

IAMCR

Journalism Education and Research Section

Theme: **Innovations in Journalism**

Title: **The accused is entering the courtroom: the live-tweeting of a murder trial.**

Introduction and context

The use of social media, especially Twitter, is now widely accepted within journalism as an outlet for news information. Live tweeting of unfolding events is standard practice, with a few exceptions, and journalists are consistently required to use social media both for research and dissemination of stories. (BBC College of Journalism, undated; Bull, 2010; Knight and Cook, 2013; Nardelli, A, 2011; Newman, 2009; Zeller and Hermida, 2015)

But as new technology becomes routine, the law tends to follow slowly. In courtrooms, especially, where the needs of journalists are weighed against the requirements of the law, social media has penetrated more slowly, and its use is still constrained in many jurisdictions. In countries that follow British Common Law, especially, journalists are limited to analogue technology, and constrained in what they may report even outside the courtroom. ("Courts," n.d.; Hanna et al., 2012; Quinn, 2007)

In circumstances where live reporting of trials is permitted, and where journalists are able to use live social media during proceedings, a new form of social media journalism is arising. Just as the live broadcast of the trial of OJ Simpson heralded changes in both the media and in the criminal justice system (Brown et al., 1997; Thaler, 1997; Williams and Delli Carpini, 2000), so reporting of trials on social media has the potential to change reporting and the courts. Strategies for reporting trials on social media were evolving as journalists adapted and responded to circumstances, and for an observer of social media and journalism, this proved fascinating.

The particular trial chosen for analysis in this paper was that of Oscar Pistorius, Olympic athlete and now convicted killer. From the initial reports that the police had been called to his home outside Pretoria, South Africa, in the early hours of Valentine's Day 2013, the events surrounding and consequences of the death of Reeva Steenkamp were widely reported on social media, and especially on Twitter. A number of circumstances contributed to this happening: Oscar Pistorius was world-famous already, having been one of the first disabled competitors in the Olympics, and he was widely admired and his story held up as an exemplar of courage in the face of diversity; Johannesburg is the largest community of journalists in Africa (most English-language press organisations that have any correspondents in Africa station them in Johannesburg); putting hundreds of journalists within easy reach of events as they unfolded; South Africa has a stable and extensive mobile phone and data network, and Twitter is particularly popular, with 44% of South African Internet users accessing the site (compare 28% for the USA, and 30% for the UK). (Statista, 2015)

In March 2014, Oscar Pistorius went on trial in the Gauteng High Court for murder, to intense global media interest. The trial attracted reporters from all over the world, offering an irresistible combination of celebrity and murder, while also touching on serious social issues such as domestic violence, access to guns and response to crime. The trial was open to the press, largely conducted in English (and translated where not), and physically within reach of a large community of journalists. Television cameras were permitted, and satellite television channel MNet had won a court order allowing it to set up a specific channel to broadcast the proceedings to South African subscribers. (Vos, 2014)

Mobile phones and social media were permitted in the courtroom (with some constraints – some testimony was barred from being mentioned), and with the intense global interest, journalists almost universally live-tweeted the proceedings, with little restraint. Because South Africa does not have jury trials, and therefore has fewer concerns about the possibility of the press subverting the judicial process, journalists were largely permitted to report as and how they saw fit from the courtroom, with far fewer concerns regarding potential contempt of court (particularly a concern for journalists used to working within strict British Common Law jurisdictions).

The trial of Oscar Pistorius was not the first trial to be live-tweeted, judges in other jurisdictions, including the notoriously traditionalist British system had previously allowed select use of mobile phones, but this was among the first trials to attract such a large and diverse number of journalists, reporting for a global spread of news organisations, and this allows a comprehensive and comparative analysis of social media reporting strategies to be conducted.

Literature review

Social media has now passed its first decade, and has been thoroughly scrutinised, discussed, researched and commented on by the academy, the public, the media and the intelligentsia. A large corpus of academic research examining the uses, impacts, pitfalls and consequences of social media for the journalistic profession exists.

Approaches to the study of social media within the framework of journalism differ, with the focus shifting from its use as a source (Ahmad, 2010; Broersma and Graham, 2013; Knight, 2012, 2011; Lariscy et al., 2009) to its use in distributing the news (*#bbcsms: Technology & Innovation - YouTube*, 2011; Bosch, 2010; Farhi, 2011; Gleason, 2010; Newman, 2011, 2009; Stassen, 2010) and in self-promotion. As with many new technologies, much initial research is descriptive, and focuses on the potential for these new technologies. As the use of a new technology becomes routinised and normalised, the focus moves to more analytical research.

The use of social media in covering events has been analysed by a number of researchers (Bruno, 2011; Knight, 2012; Newman, 2009; Vis, 2013) all studied coverage of specific events in order to discern how social media was used, by journalists and other actors. Much of this analysis focused on coverage in crisis situations, where social media use spikes with public interest and immediacy of information becomes especially important. Bruno's report for the Reuters Institute on the use of social media in crisis situations picked up on this, and on the implicit competition between professional and amateur reporters in being the first with the image, video or data point. This inherits much from earlier tensions in the profession about the impact of amateur, or citizen, journalism and how it might displace or otherwise affect professional (commercial, industrial) journalism. This issue was widely analysed and discussed in the academic sphere (Allan et al., 2007; Allan and Thorsen, 2009; Lewis et al., 2010; Murthy, 2011; Rosenberry and St John III, 2010) and in the professional, and is clearly an influence in the discussion of social media (Lind, 2012). Although these analyses all examine social media and its use by journalists, they tend to take a broader view, with an emphasis on interviews and commentary by journalists about their own usage.

Chadha and Wells' (2016) study of how journalists used social media was based on interviews with eighteen American journalists, examining how they perceived Twitter and its utility for journalists. The response was largely focused on the use of Twitter as a brand promotion tool for their news outlets and themselves, and the journalists expressed annoyance at the demands social media placed on them to constantly be present, to respond to other journalists' items and

to satisfy their editors. Although the content of tweets is discussed in the research, their function as news outputs is not explicitly engaged with. Likewise, Zeller and Hermida's interviews with senior journalists and editors on the subject of social media elicited a number of tensions between the traditional and the modern in their

Farida Vis's analysis of the use of social media by two reporters during the 2011 riots in the UK takes a more narrow and directed angle, examining tweets by the two reporters over the four days of the riots. This analysis codes the content of each tweet according to a frame developed through prior analysis, focusing on the function of the tweet (reply, link, mention) and its content (requests, statements, intentions, commentary, etc). This then forms the basis for an analysis of the use of social media for planning, newsgathering, direct reporting and dissemination of news and other information. This research reinforces the importance of the direct analysis of content and uses of technology by journalists in order to understand both the impact of that technology and the evolution of journalistic practices.

Lasorsa, Lewis and Holton's analysis of social media use takes a similar approach in their examination of the normalization of social media within newsrooms, building on Singer's research into blogging among journalists (Lasorsa et al., 2011; Singer, 2005). Their analysis concluded that journalists use social media for a wider range of activities than their traditional outputs, and identified a number of key functions that journalists perform on social media: opining, re-tweeting, job talking, discussing, personalising and linking. This study was based on journalists' use of Twitter over two weeks in 2009, and not focused on coverage of a particular event or breaking story, contrasting this analysis with much else of the research into social media.

Zeller and Hermida's analysis of

These analyses fit in with more general discussion of social media usage by journalists, such as those conducted by (Hedman, 2015; Hedman and Djerf-Pierre, 2013)

Based on a corpus of Twitter feeds of more than thirty journalists covering the trial, this study analyses the content and strategies of these feeds in order to present an understanding of how microblogging is used as a live reporting tool. The journalists selected cover national and international media for the full range of media outlets and are from a range of nationalities and backgrounds.

Methodology

Tweets were gathered using Martin Hawksey's Twitter Archiving Google Spreadsheet application. (Hawksey, 2013) This was chosen because of the ease of use, and the flexibility of setting up new feeds. Each account's feed was archived to a different spreadsheet, and the whole consolidated in Microsoft Access for analysis.

During the first two days of the trial all tweets using the hashtags #oscarpistorius and #oscartrial were harvested. These were then sorted by the number of followers, and top posters analysed in order to identify journalists who were covering the trial. Approximately fifty accounts were identified and archived, this number was whittled down as it became apparent which of the journalists were present in the courtroom, and would remain so for the bulk of the trial.

At the end, 24 accounts were selected for analysis, all those of journalists covering the trial from within the courtroom. 21 of these accounts were those of individual named journalists, and

three were the official organisational account of news organisations. One unaffiliated journalist was included in the corpus, alongside 12 representing largely print organisations, nine from broadcast organisations (including four from radio stations, three from television stations and two from joint) and two from news agencies.ⁱⁱⁱ

Only accounts posting primarily in English were selected. A few of the South African journalists posted in both English and Afrikaans, and these were included, but no other languages.^{iv} All but two of the outlets analysed produce news only in English. The Rekord Newspaper (local Pretoria paper) is published in English and Afrikaans, and Agence France Presse is produced in both English and French. Of the 20 news organisations included in the corpus, two were local organisations (a newspaper and a radio station), twelve were South African national news outlets, and nine were international (US and UK, and agencies).

Tweets were gathered on the days in which the court was in session, weekends excluded, a total of 49 days between March 3 and September 12 2014. The full archive of Tweets contained 139 129 records.

After removal of duplicates, successive filters were applied to the text to eliminate irrelevant tweets. Filters were based on hashtags used throughout the trial and on free text searches for names and incidents that were mentioned in the trial. Filters were also applied based on other news events at the time, such as the South African Elections. Tweets were also filtered by time, including only those between 9am and 5pm local time, in order to narrow the corpus to only those tweets sent while court was in session. A final analog filtering was applied to the remaining tweets, to eliminate irrelevancies. This resulted in a corpus of 79021 Tweets from 26 accounts.

Patterns of tweeting

The trial was broken into four phases followed by final arguments and the verdict. The dates were as below:

3 March to 28 March – Phase one (adjourned due to illness)

7 April to 17 April – Phase two (adjourned for the Easter break and national holidays)

5 May to 14 May, May 20 – Phase three (adjourned to allow Pistorius to be evaluated by mental health professionals)

30 June to 8 July – Phase four and final evidence

7 August to 8 August – Concluding arguments

10 to 12 September – Verdict

Twitter activity remained high throughout the period, but the highest activity was in phase two, which included the hearing of the most explosive evidence, and Pistorius's own testimony from April 7 to 15.

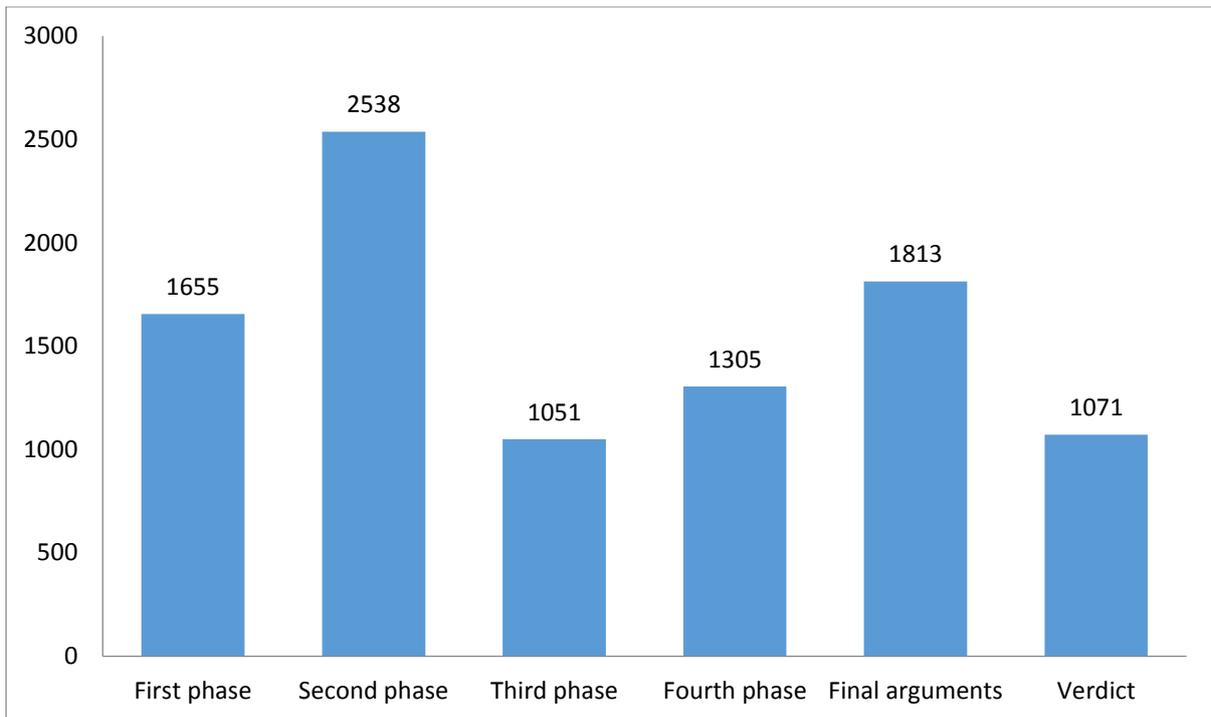


Figure One: Average tweets per day during the phases of the trial.

All of the accounts chosen reported on the trial for at least 26 of the 49 days of the trial, with the average being 42 days. It was not possible to ascertain whether all reporters were present in the courtroom during all of these days, since they may have been reporting remotely, or merely commenting during some of the time, but all accounts had been identified as having been in the courtroom for at least part of the trial. The most consistent account was that of News24, a South African News publisher, but Debora Patta (a freelance journalist), Charl du Plessis (from City Press) and Barry Bateman (from Eye Witness News, but also working as a commentator for MNet's Pistorius Trial channel) were all there for 47 of the 49 days. Andrew Harding of the BBC was the most consistent of the foreign media, followed by Aislinn Laing and David Smith of the Telegraph and Guardian respectively.

Average tweets per day per user varied immensely, from seven to 142. The chart below shows the number of tweets per user per day, based on six indicative accounts, those of Barry Bateman (EWN), Aislinn Laing (The Telegraph), Charl du Plessis (City Press), David Smith (The Guardian), Phillip de Wet (Mail and Guardian) and Rohit Kachroo (ITV).

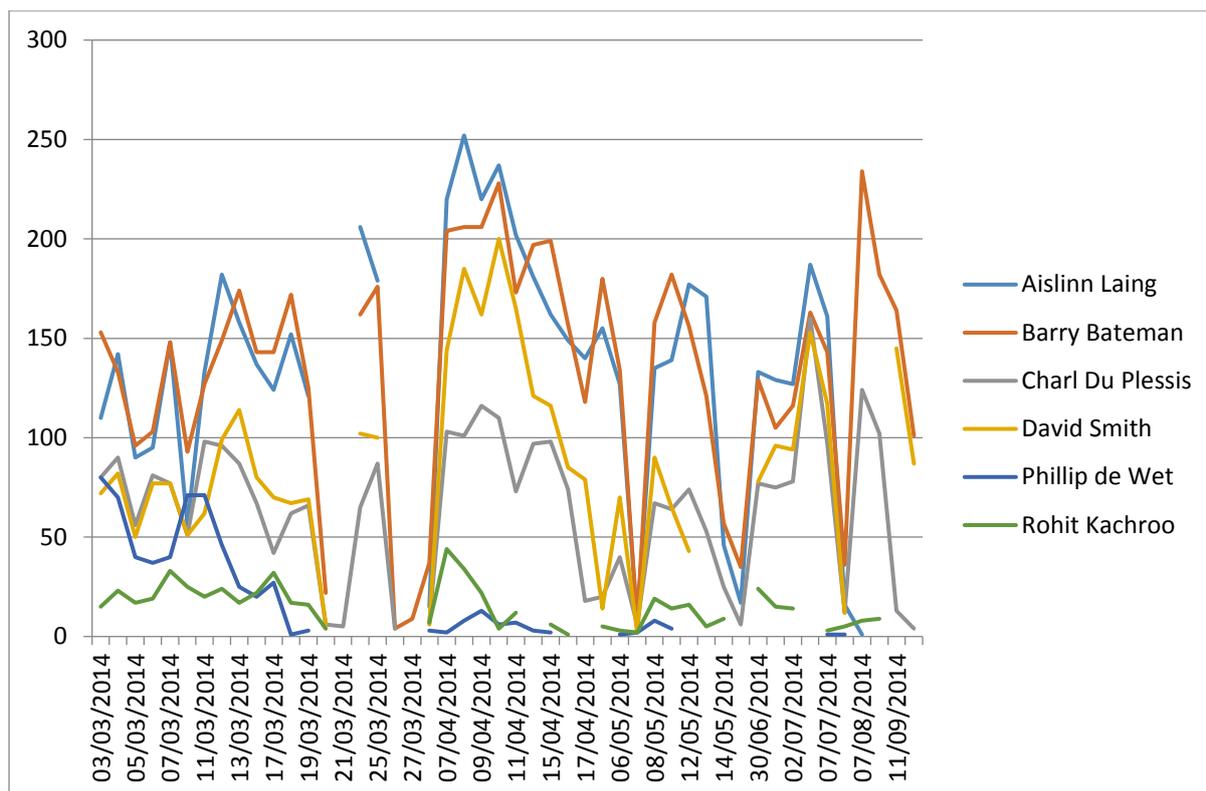


Figure two: Total tweets per day for six indicative users.

From this it can be seen that the overall pattern of interest tended to hold, and that times of peak traffic applied to most users. The single largest traffic day was April 7th, the day Pistorius himself took the stand.

Tweet entities - hashtags

Twitter defines specific elements as entities within the data included in the tweet. These include Hashtags (defined by a preceding #), mentions of other Twitter users, replies, links and images. Hashtags are used across multiple social media platforms to identify key concepts and subjects within a stream of data, allowing users (and other sites) to aggregate all content around a particular topic. Journalists are consistently advised to tag all Tweets with hashtags to allow for them to be easily found and aggregated. (Bull, 2010, p. 38; Knight and Cook, 2013, p. 34)

In the corpus of Tweets, 78% (61475) contained hashtags, the most common of which were #OscarPistorius (35 591, 45%) and #OscarTrial (23 065, 29%), with 5% using both tags. Other hashtags used include #Pistorius (5 172 uses, 7%), #ReevaSteenkamp (244 uses) and #Roux (Pistorius’s chief defence lawyer, 144 uses). The main hashtags in use were #OscarTrial and #OscarPistorius, which were used at least 50% of the time by 17 of the 23 accounts. Hashtags arise through a process of osmosis and consensus a news story evolves (Hedman, 2015; Hermida, 2010; Lind, 2012), and by the time of the trial the consensus had evolved around these two tags.

The consensus was not universal, however: one journalist, David Smith (Guardian), used the #Pistorius hashtag 84% of the time, and used the other two only 0.2% of the time. Stephanie Findlay (Agence France Presse) favoured #Pistorius over either of the other two, at 24% to 9%. Rebecca Davis (Daily Maverick) followed suit with 16% usage of #Pistorius over 3% for the main two. Aislinn Laing (Telegraph) used the main two hashtags 25% of the time, and #Pistorius only 2%.

Excluding retweets and replies to users, overall hashtag usage varied from 99.98% to 6.35%. The chart below shows use of the main three hashtags by user, and overall hashtag use.

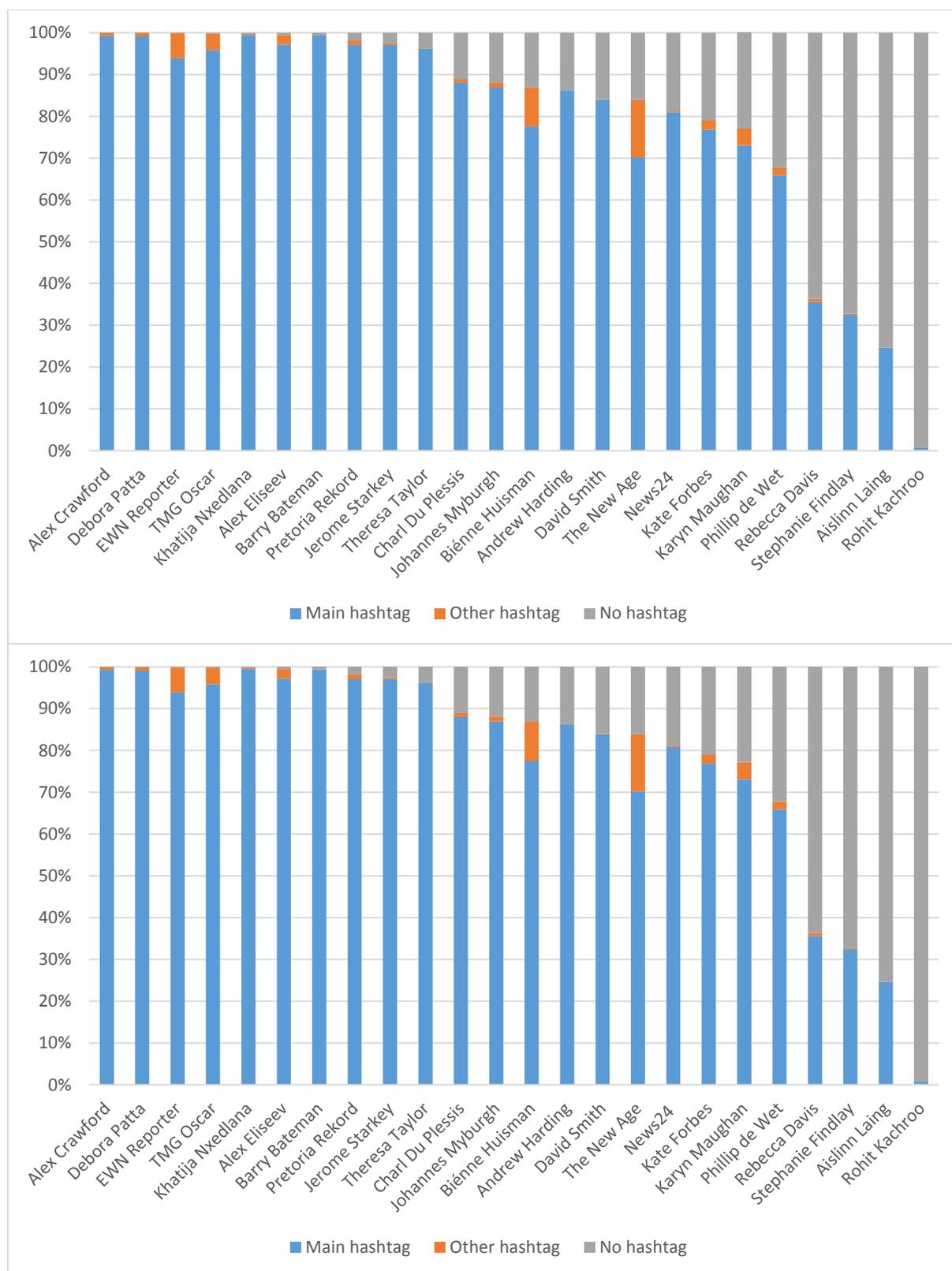


Figure three: Use of hashtags as a percentage of Tweets. Karyn Maughan's feed has been altered to include mentions of @eNCAnews

Interaction on Twitter

Twitter manages conversations, replies and repetition of comments by other users through the use of the “@” symbol to identify other users, which can then be analysed as an index of interaction. Overall tweeting behaviours showed considerable variety, with some users barely interacting at all, and others approaching 40% interaction. Of the users who used interaction consistently, most showed a mix of responses and retweets, with a smaller number of direct mentions. Karyn Maughan from eNCAnews mentions the main account the company (@eNCAnews) in 72% of her tweets, which appears to be intended as a way for the main newsroom to aggregate and distribute her feed – this was removed from the data for analysis, since it was obscuring other activity. The actual feed for eNCAnews is not public. The New Age also used retweets from their own journalists, 38% of the time.

Figure

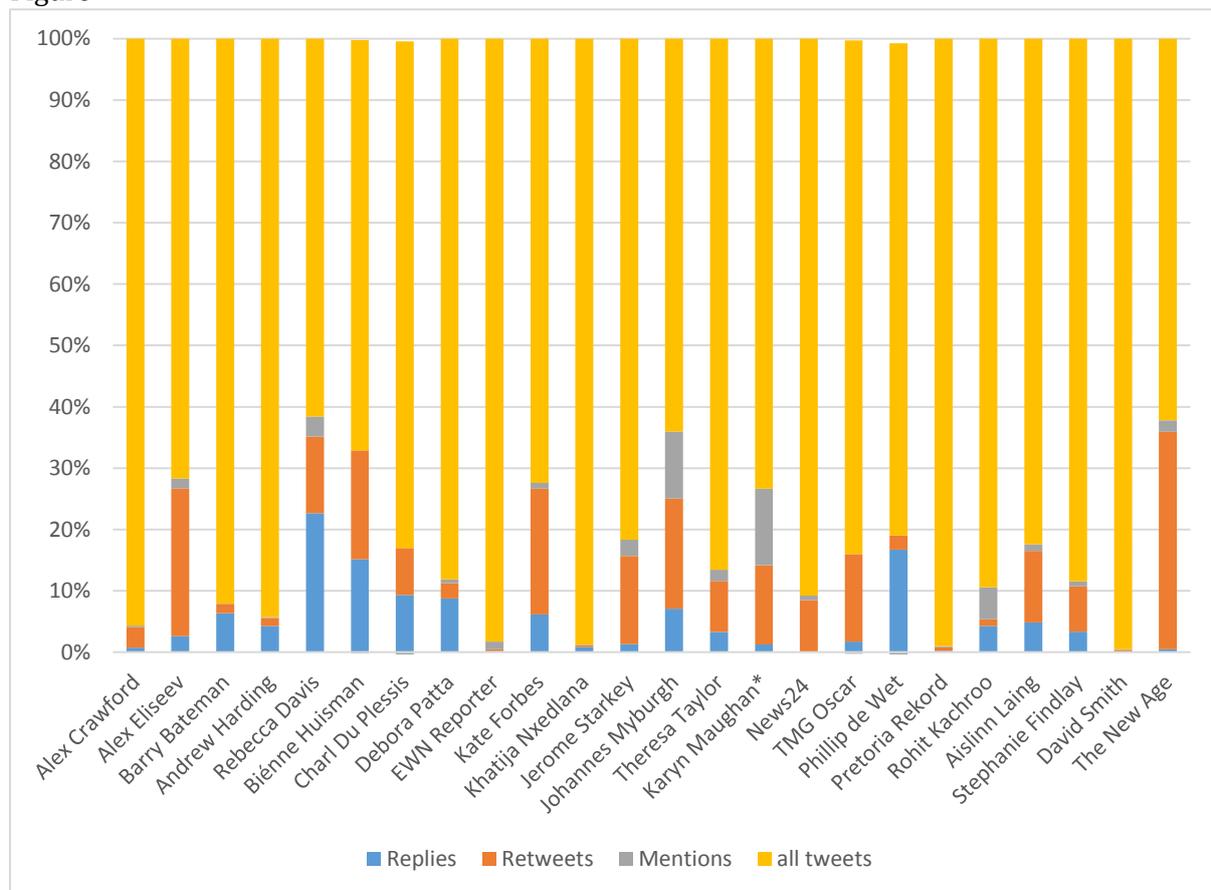


Figure four: use of replies, retweets and mentions as a percentage of all tweets. Karyn Maughan’s feed has been altered to exclude mentions of @eNCAnews

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i Although Johannesburg and Pretoria are separate metropolises, they are close together, and the trial venue was easily accessible for anyone based in Johannesburg.

ii A large number of news organisations had journalists at the initial opening of the trial, and an even larger number had journalists assigned to watch the proceedings on television and report from there. It was never completely clear where journalists were, so accounts were filtered for comments and images that indicated actual presence in the courtroom. This may have slightly altered the journalists selected, since those more likely to post personal asides about the experience would be more easily identified and being present in the courtroom. However a number of journalists were identified through being mentioned by others in the room, which mitigates against this somewhat.

iii Clarifying and identifying the main medium of the news organisations is a problematic area, since most news organisations are multimedia in function. This was done largely in order to identify whether the reporting strategies of the journalist concerned altered in accordance with the traditions of the format with which they were allied.

iv Although analysing reporting strategies across different language groups would be fascinating, it is well beyond the scope of this paper. Leaving aside potential language difficulties, the cultural and sociological issues that pertain to news coverage in other language groups makes cross-language analysis problematic.