the movie as a motive to shoot the deceased) and that at the end of the day, good or bad, our job is to make sure justice is served.”

“I would strongly encourage my colleagues to take advantage of any opportunity they have to get in front of people to talk what we do and why we do it. You will find that some folks do have a perception of the office based on what they see in movies or on TV,” Hilson said.

Hilson’s presentation was featured on the local news.



# Media Relations



# Top Ten Rules of Media Relations

1. Respect reporters, return their calls and try to meet their deadlines.
2. Make sure the reporters know your professional ethical obligations in MRPC 3.6 and 3.8.
3. An interview starts with “hello.” From the moment the press reaches you over the phone, in person or when you walk into the courtroom, you are “on the record.” Do not say anything that you would not like to see in tomorrow’s headline.
4. Prepare. Know what your key messages are, what story or illustration you are going to use and what the tough question(s) may be.
5. Control the interview. It is acceptable to change the location of the interview, to ask to get back with them in fifteen minutes or to answer a different question than what is asked.
6. Be the expert. A news story always has a villain, a victim, an expert and a hero. If you can’t be the hero, be the expert.
7. Build relationships with reporters. Be accessible and be fair. Provide information where possible and appropriate. Suggest other people they may want to talk to. Do coffee or an occasional lunch. A little goodwill can pay off when a difficult story arises.
8. Do not be afraid to say, “I don’t know. Let me check and I’ll get back to you.” By doing so, you can accurately send out your message and not stumble on an impromptu mistake. Don’t try to fake it; the camera is great for picking up on that. Be accurate and you will earn the trust of the media and public.
9. Become known as a resource. Establish yourself as the person who will give timely and accurate information. *Example: Henry Ford was the best known resource of his time. Whenever a story about the auto industry was about to break, the media first came to Ford because of his openness and willingness to meet with the media. He even was quoted at times for stories that had nothing to do with Ford or the auto industry.*
10. Allow equal access to all media. The outlet that didn’t cover you favorably last time may do so this time. A way in which to release information to the media at the same time is through a news conference. Though this should only be used when the issue is truly newsworthy, the media all have a fair and equal chance to ask you question.



# Messaging

The way you provide your message and your style in doing so can make or break your message depending on the delivery. Accepting and involving the media in your message helps to clarify and dispel information. Your goal is to inform your audience; do so by empathizing with them and appreciating or listening to their concerns. Avoid the most common mistakes of making light-hearted jokes due to nervousness or smiling/smirking while speaking.

## ***Messaging:***

- Your audience already knows what the problem is and why you are there to speak to them. Given, there is not a need to dwell on the problem at hand.
- Focus on delivering optimism and hope; speak about how you plan to attack the problem.
- Limit your ideas and solutions to one, two or three things, at most. Your audience should leave knowing exactly what you stated not attempting to remember a long list of things.
- Make it easy to spread your message. Simple slogans and phrases that are short and sweet are often picked up the most.
- Ask yourself if the “average Joe” would understand your words. Remove legal jargon. Don’t assume there is a common understanding between you and the people you are attempting to get your message out to.
- The message should focus on how the issue affects people.
- Paint a picture tell a story. Help the listener visualize your message.
- You should be able to state your general message in one line.
  - “I stand for justice.”
  - “I am the first defender of the innocent.”
  - “I pursue truth and justice.”
  - “My office is the leader in seeking to end domestic violence in our community.”



# PAAM Best Practices

## Recommendation for Prosecutors and Law Enforcement Communication to Media

Prosecuting attorneys and law enforcement must act in a judicious manner to ensure and maintain an impartial trial for all involved in a criminal case. The Prosecuting Attorneys Association of Michigan (PAAM) recommends:

Prosecutors observe **Michigan Rules of Professional Conduct Rule 3.6**, which provides in pertinent part:

“A lawyer who is participating or has participated in the investigation or litigation of a matter shall not make an extrajudicial statement that the lawyer knows or reasonably should know will be disseminated by means of public communication and will have a substantial likelihood of materiality prejudicing an adjudicative proceeding in the matter. A statement is likely to have a substantial likelihood of materiality prejudicing an adjudicative proceeding when it refers to a civil matter triable to a jury, a criminal matter, or any other proceeding that could result in incarceration, and the statement relates to:”

- The character or credibility of a party, suspect or witness, or the expected testimony of a witness.
- The possibility of a plea of guilty or the existence or contents of a confession, admission or statement given by a defendant or suspect or that person’s refusal to give a statement.
- The performance or result of any examination or test, or the failure to submit to same, or the identity or nature of physical evidence.
- Any opinion as to guilt or innocence of a defendant or suspect.
- Information that is likely to be inadmissible at trial, and if disclosed would create a substantial risk of prejudice.
- The fact that a defendant has been charged with a crime unless there is included a statement explaining the presumption of innocence.

Michigan Rules of Professional Conduct Rule 3.8 provides that prosecutors shall exercise reasonable care to prevent law enforcement in a criminal case from making extrajudicial statements that a prosecutor is prohibited from making under Rule 3.6. Consequently, all Prosecuting Attorney Offices should adopt clear, written policies on what may be communicated to media outlets by local law enforcement before, during

and after a criminal case to comply with Rules 3.6 and 3.8. This will include, but not be limited to, guidelines for the use of social media relative to a pending investigation, criminal proceeding, or outcome of a case. The Prosecuting Attorney shall meet with chiefs and sheriffs to clarify communications policies as needed. To the extent practicable, the Prosecuting Attorney's Office should provide police agencies with training and/or explanation of the Michigan Rules of Professional Conduct (MRPC) 3.6 and 3.8.

A best practices recommendation by the Prosecuting Attorneys Association of Michigan (PAAM) is the product of careful consideration of experienced prosecuting attorneys. However, it is only a recommendation. A best practices recommendation may or may not be feasible or desirable to implement in every jurisdiction. There may be other methods in local jurisdictions to reach the same or similar objectives.

Date approved by PAAM: June 19, 2015

*“The prosecutor is the representative not of an ordinary party to a controversy, but of a sovereignty . . . whose interest, therefore, in a criminal prosecution is not that it should win a case, but that justice shall be done. As such, he is in a peculiar and very definitive sense, a servant of the law, the two-fold aim of which is that guilt shall not escape nor innocence suffer . . . It is as much his duty to refrain from improper methods calculated to produce a wrongful conviction as it is about a just one.”*

**Berger v United States (USSC, 1935)**



# Press Conferences

Holding press conferences should be saved for times when there is a large public interest in a topic or for a major announcement. While most prosecutors will hold press conferences a few times per year to announce charges or updates on criminal cases, there are also occasionally opportunities to partner with other local leaders for community-wide announcements. Make sure there is good reason to hold a press conference and that the news you're revealing is "fresh" and timely. If you hold press conferences too often, you will lose the interest of your media and the public.



If you're in the midst of a high-profile case that the media is very interested in, it may be worth holding a "media roundtable" at a specific time to answer questions for 15-20 minutes to discuss court happenings from that day. This is more simplistic and helps to clear up any misinterpretations of what happened during trial.

If you decide to go through with holding a press conference, there are a few things you will definitely want to think about.

You need to designate a contact person for press matters. It should not be the elected prosecutor. Rather, designate someone from your office who can handle media inquiries and distribute announcements and briefings, etc. It should almost always be the same person so the media can be familiar with the same person. This designee should start the press conference by introducing the elected prosecutor and cut off the press conference when questions start getting non relevant or uncomfortable.



- What is your objective/goal of holding the press conference? What is your message going to be?
- Where will the press conference take place? Does the location, time and date make sense for media deadlines and those involved?
- What media should you invite and do you need to reach out to those outside your normal distribution list? Make sure to give advanced notice.
- Limit the number of speakers to 2-3. Is everyone briefed and on the same page?
- Will you take questions from the media following statement(s)?

Remember, the cameras or audio might be on without you knowing it. When you're at the location of your press conference, remember you're always "live". Think about your nervous tendencies (smiling, demeanor, gesturing) and how you can avoid showing them.

# The Interview

The interview is sometimes viewed as one of the most difficult situations to master for any type of professional. Media use interviews for one purpose alone, to get a story.

## ***Ugly Facts of the Media:***

- They want a story. They are looking for a villain, a victim, a hero and an expert, and they will place you in any of those roles as they so choose. The majority of the time you will want to try to play the strong expert role; on occasion, the hero.
- The media sets the “truth” because they control the public’s perception.
- Whoever gets to the media first gets 90% of the story.
- Other media will follow the first story and include their “facts” in the new story.
- Accuracy is sacrificed for speed.

## ***What to Ask the Media When They Call for a Story:***

- Name of the reporter, the outlet that they represent and their phone number
- Topic of the story
- The scope of the issue the reporter wants to discuss
- Determine the length of the interview and what type of deadline they are working with
- A copy of the background they may have, if appropriate.
- Ask who else they are interviewing



## ***The Interview:***

- Breathe. Collect your thoughts.
- While you are in the presence of the reporter, you are “live.” Assume the microphone is on, and the camera is on, even if it looks as though the camera is being set up or put away.

When the reporters arrive, the cameraperson will start to shoot the room before the interview even starts. Never relax. (You could get burned when joking with police outside the courtroom. The media can make it look callous and uncaring.)

- Keep your audience in mind when speaking. Legal jargon and acronyms will not properly convey your message most times.
- There are no “courtroom stories.” There are real life events that happened to people and can affect them for the rest of their lives.
- Develop your 3 key messages and get them out early. Try to answer each question by referring back to some aspect of your 3 key messages
- Be colorful. Tell a story. Or create a picture with your words. Use an example or an anecdote. Or use a prop like a newspaper headline, or a layout of a future project you are trying to promote within your community.
- Do NOT use “No Comment.” Either answer the question with one of your key messages, or explain that you are unable to answer the question because of your professional ethical constraints. (See “Difficult Interview Tip Sheet” on following
- Who else should get “credit”? Acknowledge local law enforcement, attorneys in your office, etc.

***For live camera interviews, make sure your appearance and setting communicate what you want.***

- You don’t want to be talking about a serial murderer while you are on the golf course or talking about a case with inappropriate jokes posted on the wall behind you.
- Wear navy or primary colored suits. Do a last minute mirror check to avoid any embarrassing cosmetic issues.
- Remember your non-verbals as well. They alone can convey a message that is contrary to the message you are attempting to convey (tone of voice, body language, facial expressions).
- Have your staff help you prepare for the worst possible question.
- Suggest another source they may also want to talk to. By doing this, you influence their sources and appear helpful.



Also, if there are any questions regarding what you should do in a given situation during an interview, please feel free to call PAAM.

# Difficult Interview Tip Sheet

## ***Before the Interview:***

- Go over the facts of what the interview is about
- Prepare your **3 key messages**
- Brainstorm the questions that you don't want to answer, and come up with adequate responses

## ***The Interview:***

- Pause
- Maintain facial contact (eyes anywhere on the face) and listen to the question.
- Acknowledge the issue. Use terms like:
  - “I’m sorry you feel that way...”
  - “I can understand how you reached that conclusion. However...”
  - “Let me reiterate what the facts are...”
  - “If I understand your question, what you are really asking me is...”
- Be memorable– use stories, anecdotes, examples that will stick. Keep returning to your key messages

## ***What to Say When You Can’t Say Anything:***

- “I’m very concerned about the victims in this case, and we will push forward...”
- “This is an ongoing investigation, and I will keep the public informed as we move forward.”
- “I’d like to highlight the work of our (insert department name) for making such a commitment...”
- “It’s unethical for me to comment on an ongoing case, but I can tell you...”

Remember that you are ethically bound to say nothing at times. Remind the media of the ongoing investigation and also remind/advise your law enforcement that you are working as a team and extrajudicial comments could be damaging to the case or cause a mistrial. Remember the Michigan Rule of Professional Conduct 3.6 and refer to “PAAM Best Practices for Law Enforcement and Communication to the Media” on Pages 13-14.



# Responding to the Negative Story

You get up in the morning, open the paper or scroll through your Twitter feed, and see the headline. Reading the article, you realize that not only are you painted in a bad light, but the facts are wrong. How do you respond?

There are sometimes instances when the best response is **no response**. If they throw mud at you and you don't respond, it's a one day story. If you respond, and throw out an attack, especially without solicitation, it's a four day story. (The story, your response, the counter-story, and the editorial). There are, unfortunately, publications out there that will only report on one side of an issue and never ask for your input. It is best to ignore those articles (and public comments on blogs).

Determine if the story is factually in error, and if the time you will spend attempting to fix is important enough to be corrected.

Your first thought might be to immediately pick up the phone and call the editor or write an email dissertation outlining why the reporter or publication is incompetent. Doing so will not help you at all. Instead, the first thing that is most important to do is to take a step back and breathe. Collect your thoughts and attempt to understand why the story is what it is. It could be a simple miscommunication or naiveness of a new reporter. It is likely that a fellow prosecutor has been through a similar ordeal, so feel free to reach out to a colleague. You may want to contact PAAM for tips or advice as to the best course of action. Depending on the story or issue at hand, this could be a statewide-prosecutor concern.

If the facts are important enough they need to be corrected, start by calling the reporter and determine if they will write a follow-up. If you are not satisfied with your contact with the reporter, question yourself again with how important this is. If you still feel it needs to be resolved, call the editor. Do not paint the reporter in a negative light, but instead frame the situation positively. "In your article today on drug courts, it stated that any drug case was eligible. I'm concerned that people who are convicted of these crimes will think they automatically get drug court. Can we do a second story that includes an interview with one of the graduates of the drug court, and clarify the issue?"

# How to Write a News Release

## ***Writing and Sending News Releases***

- Use a headline that gets to the point. What you say here determines whether the reader will read the rest of the release. Craft a headline which conveys immediately why this news is important.
- Start with a strong leading paragraph. Answer who, what, where, when, why, and how. Use this paragraph as a summary for the release.
- Provide detailed explanation from the reader's perspective. Give details of the news so the editor understands why it's important to his/her readers. Any background information, quotes of note, etc., which illustrate the importance of this news should be included here.
- The key to writing a good news release is to think of it as an inverse pyramid. You are writing for people with attention spans of 30 seconds, 3 minutes, and 30 minutes. When reading, many people will only choose to scan articles so the most important information should be at the beginning of the release so the reader is able to get the facts. As you continue to write your release it is important to get more detailed as you go on.
- Include complete contact information. The contact name should be someone who's available and capable of answering questions.
- Keep it short. Maximum length should be one to two pages and no more than 500 words.
- Know the editor's deadlines. Weeklies often need the information one week in advance; dailies often put the paper to bed by 11:00 am or 4:00 pm.
- Keep in mind that news reporting has changed in the era of digital communication. We now have a 24-hour news cycle that changes quickly and also makes news outlets more competitive for the biggest, or sometimes, most sensational, story.
- Your social media posts can be picked up as content, news and quotes—even more the reason to be proactive in using social media as a tool, and another reason to be careful in doing so.



# Sample Media Advisory

## Office of Genesee County Prosecutor David Leyton



### MEDIA ADVISORY

Date: June 14, 2016

Contact: John Potbury, Special Assistant Prosecuting Attorney  
(810) 257-3215 or (810) 730-4446

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#### **PROSECUTOR LEYTON TO HOLD PRESS CONFERENCE AT 11:30AM TODAY TO DISCUSS FLINT FIRE THAT KILLED 3 CHILDREN**

WHAT: Genesee County Prosecutor David Leyton will discuss the house fire that occurred in Flint early Friday morning and resulted in the death of three children.

WHEN: TODAY, TUESDAY, JUNE 14, 2016 @ 11:30 AM

WHERE: Prosecutor's Media & Conference Room  
McCree Court Building  
630 S. Saginaw St., downtown Flint

WHO: Prosecutor David Leyton and members of the Michigan State Police and City of Flint Police Department.

###

# Sample Press Release

KYM L. WORTHY  
PROSECUTING ATTORNEY

FRANK MURPHY HALL OF JUSTICE  
1441 ST. ANTOINE STREET  
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Press Release  
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One Page  
***For Immediate Release***



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## **Dearborn Heights Man Arrested After Wife Tortured and Four Children Found Dead**

On September 21, 2016 at 1:15 a.m., the Dearborn Heights Police received a 911 call that led them to a home in the 4400 block of Hipp in Dearborn Heights. Dearborn Heights police officers arrested Gregory Vincente Green, 49 (DOB: 12/10/66), of Dearborn Heights, in the driveway of his home, in connection with the homicides of his two children and his two step-children. After the arrest, the police went into the home and discovered Green's 39-year-old wife in the basement of the home, bound with duct tape and zip ties. It is alleged that Green bound his wife, cut her face with a box cutter and shot her foot and then shot the two older children in front of her. Mrs. Green was taken to a local hospital for treatment.

Green's step-children, Chadney Allen, 19, and Kara Allen, 17, were discovered by police in the basement of the home with multiple gunshot wounds. They were both pronounced dead at the scene. In the garage of the home, duct tape was observed on the muffler of a car and a plastic tube was attached to the car. The police discovered Koi Green, 5, and Kaliegh Green, 4, in the upper portion of the home. It is alleged that Green poisoned the two younger children with carbon monoxide. The children were taken to a local hospital and pronounced dead.

Prosecutor Kym Worthy has charged Green with four counts of First Degree Murder, one count of Assault with Intent to do Great Bodily Harm, one count of Torture, one count of Unlawful Imprisonment, one count of Felonious Assault, Felon in Possession and one count of Felony Firearm. Green was arraigned and remanded to jail today in 20th District Court in Dearborn Heights.

The probable cause hearing is scheduled for October 5, 2016 and the preliminary examination on October 12, 2016, both hearings are at 9:00 a.m.

Prosecutor Worthy said, "There is nothing that better illustrates the silence of violence than this case. A confluence of events led to the deaths of four beautiful children. The alleged evidence in this case will show an appalling level of domestic violence that was cataclysmic. We must push the issue of domestic violence back to the forefront and be constantly educated about it."

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# Sample Op-Ed

## Public safety: A critical priority

Joe Hubbell

*Leelanau County Prosecuting Attorney*

As Michigan continues to look at the criminal justice system, public protection must be job one.

Over a decade ago, Michigan made tough decisions regarding sentencing guidelines which resulted in prison space being limited primarily to violent and career criminals who murder, maim, sexually assault, rob and violently invade our homes.

We have reduced our prison population from 51,454 in 2006 to 43,704 inmates in 2013.

Michigan Department of Corrections (MDOC) statistics confirm this---approximately 70% of our inmates are in for violent offenses.

Michigan is ahead of the curve in this respect. We recognized long ago what other states are beginning to recognize---that limited bed space needs to be reserved for the worst of the worst.

Only 10% of Michigan felons are sentenced to prison initially. That means that 90% of all felons are sentenced to jail or diversion programs.

A particularly salient point is that under current Michigan sentencing guidelines, even violent criminals often don't go to prison. For example, in 2013, 235 of the people that were convicted of assault with intent to do great bodily harm less than murder were **not** sent to prison.

And, contrary to a continuing misconception, Michigan prisons are not clogged with drug offenders. MDOC numbers disclose that only 7.7% of Michigan prison beds are used for drug offense violators. Most of those are major controlled substance trafficking crimes.

Michigan has more severe, violent offenders to incarcerate. MDOC records confirm that in 2013, less than .03% of Michigan prisoners were marijuana law violators.

The bottom line is that our current guidelines make it nearly impossible for non-violent offenders----and even many violent offenders-----to go to prison.

Part of the unfortunate Michigan equation is that we are one of the most violent states in the country.

Recent U.S. Department of Justice-Federal Bureau of Investigation Statistics placed Michigan's violent crime rate at 16.8% above the national average and 39.6% higher than the average of the Midwest states. This included a violent crime rate 55.8% higher than Ohio.

We must also recognize that our state lost over 17% of its law enforcement force over the past decade. This directly contributes to the unfortunate reality that Michigan is a violent state which solves only 31.6% of its violent crimes compared to the national average of 46%. Even worse, we have a 40% murder clearance rate compared to a national average of 64%. (FBI Statistics).

Accordingly, when you are forced to lock up threats to public safety such as murderers, rapists and other violent criminals, they will stay in prison much longer than a state which uses the majority of their prison allotment for auto thieves, safe breakers, drug offenders and other serious, but "non-violent" criminals.

All public and private sector efforts that help reduce recidivism are important. Local options are part of the solution. Treatment courts, truancy and community stabilization energies can be part of the answer.

But we cannot prioritize dollars over public safety.

**Michigan's prosecuting attorneys will continue to partner with Governor Snyder and the Michigan Legislature in efforts to review our sentencing provisions and to protect our public.**



# New Reporter Press Packet

Meeting with new reporters that are assigned to the courthouse beat is an easy way to quickly develop a good rapport with your local media. If a reporter understands from the beginning why you might be making the decisions you do, the better off you will be. Taking the time to meet with reporters who are doing their jobs can help you down the road. In addition, you can take this time to highlight MRPC 3.6 and 3.8., walk them through the criminal justice process and outline your preferred procedure for having them contact you. The letter below and next page will provide the basis for this meeting.

Dear **[Reporter's Name]**:

Welcome and congratulations on your new job with **[media outlet]**. I welcome the opportunity to work with you, get to know one another and make it as easy as possible for each of us to do our jobs in a professional, efficient manner.

Enclosed please find a brief description of what my role is as the chief prosecuting attorney. I will often refer you to the specific policies of my office, the Michigan Rules of Professional Conduct (3.6 and 3.8) that my office abides by, the steps in prosecuting a criminal case and statements about victim privacy issues. I encourage you to go to [www.michiganprosecutor.org](http://www.michiganprosecutor.org) and browse things like: "[Michigan Prisoners, Violent Crime and Public Safety: A Prosecutor's Report](#)", a criminal justice term glossary and other hot topics that impact prosecution.

I am happy to provide you with any assistance I can within the ethical guidelines I am bound by. I look forward to working with you.

Sincerely,

**[Prosecutor, County]**

## **What We Do:**

The Prosecuting Attorney is an elected official with a four-year term of office, as provided by the Michigan Constitution. Elections occur at the time of the Presidential election, on the partisan ballot. The Prosecuting Attorney is independent of the Michigan Attorney General.

The Prosecuting Attorney's office is responsible for a wide array of legal functions in our county, some of which include:

- Chief law enforcement official in the county.
- Reviews, authorizes and prosecutes violations of felony and misdemeanor criminal laws of the State of Michigan (and county ordinances) committed inside the county.
- Authorizes and prosecutes felony & misdemeanor juvenile delinquency offenses.
- See [www.michiganprosecutor.org](http://www.michiganprosecutor.org) for "Steps in a Criminal Case" and "Glossary of Legal Terms".

## **Crime Victims' Rights**

In 1985, the Crime Victims' Rights Act, Public Act 87 of 1985 (M.C.L. 780.751), created comprehensive rights of notification and participation in all stages of the criminal justice process for felony crime victims in Michigan. In 1988, the law was amended to include the victims of serious misdemeanors and juvenile offenses. The law creates a duty for police agencies, sheriffs, the Department of Corrections, prosecuting attorneys, courts and other agencies to include crime victims within the formal conduct of investigative, judicial, sentencing and post-sentencing proceedings.

The county prosecuting attorney provides a substantial amount of additional case management and advocacy work under the Act. Capable and dedicated victim advocates in prosecutors' offices throughout the state, in addition to prosecutors themselves, perform these duties.

Effective December 24, 1988, the constitutional amendment for crime victims' rights gave constitutional authority for the statutory rights of crime victims, provided legislative authority to enforce victims' rights, and provided legislative authority to assess convicted defendants to pay for crime victim's rights.

The Criminal Assessments Act (1989, MCL 780.901) provides for criminal assessments to support the Crime Victims' Rights Fund. It authorizes courts to order and collect financial assessments from criminal defendants to support the fund, and provides for disbursements from the fund to support crime victim rights services. The Crime Victim Services Commission is charged with recommending appropriate assessment amounts and with authorizing disbursements from the fund. The fund provides 100 percent of state dollars for crime victim rights services. No general tax dollars are used. This act has been amended several times to increase assessment amounts and the scope of assessable offenses.

# Media in the Courtroom

Hope for the best but prepare for the worst. Regardless of the size of your jurisdiction, you could very well find yourself in the midst of a high-profile case that attracts state, national and even international media attention. There are cameras everywhere and cases can be covered instantaneously via Twitter and blogging.



Take the lead in telling your judge and court personnel that you expect a media frenzy when this type of case arises. It is worth taking the time to meet with your court administrator and judge and/or judicial staff prior to the first hearing. It is important to discuss protocols and expectations at this point so everybody is on the same page. Although this takes extra time, it is worth doing rather than receiving a mistrial ruling down the road.

Your court should have a clear policy about media operations for high-profile cases. Public safety should be the number one priority when discussing protocols for media in the courtroom/courthouse.

[Administrative Order 1989-1](#) provides that “Film or electronic media coverage shall be allowed upon request in all court proceedings,” but is subject to certain limitations.

You may run into issues with judges, defense attorneys and/or media when it comes to media coverage and logistics during high-profile cases. In that circumstance, we encourage you to reach out to the Michigan Supreme Court Public Information Office (we can facilitate that for you). The Michigan Supreme Court Public Information Office has an internal guide, “[Courts and Media Guidelines](#)”, that is used solely for court personnel and not for outside dissemination. The guide is often a big help for prosecutors working with their courts to ensure safety and protections in cases attracting much publicity.

If you would like guidance on a plan for a particular case that arises, feel free to call PAAM.

See Pages 27-29 for a sample court order regarding courtroom media.



# Sample Court Order for Courtroom Media on High-Profile Cases

STATE OF MICHIGAN

IN THE THIRD JUDICIAL CIRCUIT COURT FOR THE COUNTY OF WAYNE

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiffs,

HON. TIMOTHY M. KENNY  
Case No.

vs.

Name,  
Defendant,

## **ORDER**

At a session of this Court  
Held on  
In the Frank Murphy Hall of Justice  
County of Wayne, Detroit, MI

PRESENT: Honorable Timothy M. Kenny  
The Third Judicial Circuit Court of Michigan

It is ORDERED, The following TV/Radio rotation will take place:

Prior to Week #1 (mm/dd/yyyy) WDIV-TV pool set-up,

**Week #1** (mm/dd/yyyy) WDIV-TV pool rotation, WXYZ-TV pool set-up (after court's conclusion at the end of the week),

**Week #2** (mm/dd/yyyy) WXYZ-TV pool rotation, WJBK-TV pool set-up (after court's conclusion at the end of the week),

**Week #3** (mm/dd/yyyy) WJBK-TV pool rotation, WDIV-TV pool set-up (after court's conclusion at the end of the week).

Should the trial continue beyond week #3, the rotation will hence continue as described in this order, returning to WDIV, then WXYZ, then WJBK.

During deliberations the pool will remain in effect. Once a verdict has been read, the TV/radio pool will dissolve.

The TV/radio pool agrees to provide the following video/audio pool feed free, and clear to any and all broadcast outlets, on a first come, first serve basis for up to (16) media outlets.

(1) The pool will provide (1) one TV camera (with audio), positioned facing the Judge's bench to right of the jury pool. At no time during the trial or jury deliberations will any members of the jury be videotaped, questioned, or have audio contact with the pool camera. This camera will be mounted on a tripod and manned by a member of the pool.

(2) The pool will provide (3) wired microphones to an audio mixer, which will capture audio from the Judge, the defendant/prosecution table, and the witness stand.

(3) From the inside courtroom pool camera and audio mixer, a cable will run around the courtroom out into the hallway and over to courtroom 610, which will serve as the TV/radio pool gallery. From this point, all TV/radio outlets will be able to plug into the separate pool feeds. Pool Feed #1 will contain video/audio from the pool camera.

(4) No cell phones/blackberries, 2-way pager devices will be allowed inside the courtroom.

(5) Computer laptops (quieted) will be allowed.

(6) The court agrees to provide power for the pool TV camera and audio mixer. This power will come in the form of (1) independent 20 amp circuit, not to be shared.

(7) Courtroom 610 will be reserved for members of the media, and any press conferences, statement will be made in this room. No hallway videotaping/audio recording will be permitted during the length of the trial.

(8) Members of the media, by request will be permitted in the actual courtroom (courtroom 602) during the trial. The intent of the request is to provide the court clerk with an understanding of the court's seating limitations.

(9) Members of the media will not be permitted in the building past the building's official close of business day, 4:30 PM ET. However, those remaining members of the TV pool will be allowed to remain in the court room #610 until 6:15 PM for the purposes of filing news coverage related to the trial.

(10) Each participating pool member agrees to provide a camera, tripod, and cameraperson set-up and ready in the courtroom by 8:30 AM each morning of their pool participation. The assigned cameraperson will be knowledgeable and have an understanding of the pool set-up.

Based upon discussions internally among pool members, the following pool members will provide equipment for the duration of the trial.



WDIV-TV will provide a 16 channel video/audio multi-box  
WXYZ-TV will provide a 4-channel audio mixer and wired  
microphones WJBK-TV will provide cabling (2-video & 2-audio)

Each pool member outlet will provide its own camera, cameraperson, and tripod.

(11) Leaving/returning during a witness' testimony: If you must leave, you will be allowed to return during a break. If you arrive after court has begun, you will be allowed in during a break.

(12) Still photography will be allowed with the use of a camera with a silent shutter.

(13) If your news station is not represented during any part of the trial, a summary of the day's events will not be provided by the court's staff. You will need to contact either the defense attorney or the prosecuting attorney.

(14) Request and Notice for Film and Electronic Media Coverage of Court Proceeding forms should be faxed by \_\_\_\_\_ PM, one day prior to your coverage, to fax # \_\_\_\_\_ (copy attached)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Hon. Timothy M. Kenny  
The Third Judicial Circuit Court of Michigan