

# Allow TV full access to our courtrooms and justice will truly be seen to be done

*Chris Daw, QC    Sun 31 Jul 2022    The Observer*

One evening in June 1994 – my first year as a criminal barrister – I arrived home from court, turned on the news and found myself watching something extraordinary, not only in the annals of crime but in the history of broadcasting. OJ Simpson was being pursued by the police on a California highway, broadcast live from a television news helicopter. He was eventually arrested and later charged with two counts of first degree murder. The high drama of the chase was just the beginning. Every moment of the legal process, including the enthralling jury trial, was captured on camera and broadcast live to the world. This was open justice in its most extreme form; nothing hidden, no broadcast editing or delays. Everyone had an opinion about the case but, in the end, only 12 opinions mattered. It took the jury just four hours to find Simpson not guilty. The verdict was highly controversial and opinion remains divided to this day, but at least we were all able to watch the evidence unfold for ourselves, without the filter of selectivity. For me, for all the flaws of the US justice system, the televising of the Simpson trial was a huge advance for transparency and public engagement.

Almost three decades later, I still ply my trade in the criminal courts. And I have become increasingly frustrated and angered at the disparity between what happens in court in front of my eyes and what is reported in the media. I frequently watch or read reports of my cases that simply bear no relationship to the evidence presented or the judgments reached. The law and the evidence are misrepresented, key details are distorted or omitted altogether; the picture painted by reporters is often simply wrong.

We are at an all-time low in public confidence in the justice system, with almost daily calls for “soft judges” to be sacked or for the law to be changed in response to verdicts and sentences, which are not even properly explained in the media, let alone widely understood. When the public no longer trusts the courts to deliver justice, one of the vital pillars of a functioning democratic society is undermined. [...]

I have long been of the view that the only way to combat inaccurate reporting of events in court, whether in civil trials or in high-profile criminal litigation, is to open up our courts to the television cameras, once and for all. Finally, with baby steps at first, the courts are moving in that direction.

Last Thursday, Judge Sarah Munro QC made English legal history, when she passed a life sentence on Ben Oliver, a “very damaged man”, for the unlawful killing of his 74-year-old grandfather. Judge Munro’s clear and cogent sentencing remarks were captured by television cameras, allowed to film proceedings in a crown court in England for the very first time. It was broadcast to the nation on every news bulletin. She explained all of the difficult balancing factors in sentencing a case of this gravity, complexity and sensitivity, most of which never make their way into media reporting of criminal cases.

I challenge anyone who watches Judge Munro’s carefully chosen words to find fault with her judicial reasoning, sensitivity and compassion. In a sense, however, it does not matter whether the viewer agrees with the sentence or not. What matters is that public opinion is built on the truth of what happened in court rather than a partial and misleading media soundbite.

Open justice, of the kind we witnessed - to a limited degree - at the Old Bailey last week, is the only way we can hope that, when voters go to the ballot box, there is any chance that their views on the parties’ criminal justice policies will be informed by the truth. For me, this should only be the beginning. We live in an age when cameras are ubiquitous, filming and recording everything we do and everywhere we go. It is time for every criminal court in the land to be thrown open wide to the public, through their phones, tablets, computers and television sets, so that everyone can finally see how justice is carried out in their name. [...]