



# **A Guide for Journalists Who Report On Crime And Crime Victims**

Written By:

**Bonnie Bucqueroux Anne  
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Bonnie Bucqueroux  
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## **About this Guide**

### **GUIDE DESCRIPTION AND DEVELOPMENT Guide Description**

*A Guide for Journalists Who Report on Crime and Crime Victims* can help journalists fulfill their unique role in helping people understand and work to improve the ways in which the United States deals with crime and victimization. This guide is also designed to provide the most current, complete, and specific information and advice on reporting

on victims and witnesses, as well as their families and friends. In addition, it is intended to explain the role of victim advocates and service providers and explore ways that journalists can work with them effectively to serve the needs of victims in the context of promoting public safety. This guide was written by Bonnie Bucqueroux with support from Anne Seymour.

### **Component of a Larger OVC Public Education Project**

The *A Guide for Journalists Who Report on Crime and Crime Victims* was designed and developed as part of a larger National Public Awareness and Education Campaign project conducted by Justice Solutions under a grant from the Office for Victims of Crime, Office of Justice Programs at the U.S. Department of Justice. Major products of the multi-year project included; a comprehensive National Crime Victims' Rights Week Guide, <http://www.ojp.usdoj.gov/ovc/ncvrw/2006/welcome.html>, Mini Kits for Domestic Violence and Homicide commemorative weeks, Check-lists for 12 Professions <http://www.victimtips4professions.com>, and a National Public Service Announcement campaign - <http://www.ovc.gov/publications/infores/psakit/welcome.html>. The project also sponsored a national summit of victim service professionals with interest and expertise regarding public education and awareness of crime victim-related issues.

### **One Guide in a Series**

This guide (*A Guide for Journalists Who Report on Crime and Crime Victims*), is one of a series of guides created under the National Public Awareness and Education Campaign project to educate service providers, journalists, allied professionals and crime victims themselves around issues concerning news coverage of crime with a focus on coverage of crime victims.

The second in the series entitled: *A News Media Guide for Victim Service Providers* is also available online at: <http://www.victimprovidersmediaguide.com>.

### **Use of this Guide**

This guide is designed and written to be multifunctional. It can be used by journalists and media professionals as a reference to guide them in their interaction with victims. Beyond self-education, this guide can also serve as the basis for the development of customized curriculum for training on organization-wide basis. Such customized curricula can also be used in the context of larger educational venues such as; schools of journalism, training conferences, and other continuing education environments.

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### **How to Cite this Guide**

Based on the Chicago Manual of Style, for most purposes, this Guide should be cited as follows:

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Seymour has 25 years experience as a national victim advocate. Beginning in 1984, she was the Director of Public Affairs for the National Office of Mothers Against Drunk Driving, where she coordinated the successful national media and public awareness campaign that resulted in the passage of the *National Minimum Drinking Age Act of 1984*. In 1985, she co-founded the National Victim Center (now the National Center for Victims of Crime) in Fort Worth, Texas, where she served as Director of Communications and Resource Development until 1993.

Seymour has written extensively about issues relevant to the news media's coverage of crime and victimization. She is the co-author of the OVC publications, *A News Media Guide for Victim Service Providers* and *A Guide for Journalists Who Report on Crime and Crime Victims* to be published in 2008. She wrote the *Victims' Rights and the Media* brochure, *the Crime Victims and the Media* handbook, and the *Media Relations* handbook for non-profit victim service organizations, along with the "News Media's Coverage of Crime" chapters for the Office for Victims of Crime (OVC) "National Agenda for Crime Victims" and the National Victim Assistance Academy training text.

Seymour developed the concept of the National Crime Victims' Rights Week Resource Guide in 1986, and co-authored 20 Guides through 2006. She coordinated the national media strategy for the release of "Rape in America: A Report to the Nation" in 1992, which today remains the most successful media blitz for a single event in the history of the field of victim assistance.

Seymour was instrumental in developing OVC's award-winning "News Media Coverage of Crime and Victimization" videotape in 1999. Following the terrorist acts of September 11, 2001, she was the principal author of a guide on how to deal with the news media for victims and survivors of this tragedy. From 2001 to the present, she has served as Project Manager for the OVC "National Public Awareness and Education Campaign" project.

Seymour has also lectured on these issues to most major professional journalism associations, including Delta Sigma Chi, American Press Institute, International Association of Newspaper Ombudsmen, and the Associated Press Managing Editors Association. In addition, she has personally advocated for crime victims in several high profile criminal cases.

Seymour is a member of the Board of Directors of the National Victims' Constitutional Amendment Network; Secretary/Treasurer of the International Association of Reentry; immediate past-Chair of the American Correctional Association Victims & Restorative Justice Committee; past Chair and current member of the American Probation and Parole Association Victim Issues Committee; Founding and Core Faculty Member of the National Victim Assistance Academy; a senior consultant to the National Violence Against Women Prevention Research Center; principal consultant to the Center for Sex Offender Management and a member of its National Working Group; training consultant to the National Council of Juvenile and Family Court Judges; and a member of the faculty of both the National Judicial College and National College of District Attorneys.

She has received numerous honors for her work with crime victims, including the 2007 "Ed Stout Memorial Award for Outstanding Victim Advocacy" from the U.S. Congressional Victims' Rights Caucus, and the 1992 Outstanding Service to Crime Victims Award from President Bush.

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## WEB SITE

**Functional Design of the Web site:** This web site was designed for the primary purpose of electronically publishing this Guide. Its structure and format were chosen to maximize reader accessibility and ease of use. Its two-fold design also allows readers to use this “e-publication” as a dynamic reference guide through the universally linked navigation that allows access to the entire document regardless of the users chosen entry point. (see, for example, the “Button Bar” in the left margin of each page). The Guide incorporates numerous internal cross-linked references that permit users to easily locate related information, concepts, and references.

In addition, the Guide can also be read in a traditional page-by-page, cover-to-cover fashion by beginning on the first page of the “Preface” and then simply clicking the “Next Page” button that appears at the bottom of each page.

**Search Functions:** The website includes several tools that allow users to search for key words within the page being viewed, or across the entire web site (see the “Search” button on the button bar at the top of each page).

**Hardcopy Reproduction:** The publication web site also incorporates two print options that allow users to print a single page or the entire publication (see the “Print” button on the button bar at the top of the page).

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# GUIDE

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## Preface

Victim advocates and the news media share a common goal of educating the American public about crime and victimization and its impact on individuals and communities. Reliable and trusting relationships between victim service providers and the media can help reach this goal and ensure that crime victims and survivors are treated with dignity and respect by the news media.

Victim assistance organizations and the news media often rely on “the power of the personal story” of crime victims and survivors to relay the often devastating impact that crime has on their lives. When crime victims are provided with guidance and resources to help them speak out, they become passionate, articulate spokespersons to address victims’ needs, rights, and concerns. **There are two components to this series:**

***A Media Guide for Victim Service Providers*** features two sections. Section 1 addresses how victim advocates can facilitate sensitive and respectful treatment of crime victims by the news media, effectively advocate for victims in the media, and serve as their liaisons to media professionals. Section 2 is designed to help victim assistance organizations build positive relations with the news media. This guide is coauthored by Anne Seymour and Bonnie Bucqueroux. [Click here to view the Media Guide for Victim Service Providers.](#)

***A Guide for Journalists Who Report on Crime and Crime Victims*** can help journalists fulfill their unique role in helping people understand and work to improve the ways in which the United States deals with crime and victimization. This guide is also designed to provide the most current, complete, and specific information and advice on reporting on victims and witnesses, as well as their families and friends. In addition, it is intended to explain the role of victim advocates and service providers and explore ways that journalists can work with them effectively to serve the needs of victims in the context of promoting public safety.

These resources are a component of the National Victim and Public Awareness Project sponsored by Justice Solutions with support from the Office for Victims of Crime, Office of Justice Programs, U.S. Department of Justice. Justice Solutions is a national nonprofit organization dedicated to enhancing rights, resources, and respect for victims and communities affected by crime.

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# A Guide for Journalists Who Report on Crime and Crime Victims

## 1. Introduction

### The Impact and Influence of News Media Reporting on Crime and Victimization



News media—newspapers, television, magazines, and online news Web sites—have an enormous impact on how Americans view crime and victimization in the United States. It is important for journalists to understand the unique role the media play and the impact they have on:

- ***Crime victims.*** Victims and their families and friends often find themselves the subject of media coverage, regardless of whether they agree to participate directly. An important challenge for news media is to report on crime victims in trauma without re-victimizing them. Important as well is that victims who want to tell their stories have the opportunity to do so, fully and completely, while those who do not wish to speak have that right respected, with the assurance that they will still receive fair treatment. Giving victims a chance to tell their stories can help in their recovery.
- ***Criminal and juvenile justice systems.*** These public systems rely on citizen understanding, engagement, and support. At the same time, many people have little firsthand knowledge of how they operate. Local media in particular have a responsibility to explain how these systems work, whether they are accomplishing their goals and how well they promote public safety, while respecting the needs of victims and witnesses.
- ***The American public and public policy.*** Most people are fortunate that they never become crime victims or have direct contact with the criminal and juvenile justice systems. So journalism plays an important role in educating the community about public policy issues that affect public safety. News organizations play a crucial role in providing voters and taxpayers accurate, fair, balanced, and complete coverage of the government's response to crime and victimization, so that they can make informed choices.

## Issues, Tips, Techniques, Guidelines, Concerns, and Best Practices

The U.S. Department of Justice's Office for Victims of Crime has produced this guide to help journalists fulfill their unique role in helping people understand and work to improve the ways in which the United States deals with crime and victimization. This guide is also designed to provide the most current, complete, and specific information and advice on reporting on victims and witnesses, as well as their families and friends. In addition, it is intended to explain the role of victim advocates and service providers and explore ways that journalists can work with them effectively to serve the needs of victims in the context of promoting public safety.



Victims are clearly affected by the way that the media report on crime and victimization. Individual victims who become the subject of crime reporting that includes coverage of victims of crime tend to fall into three broad categories, each with its own dynamic and concerns:

**Act I: Breaking News**—The reporters who cover breaking news, whether for print or broadcast, are under pressure to gather accurate information under deadline from a number of different sources. In many cases, the crime has just occurred and victims and witnesses are literally in shock, trying to assimilate what has just happened to them.



Other stories that reporters often seek comments from victims include breaking news that occurs during trials, especially when verdicts are announced. Although the main focus is often on the perpetrator, victims and their family and friends may also be asked for interviews when convicted defendants are considered for probation or parole, when they are released, when they are executed, and when they escape from jail or prison.

- **Act II: Feature Stories**—Victims can be asked for interviews for followup features and profiles. For these stories, newspaper, magazine, broadcast, and online reporters want facts but they also want to capture the victim's feelings, emotions, and opinions, as well as details about the interview subject's appearance, expressions, and environment. Many features are anniversary stories, such as the first-, five-, and 10-year stories of the victims of the bombing of the Murrah Federal Building in Oklahoma City. There are also continuing mysteries, such as unresolved disappearances and cases in which the perpetrator has not been identified or caught. In most cases, the

reporter has more time to prepare for and conduct the interview than when reporting breaking news.

- **Act III: High-Impact Stories**—These stories go beyond traditional crime coverage to explore the social, political, economic, or cultural impact of crime and victimization, or they strive to give victims a voice. These are the exceptional stories that break the mold, making readers and viewers pause to reflect on the reality and impact of crime and victimization in our culture. Such stories are often “enterprise” stories, which means they involve significant planning by a team of reporters and editors. They are often longer stories and many times they run as a series. For Act III stories, victims are often asked to give lengthy interviews or multiple interviews over time.



*(Staged with Professional Models)*

Each “act” of crime coverage poses a different set of challenges for victims, their families and friends, and the victim advocates and service providers who work with them—and for the reporters, photographers, videographers, and editors who cover them. The following offers information, insights, and tips that reporters need to deal with the opportunities and constraints for each of the three acts of crime coverage.

## A Guide for Journalists Who Report on Crime and Crime Victims

### 2. Breaking News Stories

#### Reporter Guidelines for Act I (Breaking News) Stories

Most of the complaints from victims about reporters involve Act I/breaking news stories. Reporters are rushing to meet deadlines and struggling to get the facts of a story that may still be unfolding. Victims are often still in shock, unaware of the pitfalls of speaking and staying silent. Unless journalists exercise special care, the situation can become the proverbial recipe for disaster.

Reporters need to understand the specific challenges that victims face in being the subject of an Act I story. While individuals vary in their response to trauma, only a handful of victims are likely to be both composed enough and eager to speak to the media immediately after being victimized. Victims often need time to recover from the initial shock of what has happened to them before they can accurately and fully report the facts and their feelings about them to others. The physical and emotional shock of victimization can literally leave victims “speechless” when trauma disrupts the normal blood flow to the speech centers of the brain.



*(Staged scene with Professional Models)*

Reporters also need to understand that trauma inflicts a toll even when there is no physical injury. In the case of intimate crimes such as sexual assault, rape, and domestic violence, the resulting trauma is often complicated and amplified by numerous factors, ranging from the fear of being named in news accounts to the potential for selfblame to concerns about the stigma still associated with such crimes.

With those realities in mind, reporters need to approach victims appropriately and sensitively. News organizations often worry that raising victim concerns with their reporters and editors will make them less effective because they will hesitate or pull back from approaching and reporting on victims in trauma. The reality, however, is that reporters and editors who understand the dynamics of victimization and trauma get better stories because more victims will talk with them and talk openly.

Reporters should learn as much as they can about traumatic stress and its impact on the victims whom they interview, as well as on themselves (see “What Journalists Can Do To Take Care of Themselves” in this Section). Increased awareness about the immediate-, short- and long-term impact of trauma will improve reporters’ sensitivity, interviewing skills, and their ability to address the vicarious trauma that often results from ongoing exposure to traumatic events.

**Asking for the interview.** For reporters under deadline, the first challenge is to persuade victims to talk to them. The challenge is even greater for television reporters because they want visuals for their stories and victims can be intimidated by the equipment, or they may not want others to see them in their current condition. To be ethical and effective in securing an interview, reporters should:



*(Staged with Professional Models)*

- **Minimize distractions.** Whenever possible, reporters should approach a victim without their equipment—notebooks, tape recorders, cameras, lights. Your goal is to make a human connection and these items can get in the way. If the person grants the interview, ask permission to use a recorder or bring up your videographer. Giving victims a sense of control can help them overcome feeling powerless, a common consequence of victimization.
- **Identify yourself as a reporter.** Trauma can impair a person’s ability to understand what is happening around him or her. The first thing reporters should do is identify themselves and their news organizations, so victims understand that they are speaking to a member of the media.
- **Acknowledge the victim’s experience.** The Victims and the Media Program at Michigan State University’s School of Journalism trains young reporters to use one of two “safe” phrases: (1) “I am sorry for what happened to you” or (2) “I am sorry for your loss.” To make a human connection with a victim in trauma, reporters need to express compassion and concern. These phrases cover almost all conceivable situations involving victims, and they also help the reporter avoid unintentionally offending the victim (e.g., inexperienced reporters or reporters under stress risk who may blurt out something hurtful).
- **Give the victim a reason to speak to you.** Whenever possible, explain the purpose of the story and why a victim’s participation is so important. “Your information may help with the investigation.” “Members of the community want to know how you are doing.” “We want to verify what others have said.” Victims sometimes report that they turned down a reporter without realizing that this might be their only opportunity to be heard.

- **Tell the person how much time you need.** In the immediate aftermath of a crime, a victim's priority may be to contact family and friends or to go somewhere safe. Reporters are more likely to secure their permission for an interview when they explain that they just need a few minutes of the victim's time.



(Professionally Staged Photo)

- **Take no for an answer.** Victims who want to speak deserve the opportunity to do so. Those who do not want to talk to reporters should be treated with care and courtesy. However, while reporters should respect the wishes of victims who do not want to speak, they should also explain to victims that this does not mean a story will not appear. Consider saying, "We will be doing a story. This is your opportunity to share your information and tell your side of the story." Make sure that your words and your tone do not imply you are pressuring or "blackmailing" the victim into speaking or that you will portray them badly in the story.

**Leave a business card.** It is appropriate to offer a business card, suggesting that the victim may want to speak at a later time. Reporters sometimes leave a business card with a short note at a victim's home when the person is not home or do not answer the door. In that note, you should acknowledge the person's experience and explain the mission of the story in your message in addition to providing contact information and asking for an interview.



(Staged with Professional Model)

- **Ask for the names of alternative spokespersons.** If the person still elects not to grant an interview, it may make sense to ask the person to name an alternate. Suggest that there may be a family member, friend, or a representative of the clergy who could serve as an appropriate family spokesperson. All too often instead, reporters who fail to ask for suggestions from the victim end up interviewing neighbors or coworkers who may not know much about the person.

**Dealing with logistics.** The more that you can put the victim at ease, the better the interview.

- **Make the person as comfortable as possible.** There may be situations in which offering the victim a chair or suggesting a more inviting place to talk can help the victim feel safe and relaxed enough to speak freely.

- **For broadcast reporters.** People in trauma often do not want to be touched, especially by strangers. It is better to hand the lavalier microphone or earpiece to the person and verbally instruct him or her how to attach or insert it. Remember also that bright lights can be particularly intrusive when people are in trauma.



- **Ask permission to record the interview.** As noted above, anything a reporter can do to give the victim a sense of control over the situation can be empowering. Asking permission signifies to victims that you are mindful of what they have been through and do not seek to exploit them.

- **Come prepared.** Many reporters offer water and tissues. In the immediate aftermath of a crime, victims' hair or clothing may be askew or they may have smudges on their face. Victims will often appreciate it (and tell others) if you offer them a damp tissue or a comb to freshen up before they will be photographed or videotaped.



- **Establishing ground rules.** Even people who are sophisticated about the media may become confused about conventions such as "off the record" in the aftermath of victimization. Explain to victims that *anything* they say may be included in the interview. If they want to tell you something that should not be included in the interview, give them the power to turn off the tape recorder or ask for the video camera to be turned off.

**Conducting the interview.** The goal again is to put victims at ease and help them share what they know.

- **Recognize how trauma affects perceptions about time.** There is objective time (seconds that tick on the clock) and subjective time (how much time we feel is passing). For victims, time often seems to slow down, so try to verify the victim's perceptions about timing. Ask them if they looked at the clock before, during or after the incident. Ask them for external references, such as specific dialogue from radio or television shows that may have been audible in the background. Remember that misperceptions could cause problems for victims who are later asked to testify about when and how long their victimization lasted.

- **Avoid leading questions.** Victims in trauma are more vulnerable than they would normally be. You want them to report the facts as they know them, not lead them into overstatements or errors.

- **Avoid questions that imply blame.** Many victims focus on things they could have done differently that they think might have saved them from being victimized. Do not mistake expressions of remorse for a confession or ask questions that reinforce the impression that the victim is somehow at fault. Reporters need to understand that victims never “ask for it.” If a story includes tips to enhance safety relevant to a specific type of crime, care should be taken to address “risk-reduction strategies” rather than “how to avoid being a victim,” as there are no fail-safe methods to prevent victimization.



(Staged with Professional Models)

- **Avoid loaded words and phrases.** The following can cause problems:
  - **Don't ask “How do you feel?”** Broadcast reporters in particular want victims to speak about their emotions with viewers. However, experience confirms that asking the obvious question bluntly is unlikely to elicit the desired answer. Recast the question in ways that express greater understanding of what the victim is going through. “I know that I cannot know what you are going through at this moment. Would you be willing to share with me and with our viewers the thoughts and feelings you are experiencing?” Tone of voice and body language can also be important in conveying compassion and concern.
  - **Avoid the term “closure.”** Some victims do not find this term offensive. However, many feel that the question puts pressure on them to assure the audience that all is well, reinforcing the false and formulaic portrayal of the “noble victim” who bravely goes forward without shedding a tear. Victimization is often a life-altering experience that can have significant physical, emotional, financial, and spiritual effects that can be immediate, short- and long-term, and some victims construe the question as implying that they are expected to “get back to ‘normal’” or simply forget what happened to them or their loved ones.
  - **Ask for their preference on “victims” versus “survivors.”** Some people prefer to be called a victim and some find it demeaning and feel empowered by being called a “survivor” instead. Some have no

preference. To avoid giving inadvertent offense, ask the person if he or she has a preference.

- **Use care with the term “alleged.”** The term makes sense when applied to perpetrators, since it reinforces that everyone is innocent until proved guilty in a court of law. However, applying the term to victims strongly suggests that they may be lying. It is best to refer to the victim as the person who reported the incident to police or other neutral language.
- **Demonstrate understanding with questions about domestic violence.** People want to know why many victims of domestic violence continue to stay with their abusers. In addition to emotional ties, children in common, and complications that poverty can impose, victims often stay because leaving is dangerous. Research confirms that spouses and partners are at greatest risk of assault or murder when they try to leave an abusive relationship. Reporters should ask questions that reflect these realities.



(Staged with Professional Model)

- **Eliciting emotion on camera.** There is a balance between asking sensitive questions that cause victims to express honest emotions and manipulating them into breaking down. While it is important that the community understands the toll that crime exacts on victims, pushing a victim to tears crosses the line. Broadcasters should also reflect carefully before going in for a close-up on tears or grimaces of anguish.
- **Going live.** Broadcast television (and Internet video) can bring the audience live images unfiltered, thereby adding drama and immediacy to the news. The dangers, however, can easily outweigh the risks, especially in the case of crime victims. The news media serve as the gatekeepers who decide what should and shouldn't be seen or heard or read, based on their professional judgment. The opportunity to edit video footage before it airs is a crucial responsibility that broadcasters should not quickly abdicate. The danger is that disturbing images, unwarranted accusations, and unfortunate comments may air without recourse.
- **Ending the interview.** Act I stories are typically under deadline, so they usually do not require much time with a victim. The goal is to be sensitive to the victim's needs and their feelings. Victims often have other priorities to attend to, but they should not feel the interview ended abruptly.



- **Thank the victim.** You should thank victims for their time and for sharing their story at a difficult time.
- **Provide contact information for yourself and your editors.** Especially when you are borrowing a photo or videotape, you should provide complete contact information. Because reporters are often out in the field, it is also wise to include the name of an editor who can be reached if you are gone.

## NOTES

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## A Guide for Journalists Who Report on Crime and Crime Victims

### 3. Covering Specific Victim Populations

#### *Dealing with specific kinds of crime.*

There can be specific dynamics for different kinds of crimes in Act I stories.

**a. When dealing with homicide.** Special considerations for Act I stories involving homicide include—

**i. Avoid the inadvertent death notice.** Check with your editors (and follow up with the police, if necessary) before approaching family members of a homicide victim to make sure they have been notified by police. Even when reporters are cautious, they can find that the person they reach on the telephone or who answers the door has not been notified of the death of a loved one. In those cases, the reporter must—



*(Staged with Professional Model)*

- **Verify the identity.** Check with the person who answered to make sure you dialed the right number or have the right address. Keep asking questions until you verify that you have the right family. (One reporter did not find that he had contacted the wrong family until he asked the fifth question designed to verify the identification.)

- **Apologize and acknowledge that your information could be faulty.** Perhaps there has been an error on the part of law enforcement or there is a mix-up of some sort. Reporters should apologize for the problem and promise to help the family find out what has happened.

- **Share information and discuss next steps.** Assure the person you will follow up. Give the individual the names of law enforcement agencies and officers to contact. (Make sure the person gets something to write down the information or he or she may forget what you said when you hang up.) It also helps to ask if the person is alone. If the person is, encourage him or her to ask a family member, neighbor, or friend to stay with him or her to provide support and, in cases in which an assailant has not been apprehended, tend to any safety needs or concerns.



*(Staged with Professional Models)*

- **Follow up.** Make sure that the family receives accurate information from the appropriate authorities, either through their efforts or yours.

**ii. Focus on life, not death.** Instead of talking about the death of a loved one, it is preferable to talk about celebrating or honoring his or her life.

**iii. Use care when asking for a photograph or video of the deceased.**

The request must be done sensitively. It is also imperative that the reporter take personal responsibility to ensure that the photo or videotape is returned to the family intact. Scan or dupe a copy before the item leaves your sight at your news organization. You will also earn a reputation for thoughtfulness if you provide a copy of your coverage to the family.

- b. When dealing with sexual assault and rape.** The trauma that sexual assault and rape inflicts on victims, as well as the stigma still associated with the crime, makes reporting on victims of sexual violence especially daunting. It is important for reporters and editors to understand that sexual assault is not a crime about sex but about violence, power, and control. Journalists should avoid reporting details about the assault in ways that imply the victim's behavior caused the crime (walking alone at night, drinking alcohol). Important as well is that news articles do not treat acquaintance rape as less serious than so-called "stranger danger" cases. Remember also that the preferred term is *acquaintance* rape rather than *date* rape, since the latter implies a romantic relationship where none may have existed and where the existence of any such relationship is irrelevant to the crime.



There are usually few instances when a news organization will try to interview a sexual assault victim immediately following the crime. Most news organizations also have a policy of refusing to reveal a victim's name without explicit permission. Some victims may agree to an interview only if their actual name is not used, or if an alias is provided in lieu of their real name; it's important to remember that this is the victim's choice. However, there are situations in which it can be more difficult to keep the victim's name confidential.



- i. Abductions.** A news story about a disappearance can evolve into a case of sexual assault or rape during the breaking news cycle. The case in February 2007 involving the young boy abducted in Missouri later discovered at the home of a convicted child molester along with a boy who had been missing for years



(Professionally Staged Photo)

highlights the problem of keeping identities confidential. It is usually best to stop using the victim's name once the sexual assault becomes the focus of the story unless the victims and their families give permission.

ii. ***Incest.*** News organizations also need to exercise special care so that reporting the name of the perpetrator and the nature of the crime in incest cases does not thereby reveal the name of the victim. Some editors ignore such concerns because they insist that people in smaller communities know the names anyhow, so the newspaper need not take special precautions to protect the victim's privacy. However, editors should consider that, especially in today's online news world, archived news stories can be accessed by people inside and outside that community for years to come.



(Professional Model Pictured)

c. ***When dealing with domestic violence.*** Part of the dynamic that keeps many victims



from coming forward and reporting their victimization to police stems from feelings of shame, combined with fear that others will find out what has happened to them. One of the most difficult situations that newspapers face is when domestic violence results in a murder-suicide. News organizations that treat the perpetrator who commits suicide as a victim risk offending family and friends of the murder victim.

d. ***When dealing with drunk driving.*** Organizations such as MADD (Mothers Against Drunk Driving) have helped dispel the myth that drunk driving is not a crime. Victims are justifiably upset when news accounts minimize cases of drunk driving that may or may not have harmed others, since the crime always has the potential to claim lives and cause injury.



e. ***When dealing with potentially vulnerable populations.*** Reporters should exercise special care when interviewing people at both ends of the age spectrum, from young children to the elderly. Some children are simply too young to be subjected to reliving their experiences during interviews without the danger of inflicting additional harm. Young children also risk being more easily manipulated by inadvertently leading questions. Experts who debrief children about their victimization for law enforcement agencies and courts receive extensive specialized training in how to interview child victims without re-victimizing them or inadvertently eliciting false statements. Reporters without such training are ill-equipped to do a good job and should not be expected or ordered to do so. Elderly people and people

with disabilities may also have unique needs, especially with Act I stories when the trauma is fresh.

## A Guide for Journalists Who Report on Crime and Crime Victims

### 4. Other Considerations

***Other considerations with Act I stories.*** There are additional factors that affect the reporting of Act I crime stories:

**a. *Rookies cover crime and breaking news.*** Although most TV journalists are general assignment reporters who cover a variety of stories including crime, newspapers have traditionally assigned one or more reporters to the “crime beat” or to “cops and court reporting.” In many cases, especially in smaller markets, it is rookie reporters who are assigned to cover crime. In part, young people get these assignments because they often require working nighttime hours, visiting neighborhoods with high crime rates, and venturing out in inclement weather. It also means dealing with victims who may be distraught and in physical pain. As reporters gain seniority, they often ask to move into less stressful and more prestigious assignments. Unfortunately, news organizations rarely offer rookies training about reporting on victims of violence and many did not receive specialized instruction before entering the field. Lack of training and inexperience can mean that they make mistakes that add to the stress of the job and the likelihood they will experience secondary trauma (see “What Journalists Can Do To Take Care of Themselves”). News organizations would be well advised to use this guide as a foundation for training rookies.

**b. *Photographers and videographers have special responsibilities.*** On the one hand, it is important that news organizations do not sanitize the impact of criminal violence in our culture. However, on the other hand, sensational or grisly images often wound victims and their families and friends without informing the public, many of whom are repelled. Although the moving images on television have tremendous emotional impact, they are ephemeral. Still photograph in print or on the Internet can have as much or more impact, since they serve as a permanent record of a specific moment in time. Another problem is that news organizations often rely on visual clichés that have lost their meaning except for the pain they inflict on victims. The body bag on the gurney going into the back of the ambulance or the coffin being lowered into the ground does not mean much to the average reader or viewer, but such images can be particularly painful to victims.



*(Staged with Professional Model)*

**c. *Editors can introduce problems.*** People outside the news business often hold reporters accountable for decisions that were made by the editors. For

example, many victims report that the headline bothered them the most because it was too sensational, misleading, or flatly wrong. At most newspapers and

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magazines, copy editors write the headline, not the reporter. Copy editors also change parts of stories, sometimes without conferring with reporters, which can result in errors or insensitivities. In larger television stations, editors, not reporters, edit the video. Perhaps because they are often insulated from direct feedback from victims, they can be more likely to edit the images in ways that victims find offensive, either by showing gore or focusing on victim anguish. It is best to ensure that the system allows reporters who cover victims the opportunity to check headlines, corrections, and changes before the stories are aired or published.

**d. “Pack journalism” puts pressure on victims.** Crime victims have had their lives torn apart or at least disrupted. So confronting a horde of journalists outside their home is an unwelcome added stress. If staking out the victim’s



(Staged with Professional Models)

home is unavoidable, news organizations should exercise special care to ensure their reporters’ presence does as little as possible to burden the victims. One possible solution in such a case is for the media to select a “pool” of their representatives who can conduct an interview and, under the agreement of the media members, share the information with the larger group of journalists.

**e. News values can conflict with victim priorities.** Some of the values that journalists have long held dear can pose problems for victims, their families and friends, and the victim advocates and service providers who work with them.<sup>1</sup> Three in particular include—

- **Speed.** News organizations, both national and local, compete to get the story first. Not only does the pressure for speed risk pushing reporters to become aggressive in pursuing victims but rushing also increases the risk of error. Surveys show that readers and viewers value accuracy above speed.



(Staged with Professional Model)

- **Prominence and celebrity.** If the mayor’s daughter is murdered, the story will almost always appear on the front page of the newspaper

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and lead the television newscasts on all local stations. However, crime victims who are not as prominent may not find themselves or their loved ones on the front pages and sometimes the crimes are not covered at all. This is particularly worrisome because it often works to the detriment of minorities and others who have faced unique obstacles and unfairness in attaining power and wealth.

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- **The "weirdness" factor.** The adage is that "dog bites man" is not news, but "man bites dog" is. Reporters often look for the odd or unusual detail to include in their stories, so that it stands out from the rest. Unfortunately, this can translate into reporting grisly, unique, or intimate facts about the crime that can make victims feel revictimized. A good test is whether you would report the same detail if the victim were a member of your family.

**f. Improving cultural competency.** As the issue of prominence and celebrity above reminds us, news organizations continue to struggle with issues of diversity. Though print and broadcast newsrooms have made strides in recruiting women and minorities, declines in revenues threaten to reverse those trends and both groups continue to be underrepresented in media management.<sup>2</sup>



*(Staged with Professional Models)*

Although it is important that people who are interviewed find a face in the newsroom that looks like theirs, the biggest challenge may be to include people from all walks of life. Newspaper reporting was once a blue-collar job filled with people who came from the community. At today's media companies, almost all new hires have a bachelor's degree and many have high-tech skills as news migrates to the Internet. News organizations can teach reporters and editors specifics they need to know about diversity. (For example, it is considered rude in most Asian cultures to look people in the eye, and Muslim women who wear the *hijab* may resent being asked about it.) However, a bigger challenge may be to help reporters from upscale backgrounds connect with victims in low-income areas. Unless reporters can learn how to bridge the cultural divide, crime victims can feel marginalized, patronized, or worse.

**g. *Anyone can cover anything.*** Many news organizations want reporters who can cover anything, with little or no time spent in preparation. Yet many people, including reporters, simply do not know much about crime and victimization. Reporters can therefore grow up believing myths or half-truths concerning certain kinds of crimes without realizing that the information is erroneous and that it has the potential to bias their coverage and inflict pain on victims. News organizations should consider training reporters who cover victims on how to do so with sensitivity, compassion, and respect. Schools of journalism should also incorporate this instruction into their curriculum so that all future reporters and editors receive this training.



*(Staged with Professional Models)*

**h. *Is it time to reconsider sharing stories prior to publication?*** Some news organizations allow reporters to verify quotes with their sources, but have a hard-and-fast rule against allowing people who were interviewed to see copies of the entire story prior to publication. The problem this poses with victim coverage is that even minor mistakes or a particular use of language can cause victims pain. For the families and friends of homicide victims, for example, even the smallest miscue is painful because it may well serve as the final record of their loved one's life. It is also possible to give offense without realizing it when reporting on sensitive issues such as rape and incest. In many news organizations, this rule no longer is absolute, especially when the news medium is dealing with average citizens rather than public officials or public figures for whom there is a higher likelihood of trying to "spin" the story. Many award-winning reporters privately admit that they have given victims an advance look at their stories. Many also admit that this allowed them to make minor changes that helped victims without compromising the coverage. News organizations and journalism educators might want to reconsider whether the policy should be amended when dealing with crime victims.

**i. *A focus on the perpetrator.*** People have long been fascinated by crime and violence and the people who commit heinous acts. *Why do they do it? What kind of people are they?* A high-profile case often results in higher circulation and ratings. For victims and their families and friends, this emphasis on the perpetrator can be repugnant. Equally or more disturbing to victims is when family or friends are quoted making positive comments about the perpetrator. The challenge for reporters and editors is to find ways to make stories about victims equally compelling.



*(Staged with Professional Models)*

**j. *Lack of opportunities to hold reporters and editors accountable.*** When victims have complaints about aspects of their coverage, they may not know who is responsible—the reporter, the photographer or videographer, or an editor somewhere in the chain of command. Sometimes the only redress available is writing a Letter-to-the-Editor. However, there is no assurance the letter will be published, or it may be edited in ways that can change its meaning or emphasis. The section on victim advocates, service providers, and citizen volunteers offers proactive strategies to build mutually beneficial lines of communication.

*Reporters and editors can suffer from secondary victimization.* Like other first responders (police, fire, emergency medical personnel), reporters often see disturbing and gruesome scenes that most people never confront. Interviewing people in trauma can also take a toll. All too often as well, news organizations do not recognize the impact that photographers, videographers, and reporters suffer. Left unaddressed, journalists risk falling prey to unhealthy coping strategies such as self-medicating with alcohol and legal and illicit drugs. Reporters can also become hardened and cynical, in the hope that a tough exterior will protect them from the pain. All too often instead, it merely makes them insensitive to others. Another common coping technique is employing so-called “gallows humor” to distance themselves from victims’ pain. As this suggests, however, such mechanisms can make it difficult for journalists to remain sensitive to victim issues and concerns. News organizations should foster a culture where journalists feel comfortable talking about their feelings about doing tough stories. News organizations should also offer support and counseling to employees who need help dealing with secondary trauma without fear that doing so would harm their careers (see “What Journalists Can Do To Take Care of Themselves” in this Section).



*(Staged with Professional Model)*

<sup>1</sup> Ken Blake, “Understanding the news values,” Middle Tennessee State University, <http://mtsu32.mtsu.edu:11178/171/newsvals.htm>, accessed March 30, 2007.

<sup>2</sup> ASNE (American Society of Newspaper Editors), “Diversity in Newspaper Newsrooms,” <http://www.asne.org/index.cfm?id=1>, accessed March 30, 2007 and The Radio and Television News Directors Association, “Newsroom Diversity Project,” <http://www.rtnda.org/diversity/divcamp.shtml>, accessed March 30, 2007.

## A Guide for Journalists Who Report on Crime and Crime Victims

### 5. Guidelines for Feature Stories

#### Reporter Guidelines for Act II (Feature) Stories

The dynamics of Act II features differ significantly from Act I stories. Breaking news often asks rookie reporters with little or no specific training in interviewing victims to gather information quickly to meet a deadline. In contrast, the Act II feature typically involves allowing seasoned reporters to spend significant time producing carefully crafted articles or mini-documentaries, in collaboration with one or more editors, as well as photographers, videographers, and illustrators. Allowing experienced journalists to work on stories with longer or more flexible deadlines usually means that the resulting stories result in fewer problems for victims than Act I stories do.

Reporters assigned to Act II stories would be well advised to read the guidelines for Act I stories since many tips and techniques apply to both. Asking for the interview, however, differs with Act II stories because reporters enjoy more opportunities and have a longer lead time during which they can try to persuade victims to speak. With an Act II story, journalists can ask for the interview—

- **By letter.** A letter offers a greater opportunity for a full explanation than leaving a message on an answering machine or talking to the victim by phone directly.

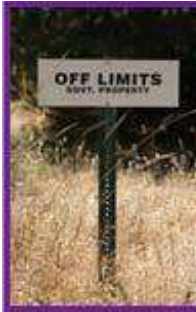


- **By enlisting trusted emissaries.** The Act II story usually allows a reporter the time and opportunity to identify people the victim knows who may be willing to recommend them. Penny Owen, a crime reporter for *The Daily Oklahoman*, said that she often got stories because the local funeral director told victims that when and if they ever wanted to speak to the public through the media, he would vouch for her as a journalist who treated victims sensitively and fairly.

While much of the advice on Act I stories still applies to Act II stories, there are special dynamics related to three of the most common kinds of Act II stories (the anniversary story, the continuing mystery, and the personal profile).

- ***The anniversary story.*** When a crime has a significant impact on the community, news organizations will periodically memorialize anniversaries of the event—at the 1-month, 6-month, 1-year, 5-year, and 10-year marks and beyond. Thoughtful reporters will want to—



- **Research the facts in advance.** You will spare victims if you rely on them to verify facts rather than provide them. You may still want the victim to tell you the story of what happened, but you do not want to interrupt the flow to clarify facts you should already know. Doing research up front is a way to show respect, and to ensure that you have basic knowledge about the definition and scope of the type of victimization you are covering.
- **Discuss “off limits” topics up front.** You may want to open your interview with a brief discussion of any areas that a victim may find too painful to probe. It may well be that as you gain the victim’s trust, he or she will be willing to go further than originally planned. But an up-front discussion of issues that are off limits helps to build trust by showing respect.
 
- **Remember that victims have good days and bad days.** There is no one-size-fits-all, right way or wrong way for victims to behave. Victims often express anger, fear, denial, remorse, frustration, and sadness, but they can have surprising reactions as well. Victims who suffer from posttraumatic stress disorder (PTSD) can appear emotionless and unaffected by the experience, but these are symptoms of the disorder and reporters should not mistake their lack of affect for not caring. Respect victims for the individuality of their responses to trauma.
- **Establish rapport before asking hard questions.** One way to minimize potential damage from tough questions is to give victims a chance to relax and feel secure before they are asked to recount traumatic experiences and comment on what happened. It is important not to push too fast or too hard.
- **Anticipate and understand survivor guilt.** Survivors can feel guilty that they lived while others died. These feelings can intensify rather than recede over time. It is again appropriate to express reassurance but do not expect to “cure” the victim you are interviewing.
- **Offer verbal consolation but do not touch.** As noted with Act I stories, acknowledging a victim’s suffering is appropriate, but you should choose your words carefully. Sometimes a nod or concerned smile is enough. Even though it may be tempting to give the person a hug or a reassuring squeeze of the hand, it is not wise to do so. Violence often expands victims’ zones of intimacy that they do not

want strangers to penetrate. Even asking permission in advance—“May I give you a hug?”—is problematic because victims may feel it would be rude to refuse. Some victims also suffer continuing physical injuries that may be painful years later. Best practice is to show compassion through verbal expressions, body language, and facial reactions, not by touch.

- ***The continuing mystery.*** Much of the foregoing advice on the anniversary story applies here as well, but continuing mysteries impose additional burdens on victims. Parents who do not know what happened to children who disappeared or were abducted often experience a roller coaster of emotions, cascading from hope to despair and back again. Victims in cases in which the perpetrator has not been caught can often suffer heightened fear. Understanding and acknowledging a victim’s particular circumstance can help put the person at ease.



- ***The personal profile.*** Feature stories about recovering victims are another staple of crime coverage. People want to know how the victim is doing, but reporters should resist the temptation to force the victim into a preconceived mold or formula. As noted before, victims typically have good days and bad days. Some return to work and regular routines quickly, while others never do. You will need to interview the victim more than once to be sure that their apparent courage—or unrelenting depression—constitutes an accurate portrayal.

Although the Act II story allows reporters more time to do a good job on their stories, there are potential pitfalls:

- ***The journalist as betrayer.*** It is the journalist’s job to establish rapport and do so quickly. Techniques include being friendly and warm, while expressing great interest in everything the interview subject has to say. Particularly for victims whose family and friends have grown tired of hearing them talk about their stories, the interview process can easily persuade victims that the reporter is their new best friend. Victims can then feel betrayed if the resulting profile does not portray them as they expected, or there can be hurt feelings when the story is published and the reporter no longer spends time with them.

Perhaps most difficult of all is when a reporter has to explain that a story has been cancelled or that the victim’s contribution to the story was eliminated,

particularly if other victim stories will still be published. The reality is that editors may pick one victim story over another because one story is more dramatic or the victim is more photogenic. Such decisions, of course, can insult and upset victims, especially if they have already told family and friends that they have been interviewed.

- ***The accountability of freelancers.*** Magazines have long relied on freelancers. Daily and weekly newspapers and TV stations are increasingly relying on independent reporters and producers. News organizations need to work with their freelancers to ensure that they employ best practices when dealing with victims and witnesses.



(Staged with Professional Model)

- ***An appropriate role for experts.*** There are times when reporters and editors want quotes from various professionals and experts such as physicians, psychologists, sociologists, or anthropologists in crime stories. However, it can be difficult for victims to have their personalities, actions, or motives scrutinized and analyzed in ways they find unflattering. A domestic violence victim, for example, may feel insulted to be identified as suffering from low self-esteem. Elderly victims may take offense at general comments about how older victims are often frail or infirm. Victims consider themselves the best experts on their own victimization and news organizations should value and respect their perspectives.
- ***Identifying reliable experts.*** Many victim service providers advocate for victims in the media, and also serve as a source for reliable public information about crime and victimization. The types of information that victim advocates can provide to journalists include—
  - Statistics and trends about the specific type of crime and victimization (national, state, and local data).
  - “Myths and facts” about different types of crime and victimization that can enhance accurate reporting.
  - State and federal laws related to crime and victimization, including information about victims’ constitutional and statutory rights.
  - Brief overviews about the dynamics of different types of victimization.
  - Research-based information about crime victims and perpetrators.



- Community- and justice-based resources for victim assistance.
  - Reliable local, state, and national experts—including crime victims and survivors—who can offer additional insights and perspectives on the issue.
- ***The “poster child” problem.*** An individual victim should not be used to represent an entire category of victims. Each victim is an individual whose experience is unique.

## A Guide for Journalists Who Report on Crime and Crime Victims

### 6. Special Challenges in Reporting

#### Special Challenges for Act I and Act II Stories Reported Online



Commercial media in the United States face continuing challenges in maintaining the profit levels that stockholders expect in the face of declining readership and viewership. National and local newspapers, television stations, and magazines are exploring ways to cut costs and extend their reach by migrating onto the World Wide Web. While the final format has yet to emerge, most news sites mix text, audio, video, and slideshows with citizen input and commentary through video and photo contributions and comment

sections, forums, and blogs. News organizations may well find that how they treat victims and victim issues in this new environment will have an effect on how people assess their credibility, reliability, and professionalism in this new multimedia, online world.

The changes are coming so quickly that it is difficult to stay abreast of the latest trends and is even harder to assess their full impact on crime reporting and reporting on victims. Among the things we see happening today:

- ***Victims should expect multimedia coverage.*** The days when a print reporter carries only a pencil and notebook are rapidly disappearing. Jennifer Carroll, Vice President for New Media with Gannett Company, Inc., said that the company's newspapers are investing in training new "mojos" (mobile journalists).<sup>3</sup>
- These reporters are outfitted with a laptop, videocamera, camera, and recorder so that they can produce multimedia stories that they can upload to their editors quickly from the field. These reporters are expected to include video and audio with almost all the stories they cover.

- ***There are no more local-only stories.*** The global reach of the Internet means that people around the world can access news articles that would have previously been difficult to view outside the local community. This has implications for crime victims who are uncomfortable with others knowing what happened to them. Putting a victim's name in a search engine can mean that the news about their victimization is one of the first things a visitor learns about them.



- ***Print reporters shooting video need training on victim issues.*** Chet Rhodes, Deputy Multimedia Editor of *The Washington Post*, has already trained 60 of the Post's 400 reporters who will all eventually be asked to shoot video for their stories.<sup>4</sup> The 4-hour training course he provides is not designed to produce traditional broadcast quality video, but it allows journalists to augment their print stories with moving images edited by the Web team. Print reporters therefore may not fully understand how intrusive shooting video can be and the additional burden this imposes on victims and witnesses. Print publications in particular should work with reporters to educate them about how to videotape victims with sensitivity and dignity.



(Staged with Professional Model)

- ***Citizen journalists need information on victim issues.*** Cable news company CNN encourages its viewers to provide video and photos through its iReport project.

Many print and broadcast news organizations are creating similar programs to encourage citizen-generated content (which has the virtue of being free). Of concern, however, is how far untrained citizen journalists may go in trying to cover news involving victims. News organizations should consider posting links to information such as this guide on their Web sites to help citizen journalists understand what crime victims want and need.

- ***Online articles (and mistakes) can live forever.*** News organizations and victims will not always agree on what should or should not be printed. In an online news world, however, articles that victims, their family and friends, and victim advocates find offensive, misleading, or unbalanced can remain infinitely retrievable through search engines. As this suggests, victims in particular can have concerns that someone who searches for their name years later may learn about their victimization even though the victim wants to move on. This can be of particular concern if the original article contained errors, since news organizations vary in their policies related to archiving

articles and making corrections. Some have chosen to archive original articles, along with subsequent changes or corrections, while others archive the corrected originals, with or without additional notation. News organizations should consider including victims and victim organizations in their discussions on developing these policies.

- ***News organizations need victim input in decisions on citizen comments.*** Many online news sites allow visitors to post unmoderated and unedited comments at the end of their news stories. The goal is to encourage citizen input but anonymous posting also results in postings that are abusive or insensitive. This has obvious implications for victims and those who care for and work with them. Some news organizations are so concerned about abusive postings that they spend the money to have one of their employees check each entry before it is posted. Others are experimenting with automated filtering software. News organizations should work with victims and victim organizations to develop solutions that protect victims. Until filtering software ensures that victims will not be harmed by anonymous posters, news organizations should do what it takes to prevent abusive posting on stories involving crime victims.

<sup>3</sup> Speech by Jennifer Carroll (Gannett) at Michigan State University's College of Communication Arts & Sciences, March 16, 2007.

<sup>4</sup> Speech by Chet Rhodes (Washington Post) at Michigan State University's College of Communication Arts & Sciences, March 23, 2007.

## A Guide for Journalists Who Report on Crime and Crime Victims

### 7. High Impact Stories

#### Reporter Guidelines for Act III Stories

Despite the constraints and challenges inherent in reporting on crime and victimization, many news organizations succeed in providing the public exceptional stories that can help people understand crime, victimization, and crime policy or that give victims an opportunity to tell their stories. Without overstating the case, a news organization's reputation can rest, at least in part, on how its reporters treat crime victims and the issues that matter to them. Maintaining a good relationship with victims, their families and friends, as well as victim advocates and service providers, can enhance a news organization's standing in the community.

The Dart Award for Excellence in Reporting on Victims of Violence recognizes the best newspaper article or series of articles on a victim or victims of violence each year. The winning stories have tackled difficult subjects, from incest to domestic violence to the mass murder at Oklahoma City in 1995. In addition to giving victims a voice, the \$10,000 prize has also been awarded to publications that entered Act III stories that provided social, political, economic, or cultural context that allowed readers to understand the impact of crime and victimization. A 1996 series called "Path of a Bullet" that appeared in the *Long Beach Press-Telegram* informed readers that the death of a young man who belonged to a gang cost the community close to \$2 million in tax dollars for the law enforcement and court costs associated with the crime.

<http://www.dartcenter.org/dartaward/1997/winner/01.html>. The *Detroit Free Press* won the award in 2005 for "Homicide in Detroit: Echoes of Violence," a six-part series that looked at the impact murders have on the victims, their families, the police, and the community. <http://www.dartcenter.org/dartaward/2005/winner/01.html>.

Particularly in this era when news organizations find themselves under increasing economic pressure, it can be difficult for them to free up reporters, photographers and videographers, columnists, and editors to spend the time required to produce major stories and series like these, which often took months and even years of effort.

Quality journalism plays a unique role in our culture. It is the mission and responsibility of news organizations to gather and report the information that citizens need to make informed and wise decisions about how we will govern ourselves. The daily episodic coverage of crime provides a service, by warning us of continuing threats and providing a portrait of crime in the community. However, news organizations should be encouraged and supported in devoting the resources necessary to produce Act III stories that deepen our understanding of the dynamics of crime and the price crime exacts on victims.



## A Guide for Journalists Who Report on Crime and Crime Victims

### 8. Working with Service Providers

#### Advice for Reporters on Interacting With Victim Service Providers

The history of the victims' rights movement coincides with the emergence of various specialists who work with crime victims and witnesses and their families and friends. The federal Victims of Crime Act (VOCA), passed in 1984, provided a mechanism that allowed using fines and fees collected from convicted federal offenders to pay for crime victim compensation and for victim services administered by the states. These new resources sparked the expansion of existing groups and the development of new groups to assist victims and witnesses. These specialists typically fall into three broad categories, each with its own history and dynamic:

- **Victim advocates.** The early victims' rights movement was dominated by individuals and groups who fought for passage of the federal Victims of Crime Act and establishment of crime victims' compensation funding. Advocates were also instrumental in passing Victims' Rights Amendments to over 30 state constitutions. Other successful victim rights' initiatives include: (1) providing victims the right to deliver a victim impact statement at sentencing; (2) enhancement of various criminal penalties and sanctions; (3) the creation of sex offender registries; (4) expanded and improved notification policies so victims are told about the status of their alleged or convicted offenders and when convicted offenders are transferred, paroled, or released; and (5) the creation of new entities and services such as the National Center for Missing and Exploited Children and the Amber Alert, among others. Many advocates are victims who felt passionately that they were not treated fairly by the prevailing criminal and juvenile justice systems.
- 
- (Staged with Professional Models)
- **Victim service providers.** VOCA funding helped states fund existing and new organizations and positions designed to help crime victims and witnesses. Some funding flowed to nonprofit entities, from domestic violence shelters to rape crisis centers. Funding was also used to create paid positions within law enforcement and prosecutors offices, such as the victim/witness coordinators who help victims access needed services, prepare to testify in court, document and seek restitution, and create and deliver victim impact statements. While the jobs often include helping victims, the employee's first

loyalty is to the organization, whose rules may prevent them from engaging in more advocacy-oriented activities, and to victims and survivors to help them avoid being re-victimized.

- **Citizen volunteers.** Some law enforcement agencies, often municipal police and county sheriffs, have created Citizen Advocate groups that help crime victims. Many agencies have citizen volunteers on call that will go to the site of a crime call once the situation has stabilized. Their role is to provide personal comfort and care to victims, such as giving them a ride or refilling a needed prescription. It is not uncommon to find crime victims as part of these groups. Many agencies also provide the groups training, sometimes including media training.

As this suggests, these three groups can play important roles as facilitators or buffers between victims and the media. Painting with a broad brush, advocates will often pursue reporters, particularly columnists and editorial writers, in the hope of bringing attention to and enlisting their support for various causes. Justice system-based victim service providers, on the other hand, may prefer that victims refrain from speaking to the media before and during trial, to avoid potential contradictions in their testimony. Citizen volunteers who may or may not have media training may be asked to handle reporters who arrive at the door wanting interviews.

While journalists may be tempted to view these three groups as obstacles to getting an interview, they can also be valuable sources of information and assistance. Victim advocates know the history of the movement and can direct reporters to valuable sources within the field. Service providers typically know the system and can help reporters thread the maze of the criminal and juvenile justice systems. Reporters who develop rapport with these groups can find that they will help them get the interviews they seek.



*(Staged with Professional Models)*

Some service providers are themselves national, state, and local experts in particular kinds of victimization, from domestic violence to sexual assault and rape to child abductions. They can offer current and past statistics, as well as access to people with specialized knowledge and analysis. There are also charitable foundations with specific missions, including the Carole Sund/Carrington Memorial Reward Foundation that worked with the families of Chandra Levy and Laci Peterson to draw attention to their missing children.

News organizations benefit from learning more about victims and the people who work with them, just as those groups benefit from understanding the role of the journalist. A proactive approach to developing communications and positive relationships with these advocates and service providers includes—

- **Invite victim advocates, service providers, and citizen volunteers to serve on advisory panels and make presentations to editorial boards.**

Newspapers in particular often have citizen advisory panels. It would make sense to reserve a seat for a victim, victim advocate, victim service provider, or citizen volunteer. These groups and their representatives could also be invited to provide a presentation to an editorial board. Such boards are composed of the people who lead and manage the newspaper. Encouraging victim representatives to provide editorial board presentations can help top editors better understand what victims want and need, while dispelling the myths surrounding various kinds of victimization. Ideally, the editors will then educate editors and reporters in the newsroom.

- **Offer tours of the newsroom.** Outsiders often do not understand the role of the journalist and how and why they do what they do. A guided tour followed by an opportunity for questions and answers would help victim advocates and service providers understand the news business better. A growing number of print and broadcast outlets are installing Webcams in their meeting rooms, so citizens with broadband connections can visit their Web sites and “sit in” on daily meetings about what news to cover and how.
- **Enhance greater transparency and opportunities for feedback.** News organizations that are migrating to the Internet often talk about increasing transparency, which means opening up the way they do business to outside scrutiny. This trend could be used to allow those who work with victims more opportunities to comment on stories, issuing both kudos and complaints.



## A Guide for Journalists Who Report on Crime and Crime Victims

### 9. Creating Ethics Policies

#### Creating Ethics Policies



Bob Steele of the Poynter Institute in Florida is a recognized leader in promoting ethics in journalism. As part of aiding news organizations that want to develop a Code of Ethics, the Poynter Web site offers Steele's article called "Guiding Principles for the Journalist." In it, he offers three things that journalists must do: (1) seek truth and report it as fully as possible; (2) act independently; and (3) minimize harm.

<sup>1</sup> (The Society for Professional Journalists adopted those three guidelines and added "be accountable."<sup>2</sup>)

It is, of course, the third edict about minimizing harm that speaks directly to victim concerns. It is first worth noting that the goal is not to eliminate harm completely. Steele recognizes that even the best reporting can cause people problems. Asking victims to share their stories, especially if it is soon after their victimization, will almost always take a toll. However, Steele argues that the benefits to the victim and the public may outweigh the damage. John Stuart Mill's principle of utility asks whether the reporting promotes the greatest good for the greatest number. With that test in mind, Poynter's guidelines place the burden on the journalist to do all he or she can to avoid causing crime victims undue pain.

Some news organizations that choose not to create a Code of Ethics can still do well by crime victims. In some cases, the concern is that a written code invites litigation. For others, the issue is that few people remember the codes and each case requires its own

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<sup>1</sup> Bob Steele, "Guiding Principles for the Journalist," The Poynter Institute, [http://www.poynter.org/content/content\\_view.asp?id=5609](http://www.poynter.org/content/content_view.asp?id=5609), accessed March 30, 2007.

<sup>2</sup> The Society for Professional Journalists, Code of Ethics, <http://www.spj.org/ethicscode.asp>, accessed March 30, 2007.

consideration from all sides. The ultimate test is whether the news organization carefully considers the impact its practices and products have on crime victims.

## **A Guide for Journalists Who Report on Crime and Crime Victims**

### **10. Victims' Right To Privacy**

#### **The Victim's Right to Privacy Versus the Public's Right to Know**



The history of constitutional law in the United States is the story of balancing one right against another, in this case the public's right to know versus the victim's right to privacy. On one side are members of the press who want unfettered access to public information and the ultimate authority to decide what to print. On the other side are crime victims, typically private citizens thrust into the media's glare, struggling to maintain privacy. A patchwork of federal and state laws and court decisions at various levels illuminate which way the pendulum has swung over the years.

The public's right to know derives from the constitutional right to a free press enshrined in the First Amendment. For many years, the U.S. Congress and the courts favored expanding reporters' rights. The Freedom of Information Act (FOIA) of 1966 resulted in so-called "sunshine laws" in all 50 states, designed to enhance public access to government records and meetings. The Society for Professional Journalists provides information and advice to reporters on filing FOIA requests to gain access to public records. Court decisions have generally supported that anything open to the public can be reported by the news media.

However, access to information on crime and crime victims also depends on how local law enforcement agencies interpret their responsibility to share such information. Each of this country's roughly 17,500 local law enforcement agencies can make independent decisions about what should be shared and what should be kept secret as part of an ongoing investigation. As most criminal justice journalists will attest, there is almost always constant negotiation between local news organizations and the police about access to information on crimes and crime victims.

Despite the tensions, conflicts between reporters and law enforcement and the courts are usually resolved informally, though some result in litigation. Various groups, including victim advocates, can promote legislation to codify or change current practices and those cases can end up tested in court.



In recent years, the pendulum appears to have swung in favor of greater protection of personal privacy. Passage of the USA PATRIOT Act, the impact of 9/11, and concerns about the Internet's intrusion into our lives have created a climate in favor of reducing the access to information that reporters have previously enjoyed.

An individual's right to privacy is not explicitly addressed in the Bill of Rights. However, since the late 19th century, a growing body of constitutional law finds a right to privacy in various aspects of the first, fourth, fifth, and ninth amendments. The four basic areas that the emerging body of privacy law covers include—

- Appropriation of name or likenesses for trade purposes.
- Intrusion upon an individual's solitude.
- Publication of private information about an individual.
- Publishing information that puts an individual in a false light.<sup>7</sup>

The first issue is more likely to come into play for crime victims when entertainment media, rather than news media, seek to portray what happened to them. While it can be argued that the story of what happened to a crime victim is in the public domain, media companies often offer to pay victims or their families when they want to do a "docudrama," to preclude the possibility of litigation. The succeeding three areas have obvious implications for reporting on crime and crime victims:

- **Intrusion.** According to the Reporters Committee for Freedom of the Press, journalists can be found to intrude on a person's right to solitude when they gather information, regardless of whether the information is later published or not. Court cases involving trespass, hidden surveillance, and fraudulent entry generally support the idea that private citizens enjoy a zone of privacy, especially at home.<sup>8</sup> Reporters can stand outside a person's home as long as they stay on public sidewalks and roadways.



(Staged with Professional Model)

It may be considered harassment, however, if reporters ring the doorbell or telephone too often. In *Gallela v. Onassis* in 1973, the U.S. Supreme Court decided that freelance photographer Ron Gallela could not pursue Jackie Kennedy Onassis into private places. He was also ordered to stay at least 25 feet away from her and at least 30 feet away from her children. Gallela had argued Onassis was a public figure who therefore enjoyed fewer rights to privacy than a private citizen, but the U.S. Supreme Court viewed his actions as tantamount to harassment.<sup>9</sup>

In terms of technological intrusion, a number of states have laws that prevent people from recording telephone calls without the permission of the other party. The courts have also told reporters that they cannot use electronic eavesdropping devices to gather information.



(Professionally Staged Photo)

In 1999, in *Wilson v. Layne*, the U.S. Supreme Court ruled that police agencies should not allow reporters on “ride-alongs” to follow police into private residences, which has implications for victims and witnesses.<sup>10</sup>

The general test for still and moving images is that photographers and videographers do not need permission in places people have no expectation of privacy, which means people on public thoroughfares are therefore fair game. (It should be noted that schools are public places paid for by tax dollars, but courts allow them special privileges in denying access to reporters.) News media, however, should obscure the faces or other identifiers of people used in stock photos or file footage that portrays them in an unflattering light.



(Staged with Professional Model)

Numerous state court cases have decided that photographers and videographers cannot use telephoto lenses to intrude visually into private spaces, even though they are not intruding themselves. People in their own homes enjoy an expectation of privacy, so shooting photos of them through a window constitutes a violation of their personal privacy, even if the photographer or videographer is standing on public property.

Many states have laws that prevent a person (including reporters) from taping telephone conversations without the permission of all parties. Courts have also generally decided that reporters cannot use hidden cameras or tape recorders except in limited cases where investigative reporting serves a greater good. Ethically and legally, reporters should identify themselves as such when they approach crime victims. Again, there may be cases where

investigative reporters can mislead people about their intentions, but even these instances have narrowed over the years.

- **Cameras in the courtroom.** Today, most states allow cameras in the courtroom (which technically incorporates televising, recording, and taking photographs). The exception is in federal courts where cameras are not allowed. Victims' concerns for privacy can be taken into consideration even if cameras are allowed. Prosecutors and victim advocates can present any concerns to the court that protect a victim's privacy (for example, in cases involving people in witness protection programs) and safety (if showing a victim/witness's image will place them at risk for threats, intimidation, or harm).

Many state court organizations have developed operating rules that guide the use of cameras in the courtroom. While not binding, they address issues such as—

- When media coverage is allowed and prohibited.
- Court personnel responsible for coordinating media coverage and cameras in the courtroom.
- Accommodations for media personnel and equipment.

An example of guidelines for cameras in the courtroom, published by the Supreme Court of Missouri, can be accessed at <http://www.courts.mo.gov/page.asp?id=333>.

- **Private facts.** Information that is part of a public record is generally considered open to the press to report. A famous 1975 U.S. Supreme Court case that still resonates today is *Cox Broadcasting Corp. v. Cohn*, where an Atlanta television station reported the name of a 17-year-old girl who was raped and murdered, violating a Georgia statute that made reporting the name of a rape victim illegal. The U.S. Supreme Court decided that the Georgia law violated the Constitution. Among the reasons the justices cited for the majority decision was that reporters should not be prevented from reporting information already in the public record.<sup>11</sup>

In a similar 1989 case (*Florida Star v. B.J.F.*), the U.S. Supreme Court reversed an appellate court that awarded a victim \$100,000 when a rookie reporter published the name of a rape victim, in violation of the news organization's policies. (The local sheriff's office had published the name in a news release, while asking reporters not to use it.) The U.S. Supreme Court decision stated that news media have the right to publish public information.<sup>12</sup>



On the other hand, Florida court challenges involving whether the *Orlando-Sentinel* could gain access to autopsy photographs of NASCAR driver Dale Earnhardt denied news organizations the right to do so. As is often the case, legislators responded to the controversy by passing the Earnhardt Family Protection Act, to prevent news organizations from

securing autopsy photos. A

subsequent attempt by a student publication to secure the photos, arguing the law was being applied retroactively to the Earnhardt photos, failed when the Florida court decided that the press had no inherent right to them.<sup>13</sup>

In contrast, the courts have generally supported that news organizations can publish information they uncover about people that is not necessarily germane to the crime. In 1984, a California appellate court decided, in *Sipple v. Chronicle Publishing*, that the *San Francisco Chronicle* had the right to publish that Oliver Sipple was a homosexual. Sipple argued that publishing this information was an intrusion on his privacy. A lower court found in his favor and awarded damages. The *Chronicle* reported his sexual orientation as part of its story about how he deflected the gun that Manson family member Sara Jane Moore wielded in her attempt to assassinate President Gerald R. Ford. The California appellate court determined that Sipple's sexual orientation was newsworthy because he participated in gay activism and because his heroism might dispel the idea that homosexuals are "timid, weak, or unheroic."<sup>14</sup>

- **False light.** Portraying a person in a false light is not necessarily actionable. The test is whether the news organization knew the information was false (and exercised its responsibility to determine the facts) and then recklessly or maliciously published the information anyhow.

A U.S. Supreme Court case that helped set the standard was *Time, Inc., v. Hill* in 1967. In a six-to-three decision, the court found that Time, Inc., could not be held liable even though the information published was untrue. The case stemmed from an incident in 1952, when three escaped convicts took James Hill, his wife, and their five children hostage, releasing all of them unharmed hours later. The following year, an author published a novel based on the case that was later made into a play. *Life* magazine (owned by Time, Inc.) later repeated information from the play about the family that was not true. Lower courts found in favor of the family, but the U.S. Supreme Court established the standard that, to be held liable, a news organization has to display malicious intent.



(Professionally Staged Photo)

Most news organizations use sensitivity when dealing with crime victims while serving the public by providing them the information they need about crime and victimization. It serves all parties when disputes can be handled without litigation. As we see with the laws regarding disclosing the names of victims of rape and sexual assault, a news organization may win the case in court but lose the case in the court of public opinion.

- <sup>7</sup> Don R. Pember, 2002, *Mass Media Law, 2003/2004 Edition*, New York: McGraw-Hill Companies.
- <sup>8</sup> Photographers' Guide to Privacy, "A primer on invasion of privacy," The Reporters Committee for Freedom of the Press, <http://www.rcfp.org/photoguide/intro.html>, accessed March 30, 2007 and "9 Keys to Avoiding Invasion of Privacy Suits," <http://www.rcfp.org/photoguide/ninekeys.html>, accessed March 30, 2007.
- <sup>9</sup> Pember, pp. 259, 290
- <sup>10</sup> Pember, p. 302
- <sup>11</sup> Pember, pp. 205, 270–271–, 280.
- <sup>12</sup> Pember, pp. 205, 291.
- <sup>13</sup> Roger C. Roy, and Amy C. Rippel, "Earnhardts win right to keep autopsy photos sealed," Orlando-Sentinel, <http://www.orlandosentinel.com/sports/motorracing/sns-earnhardt-autopsyphotos,0,4354798.story>, accessed March 30, 2007 and "Fla. college paper appeals Earnhardt autopsy photo case to the Supreme Court," Student Press Law Center, <http://www.splc.org/newsflash.asp?id=677>, accessed March 30, 2007.
- <sup>14</sup> Pember, p. 179, 268.

## A Guide for Journalists Who Report on Crime and Crime Victims

### 11. Self Care for Journalists

#### What Journalists Can Do To Take Care of Themselves

The Dart Center for Journalism and Trauma in Seattle looked at how journalists are affected by their work and the risk factors that can make them more vulnerable to problems. Research Director Elana Newman noted that a study of 131 journalists in Washington and Michigan in 1999 showed that the majority of journalists studied (86 percent) had witnessed traumatic events and subsequent research tends to confirm those findings.

Newman found that the good news is that many journalists are relatively resilient. Less than 6 percent of 875 photojournalists surveyed and less than 5 percent of 906 print journalists studied in 2003 appeared to suffer symptoms of PTSD (posttraumatic stress disorder). (It should be noted, however, the study samples were not randomized so the actual rates remain unknown. Newman also notes there is concern that rates of PTSD may rise over time.)



*(Staged with Professional Model)*

Other research shows that reporters exposed to higher numbers of traumatic assignments had a greater likelihood of suffering PTSD. Both novice reporters and veterans also appear to be at higher risk of problems. Reporters who were also exposed to trauma in their personal lives may also be more vulnerable.

The challenge for news organizations and journalists themselves is to understand the risk of secondary victimization and take steps to prevent problems. Michigan State University's Victims and the Media Program guarantees that all journalism students will receive specialized training in reporting on victims of violence and catastrophe, as well as advice on how to protect themselves when doing these stories.

The following advice is adapted from materials available on the program's Web site (<http://www.victims.jrn.msu.edu>). This advice is not just for reporters but also for photographers, videographers, editors, and anyone at a news organization who deals with disturbing text or images.

When dealing with crime and crime victims, journalists should—

- ***Spend the time you need to process your thoughts and feelings.***

Particularly under the pressure of deadlines with Act I stories, reporters may

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need to go on “auto-pilot” to complete their assignments. Part of being a professional is producing under pressure and despite adversity. Getting through a tough assignment often means promising yourself you will deal with the feelings later. While recent research raises questions about the effectiveness (or harm) related to various debriefing strategies, the best advice appears to be to take the time you feel you need to work through what happened to you. The effects of stress are cumulative. As Psychologist Dr. Gary Embelton warns, “You can play tricks with your mind but your body keeps score.”<sup>15</sup>

- **Take mini-breaks whenever possible.** Even during tough assignments, you can benefit from snatching a few moments here and there to clear your head. Take a moment to enjoy the sunshine (or the rain). Savor positive times whenever you can.



(Staged with Professional Model)

- **Derive confidence from your skills and experience.** Reporting on crime victims is one of the toughest assignments a journalist will face. You may break down. You may make mistakes. You should never, however, beat yourself up for doing your best. Just remember to learn from your experiences. There can also be tremendous satisfaction in doing good work that honors victims.



- **Learn about trauma.** Doing so will help you do a better job of reporting on crime victims and it will help you understand what secondary trauma can do to you. Your victim advocate sources can provide reliable information about trauma and strategies to cope with it.

- **Turn to supportive peers.** Fellow journalists are often the best source of support because they understand how tough reporting on crime can be. News organizations need to understand that providing a supportive environment, where reporters can honestly share feelings, helps avoid burnout and is conducive to good mental and physical health. The best news organizations understand that it is to their benefit when reporters under stress know that they can occasionally turn down difficult assignments without fear that doing so would jeopardize their careers.
- **Turn to family and friends.** Journalists benefit from maintaining a strong support system they can turn to during and after a difficult assignment.
- **Explore opportunities for spiritual and creative expression.** Learn meditation or take yoga. Sign up for a painting class. Try knitting or start a journal. Find an activity that makes you feel good.

- ***Make the time to work out.*** Exercise boosts production of brain chemicals that reduce stress, improve mood, and reduce pain. A regular exercise program is a good way to reduce the risk of depression.
- ***Take care of your body.*** Eat well. Drink enough fluids. Get enough sleep. Avoid alcohol and other debilitating drugs. Exercise. Enjoy a massage.
- ***Seek help sooner rather than later.*** There is no virtue in “toughing it out” and hoping you will feel better. Talk with your physician about the trauma you have suffered. Seek referrals to therapists who can help. There should never be any stigma or shame associated with taking good care of yourself. The National Center for PTSD offers warning signs you should heed. You should be sure to seek help if—
  - You experience symptoms that cause distress, result in significant changes in your relationships, or impair your ability to function at work.
  - You are self-medicating with alcohol or other drugs.
  - You do not find relief with strategies such as those listed above.



(Staged with Professional Models)

The Dart Center for Journalism and Trauma offers a self-guided tutorial for journalists that explains the signs and effects of traumatic stress and how to cope with its effects. This information is helpful to increase knowledge about how trauma affects crime victims, as well as reporters who may be continually exposed to traumatic events. The tutorial can be accessed at

[http://www.dartcenter.org/training/selfstudy/1\\_journalism\\_trauma/text\\_00.html](http://www.dartcenter.org/training/selfstudy/1_journalism_trauma/text_00.html).

<sup>15</sup> Personal communication with Bonnie Bucqueroux, 1999.

## **A Guide for Journalists Who Report on Crime and Crime Victims**

### **12. Resources and Promising Practices**

#### **Promising Practices Criminal Justice Journalists**

<http://reporters.net/cjj/index.html>

Criminal Justice Journalists is a national membership organization of journalists who cover crime, court, and prison beats. Affiliated with the Jerry Lee Center of Criminology of the University of Pennsylvania, CJJ participates in conferences and develops resource materials for journalists who cover crime.

#### **Dart Center for Journalism and Trauma, University of Washington**

<http://www.dartcenter.org/>

The Dart Center advocates ethical and thorough reporting of trauma; educates journalists about the psychology of trauma and news implications; and serves as a forum for journalists to analyze issues, exchange ideas, advance strategies related to reporting on violence and catastrophes, and foster peer support. Each year, the Dart Center presents the Dart Award for Excellence in Reporting on Victims of Violence to radio and newspaper pieces that sensitively and comprehensively illustrate the compound effects of violence on victims' lives. The Dart Society, consisting of journalists who have received Dart fellowships or awards, promotes sensitive coverage of victims and provides support to journalists affected by covering victimization's effects.

#### **Poynter Institute**

<http://www.poynter.org/>

The Poynter Institute is a school dedicated to teaching and inspiring journalists and media leaders. Poynter offers seminars, courses, and workshops at its St. Petersburg, Florida, headquarters; cosponsors national writers' workshops across the country; hosts a toll free hotline for ethical questions; and offers numerous resources through its Web site. In 2005, Poynter launched News University (<http://www.newsu.org/>), an online resource that provides interactive, inexpensive courses to journalists from all experience levels and media backgrounds.

#### **Victims and the Media Program, Michigan State University School of Journalism**

<http://victims.jrn.msu.edu/index.html>

This program teaches journalism students to report on victims of violence and catastrophe with the sensitivity, dignity, and respect that victims deserve. Since its establishment in 1991, the program has held conferences, created videotapes, and

developed curricula. It helps victim advocates work as “facilitators and buffers” between victims and the media, and helps journalists deal with the stress and trauma associated with covering victimization’s effects.

### **Victims and the Media Program Professional Workshop: Reporting on Crime Victims**

As noted above, the Victims and the Media Program guarantees that all of its graduates will receive special training in reporting on victims of violence and catastrophe. In the introductory reporting classes, students receive advice on how to handle Act I, Act II, and Act III stories, using lecture, current-event examples, video clips, and role-play exercises. In the advanced reporting classes, the instructor conducts a refresher on information and advice learned previously. Then a victim volunteer tells his or her story and the students interview the person and then write a brief story. If time permits, the victim critiques the students’ stories.

The program also offers specialized instruction for broadcast classes, audio and video, which address the special concerns that victims have about broadcast coverage. In the ethics class, the instructor presents students with real-world case studies, in which reporters and editors face ethical dilemmas related to victims. The students are asked to make a decision (quickly) and explain how and why they made their determination.

MSU journalism majors receive at least 6 hours of instruction (and as many as 9 or 10). *Appendix A* features an outline that adapts the MSU curriculum to a 2-hour workshop for professionals. It is based on using much of the information and advice offered in this guide.

### **“Victims and the Media” Forums**

When all key “players” involved with the news media coverage of crime and victimization have an understanding of their mutual concerns and unique perspectives, sensitive coverage of crime victims is a likely outcome. In the past, many communities have sponsored 1-day forums and symposia that address these issues and engage journalists, victim advocates, justice professionals, mental health and allied professionals, and victims/survivors as speakers and participants.

As evidenced by the content of this guidebook, there are many topics that can be addressed in a “Victims and the Media” forum. In a 1-day, 6-hour session, key issues can include—

An opening panel of victims/survivors speaking about their personal experiences with the media—both positive and negative.

The viewpoint of journalists regarding what the public needs to know about crime and victimization.

Perspectives of justice professionals who must maintain the integrity of a case while, at the same time, provide information to the media that is relevant to the public.

An explanation of the role of victim advocates as both facilitators for victim interviews, and as sources for reliable information about crime and victimization.

It's also helpful to provide a venue for roundtable discussions that mixes participants with different perspectives, in order to promote informative discussions about critical issues and concerns.

**Appendix A****Outline for a Workshop for Journalists on Reporting on Victims and Victim Issues**

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**PROFESSIONAL WORKSHOP: Reporting on Crime Victims**

**Instructors:** It makes sense to select a journalism instructor who understands and appreciates reporters and victims. The instructor should be partnered with a victim of criminal violence whose story has been covered by the media. MSU requires that inclass victim volunteers must provide assurances that they are ready and willing to handle the assignment. The program typically refuses to consider victims whose trauma occurred less than 2 years ago.

**Preparation:** Before the training, the instructor should identify counseling opportunities available locally and make arrangements to send participants there if anyone needs help during or after the workshop.

**Learning Objectives:** Participants who complete the workshop will—

Gain insight into how reporting on crime and victimization affects victims.

- Understand what trauma does to a person's physical, emotional, and spiritual well-being.

Learn tips and techniques on reporting Act I, Act II, and Act III stories without revictimizing victims.

- Gain experience in interviewing a victim in a controlled setting where there is not fear of inflicting harm, as preparation for interviewing victims for real stories.

Understand the dangers of secondary victimization and learn ways to cope with the trauma and stress involved in reporting on crime and crime victims.

## Agenda

- **Introductions and Ground Rules** (15 minutes): Participants are asked to introduce themselves. The instructor then acknowledges that the training will be dealing with difficult and sometimes disturbing content. If anyone finds the material too upsetting, they should feel free to take a break; however, one of the instructors will accompany the person out of the room to offer help.

Participants will be asked to develop their own Code of Conduct for the training. One benefit of the exercise is that it reinforces the importance of treating people with sensitivity, courtesy, and respect. The instructor should also reinforce the importance of granting others a measure of goodwill. We can all misspeak or say something inadvertently hurtful, but the ground rules should reflect that people should grant others an opportunity to explain or apologize.

- **Current Events** (15 minutes): Participants are asked to offer examples of media coverage of crime and crime victims during the past 6 months, including print, broadcast, or online. The participant should give a brief explanation of the story, identify where and when it appeared and offer an analysis of how well it treated the victims involved. Participants can also share examples of their own work or ask questions about situations that they faced involving crime victims.

**The Impact of Trauma** (15 minutes): Provide an overview of the impact that trauma has on victims and the dangers of secondary victimization among journalists.

- **Reporting on Act I Stories** (30 minutes): Adapting the information and advice offered in this guide, the instructor engages participants in discussion about how to approach and interview crime victims who are the subject of

breaking news. If time permits, the instructor can portray a victim of a crime in a role play. Allow the students 2 minutes to prepare questions, then give them no more than 5 minutes to ask questions. Debrief and assess their performance as a group.

- **Reporting on Act II and Act III Stories** (30 minutes): The instructor outlines the basics of reporting on Act II (feature) and Act III (high-impact) stories. The victim volunteer serves as the source for an Act II story that allows participants to apply what they are learning.
- **Taking Care of Yourself** (15 minutes): Each session should close with an interactive discussion about how reporters can take care of themselves. Close with a reiteration of the importance and personal satisfaction that comes from doing good work.

**A Guide for Journalists  
Who Report on Crime and Crime Victims  
13. Glossary**

**Appendix B**

**Glossary of Criminal Justice and Victimization Terms**

**Adjudication:** The judicial decision that ends a criminal proceeding by a judgment of acquittal, conviction, or dismissal of a case. This term is also used in juvenile proceedings.

**Arraignment Hearing:** A hearing in which a person charged with a crime is brought before the court to plead either guilty or not guilty to the criminal charges alleged in the indictment or information, and is advised of his or her constitutional rights under the law. By definition, arraignment hearings are considered *pretrial hearings*.

**Arrest Warrant:** An order made on behalf of the state, based on a complaint and signed by a judge, authorizing law enforcement to arrest a person who is thought to have committed a crime. A person who is arrested on a warrant stays in custody until bail or bond is posted, or until released by an order of the court.

**Bail Hearing:** A hearing to determine whether or not an incarcerated defendant or convicted offender will be released from custody and to determine what amount (if any) he or she must pay as a bond to ensure his or her presence at future proceedings (i.e., trial). This may also include specific conditions of bail (e.g., must have no contact with the victim or witness, must attend treatment programs, etc.). (Also referred to in some jurisdictions as a *bond hearing*.)

**Change of Venue:** The transfer of a pending case in one county or district to another county or district. A “change of venue” is often sought because of claimed prejudicial publicity in the original county or district.

**Charge:** A formal accusation filed by the prosecution that a specific person has committed a specific crime. Also referred to as “pressing charges.” (See *Complaint*.)

**Clemency:** To show mercy or leniency by reducing the punishment for conviction of a crime

**Community Supervision:** An order by a criminal court, usually as part of a sentence, requiring a released offender to submit to supervision by one or more criminal justice officials, most commonly a probation or parole officer. Such orders often include conditions that the offender must abide by, and can include conditions specific to victims’

concerns and needs (such as safety and protection) if they are identified through a presentence investigation (PSI) or victim impact statement.

**Commutation:** A chief executive of a government has the right to substitute a less severe punishment of the defendant than that imposed by the judicial branch.

**Compensation:** This term is used to refer only to the state-administered program that provides violent crime victims with recompense for their out-of-pocket financial losses directly resulting from the crime. It is not intended to encompass restitution or pursuit of civil claims or judgments.

**Compensation Award:** The sum of money ordered by the State Victim Compensation Board/Authority to be paid to a victim of crime as recompense for his or her out-of-pocket financial losses directly resulting from the crime.

**Complaint:** A preliminary charge made by the state that a person has committed a specified offense. (See *Charge*.)

**Confidentiality:** A requirement that certain facts about a proceeding or nature of a proceeding be withheld from public discussion or scrutiny, ostensibly to serve the interests of justice.

**Criminal Justice System:** The entire network of government agencies charged with law enforcement, prosecution, defense, trial, and the punishment and supervision of those arrested and/or convicted of having violated the criminal law in a state or jurisdiction.

**Deposition:** The sworn testimony of a witness taken outside of court in the presence of the attorneys for the prosecution and defense. A deposition can be used at trial to impeach or discredit a witness' testimony, or can be read to a jury if the witness is unavailable. In a civil case, depositions are used to establish the facts of the case prior to trial or settlement.

**Dismissal:** A decision by a judge to end a case, with or without prejudice, for legal or other reasons.

**Disposition:** The final decision that ends a criminal proceeding by judgment of the acquittal of the accused, dismissal of charges, or that sets the sentence if the defendant has been previously convicted.

**Docket:** The formal record maintained in brief of the court proceedings. The "trial docket" sometimes refers to the list of cases to be tried on any given day, or in a specified period of time.

**Due Process:** All legal statements concerning procedural and substantive due process standards that must be applied in a disciplinary hearing or trial, including those raised primarily as defenses.

**Evidence:** Testimony and objects used to prove or corroborate the statements made by the victim, the accused, or other witnesses.

**Felony:** A serious crime punishable by state or federal prison time.

**Final Disposition:** A conclusive determination that settles the issues and rights of all the parties in interest—a judgment or decree that terminates in the court that enters it.

**Grand Jury:** A collection of citizens called to serve on a jury whose duty it is to examine the evidence supporting charges alleged by law enforcement and/or the prosecutor to determine if they are sufficient to warrant a subsequent criminal trial.

**Grand Jury Hearing:** A hearing during which the *Grand Jury* examines the evidence supporting charges alleged by law enforcement and/or the prosecutor to determine if they are sufficient to warrant a subsequent criminal trial.

**Habeas Corpus:** A federal process and proceeding in which a prisoner challenges the lawfulness of his or her imprisonment. An action by way of “writ of habeas corpus” does not determine the prisoner’s guilt or innocence.

**Hearing:** A legal proceeding in which arguments, witnesses, and/or evidence are heard by a judge or administrative body.

**Hearsay:** Testimony of an individual that is not from his or her personal knowledge, but from what the witness has heard another person say.

**Indictment:** Formal charging document presented by the prosecution to a grand jury. The grand jury may then issue the indictment if it believes that the accusation, if proved, would lead to a conviction.

**Information:** Formal charging document issued by a prosecuting attorney (with no grand jury involvement).

**Jail:** The local facility where persons in lawful custody are held. Defendants awaiting trial and defendants convicted of lesser crimes are held in jail, as opposed to prison.

**Judicial Officer or Judge:** An officer of the court who determines causes between parties or renders decisions in a judicial capacity. The judge generally decides questions of law, except in cases in which a jury trial is waived; then the court would also function as a fact-finder.

**Misdemeanor:** A crime that is less serious than a felony, and for which the punishment is usually imprisonment for 1 year or less—usually in a jail or other local facility—and/or a fine.

**Mistrial:** A trial that is invalid because of some fundamental error in procedure or other wrongdoing.

**Motion:** A verbal or written request made by the prosecutor or defense attorney before, during, or after a trial that the court responds to by issuing a rule or an order.

**Nolo Contendre:** A defendant's formal answer in court to the charges in which the defendant states that he or she does not contest the charges. *The nolo contendere* plea is not an admission of guilt but carries the same legal consequences as a guilty plea.

**Non System-Based Victim Service Providers:** Victim service providers whose base of operation and services occur within the context of a private nongovernmental organization (e.g., a nonprofit domestic violence shelter or rape crisis center, a nonprofit court accompaniment program, or a psychologist specializing in child abuse). (See *System-based Victim Service Provider*.)

**Notice:** An official means of providing information, in oral or written form, to an identified party regarding his or her rights or interests (e.g., a letter stating the date, time, and location of a parole hearing; a telephone call informing a victim about the outcome of a sentencing hearing; or an automated telephone call informing the victim of the escape of their accused offender).

**Objection:** A protest or argument made concerning the activity of the other party, (i.e., prosecution or defense counsel) in court. The judge can “overrule” or “sustain” an objection.

**Pardon:** An official release from responsibility and consequences for a crime, usually only granted by the chief executive of a government.

**Parole:** The release of a prisoner from imprisonment but not from legal custody. Persons under parole supervision (“parolees”) are subject to conditions of supervision that are designed to reduce recidivism and promote victim and public safety and are supervised by a parole officer or parole agent.

**Parole Revocation:** When probable cause is found that an offender under parole supervision violated his or her conditions of supervision (such as possessing a weapon, using alcohol or other drugs, or committing a new offense), parole is revoked and the offender is returned to custody (jail or prison).

**Plea Agreement:** An agreement whereby the accused and the prosecutor in a criminal case work out a mutually satisfactory disposition of the case subject to court approval. It usually involves the defendant's plea of guilty to a lesser offense in return for a lighter sentence. In many jurisdictions, victims have the right to "confer" with the prosecutor about any possible plea agreement.

**Plea Agreement Hearing:** A hearing in which the prosecutor and defense counsel submit a *plea agreement* to the court for its approval.

**Plea of Guilty:** An admission of guilt by the defendant in open court.

**Post conviction Hearing or Proceedings:** Following a conviction and direct appellate review, many states provide for procedures for post conviction review. Typically, the grounds for relief under these proceedings are both limited and different from those on *appeal* of a conviction.

**Posttraumatic Stress Disorder:** The essential feature of posttraumatic stress disorder is the development of characteristic symptoms following exposure to an extreme traumatic stressor involving direct personal experience of an event that involves actual or threatened death or serious injury, or other threat to one's physical integrity; or witnessing an event that involves death, injury, or a threat to the physical integrity of another person; or learning about unexpected or violent death, serious harm, or threat of death or injury experienced by a family member or other close associate (Criterion A1). The person's response to the event must involve intense fear, helplessness, or horror (or in children, the response must involve disorganized or agitated behavior) (Criterion A2). The characteristic symptoms resulting from the exposure to the extreme trauma include persistent re-experiencing of the traumatic event (Criterion B), persistent avoidance of stimuli associated with the trauma and numbing of general responsiveness (Criterion C), and persistent symptoms of increased arousal (Criterion D). The full symptom picture must be present for more than 1 month (Criterion E), and the disturbance must cause clinically significant distress or impairment in social, occupational, or other important areas of functioning (Criterion F). (From the DSM IV – 309.81)

**Preliminary Hearing:** A legal proceeding before a judge in which arguments, witnesses, and/or evidence are presented to determine if there is sufficient cause to hold the accused for trial. It is sometimes called a *probable cause hearing* or a *pretrial hearing*.

**Presentence Investigation (PSI):** The PSI is usually conducted by a probation officer after a plea or verdict of guilty. It is done before sentencing to enable the judge to learn more about the defendant, as well as about the impact of the crime on the victim, so that he or she is better able to impose a proper sentence. The PSI includes information about the defendant's criminal history and personal background, and how the victim(s)

were affected—physically, financially, emotionally, and spiritually. Upon completion, a *presentence investigation report* is provided to the court.

**Pretrial Release Hearing:** Any hearing to determine whether the defendant will be released from custody prior to the trial (i.e., bail or bond hearing).

**Prison:** State facilities where persons convicted of the commission of a felony (or multiple felonies) are held. The state Department of Corrections (or similar title) oversees the management of prisons, and most departments have victim services programs.

**Pro se:** When the defendant is not represented by counsel (a defense attorney), as when he or she has waived the right to counsel in a criminal proceeding.

**Probable Cause:** The degree of proof needed to arrest and begin prosecution against a person suspected of committing a crime. The evidence must be such that a reasonable person would believe that this specific crime was committed, and that it is probable that the person being accused committed it.

**Probation:** Conditional freedom granted to an offender by the court after the conviction or a guilty plea, with requirements for the offender's behavior ("conditions of probation"), and which any violation of such requirements or conditions may result in revocation of the probation. Supervision is usually conducted by a probation officer.

**Proceeding:** An occurrence in form and manner of conducting business before a court or judicial officer (i.e., hearings, trials, conferences, etc.).

**Prosecutor:** A lawyer employed by the government to represent the general public's interests in court proceedings against people accused of committing crimes. Many prosecutors' offices have *victim/witness programs* that are designed to inform victims of their rights, help them understand the criminal justice process, and provide them with information about and referrals to services that can help them.

**Rape:** A form of assault; the nonconsensual use of the sexual organs of another person's body. Perpetrator can be of either sex, as can their victim. (Wikipedia—See *Sexual Assault*.)

**Recusal:** An action taken by a judge to disqualify or withdraw him/herself from a case in which his or her impartiality might be questioned.

**Release Hearing:** Hearing to determine whether to grant and on what basis to grant an incarcerated or accused defendant limited, temporary, or permanent release (e.g., work release or temporary release for family emergency, medical treatment, vocational training, to attend legal proceedings, etc).

**Restitution:** A court order requiring a convicted offender—as a condition of a sentence—to repay the victim money or services to compensate for the monetary losses that resulted from the commission of the crime.

**Restraining Order:** An order issued by a court of appropriate jurisdiction forbidding a party from engaging in some proscribed activity. In the context of victim protection, often an order forbidding the alleged or convicted offender to have any contact with the victim or to act in a way contrary to the victim's interests. (Often also referred to in other jurisdictions as *stay away order*, *no contact orders*, or *protective orders*.) (Also see *stay away orders* as defined below.)

**Sentence:** The amount of time a convicted offender is ordered to serve.

**Sentence, Concurrent:** Running together—concurrent sentences run, or are served, at the same time.

**Sentence, Consecutive:** Sentences that run or are served one after the other.

**Sexual Assault:** Any physical contact of a sexual nature without voluntary consent. Sexual assault can take place by anyone and anywhere. While associated with rape, sexual assault is much broader and the specifics may vary according to social, political, or legal definition. (Wikipedia—See *Rape*.)

**Speedy Trial, Victim's Right to a:** Though usually defined in the context of the defendant's Sixth Amendment right to a speedy trial, a "speedy trial for victims" is generally defined as a trial conducted as soon as the prosecution, exercising reasonable diligence, can sufficiently prepare its case. It is a trial conducted without unreasonable or oppressive delay without violating the defendant's constitutional right to adequately prepare his or her defense. (Also referred to as victim's right *to prompt disposition*.)

**Statute:** Any law passed by a local, state, or federal legislative body.

**Stay Away Orders:** An order from a court of appropriate jurisdiction forbidding a party in a legal action (criminal or civil) from having direct or indirect contact with another party. Violations are usually enforced as contempt of court. (Often also referred to in other jurisdictions as *restraining orders*, *no contact orders*, or *protective orders*.)

**Subpoena:** A court order requiring a person to appear in court on a specified day and time to give testimony. It may also include an order to produce documents or records. Failure to appear constitutes contempt of court.

**Summons:** A court order used to bring a person accused of a minor crime to court.

**System-based Victim Service Providers:** Victim service providers whose base of operation and services occurs within the context of a criminal or juvenile justice agency (e.g., law enforcement-based crisis responders, prosecutor-based victim services, a victim assistance specialist working within a community or institutional corrections agency). (See *Nonsystem-based Service Providers* as defined above.)

**Testimony:** Evidence given by a competent witness under oath, as distinguished from evidence derived from writings and other sources.

**Transcript:** The official record of proceedings of a trial or hearing.

**Trauma:** *Trauma* has both a medical and a psychiatric definition. Medically, “trauma” refers to a serious or critical bodily injury, wound, or shock. This definition is often associated with trauma medicine practiced in emergency rooms and represents a popular view of the term. Psychiatrically, *trauma* has assumed a different meaning and refers to an experience that is emotionally painful, distressful, or shocking, which often results in lasting mental and physical effects. Psychiatric trauma, or emotional harm, is essentially a normal response to an extreme event. It involves the creation of emotional memories about the distressful event that are stored in structures deep within the brain. (4therapy.com Network)

**Trial:** A judicial examination in accordance with the law of the land, of a “cause,” either civil or criminal, of issues between the parties, whether of law or fact, before a court that has proper jurisdiction

**Victim Impact Statement:** A written or verbal statement of a victim’s views concerning the physical, financial, emotional, and spiritual impact the crime has had on the person, the person’s life, and the lives of the person’s family that is offered to the court or other decisionmaking body, usually during sentencing or release consideration hearings. Victim impact statements may include the victim’s opinion as to the risk the accused or convicted defendant may pose to him or her if released and/or the victim’s recommendation of an appropriate sentence.

**Victim Right:** The legal definition of a right is “a capacity residing in one person of control, with the support and assistance of the government, the actions of others.” A “victim’s right” is a “power granted by law that entitles a victim to require another person, usually a criminal justice official (i.e., police, prosecutor, judge, probation or parole officer, or corrections official), to perform a specific act or refrain from performing a specific act.”

**Voir Dire:** A procedure in which the prosecutor and defense attorney question prospective jurors to pick a jury.

**Waiver:** The voluntary surrender of a right, claim, or privilege.

**Warrant:** A court order directing a law enforcement officer to make an arrest, a search, or a seizure.

Many of the definitions included in this *Glossary of Terms* were taken or adapted from resources developed by the Missouri Victim Assistance Network and the State of Arizona Crime Victims Web Site.

**ENDNOTES**

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- <sup>5</sup> Bob Steele, "Guiding Principles for the Journalist," The Poynter Institute, [http://www.poynter.org/content/content\\_view.asp?id=5609](http://www.poynter.org/content/content_view.asp?id=5609), accessed March 30, 2007.
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- <sup>9</sup>Pember, pp. 259, 290
- <sup>10</sup> Pember, p. 302
- <sup>11</sup> Pember, pp. 205, 270–271–, 280.
- <sup>12</sup> Pember, pp. 205, 291.
- <sup>13</sup> Roger C. Roy, and Amy C. Rippel, "Earnhardts win right to keep autopsy photos sealed," Orlando-Sentinel, <http://www.orlandosentinel.com/sports/motorracing/sns-earnhardt-autopsyphotos,0,4354798.story>, accessed March 30, 2007 and "Fla. college paper appeals Earnhardt autopsy photo case to the Supreme Court," Student Press Law Center, <http://www.splc.org/newsflash.asp?id=677>, accessed March 30, 2007.
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- <sup>15</sup> Personal communication with Bonnie Bucqueroux, 1999.

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