

Crime Victims Rights in the News Media

Overview

Victims Should Have the Right...

Overview

The news media can often inflict a "second victimization" upon crime victims or survivors by enhancing their feelings of violation, disorientation, and loss of control. Common concerns victims express about the media include: interviewing survivors at inappropriate times; filming and photographing scenes with bodies and body bags; searching for the "negative" about the victim; printing a victim's name or address; and inappropriately delving into the victim's past. It is important for journalists to understand the emotions felt by victims and survivors. They are usually numb and often physically and mentally stunned by the crime and its impact. Frequently, victims feel confused and completely disoriented, especially immediately after the crime occurs, and the story is "newsworthy."

The issue of privacy of the individual versus the freedom of the press is a contentious one, and the related issue of victims' rights often creates the "battleground." There is an ethical consideration being re-examined by the media: many journalists realize that while they may have a legal right to publish certain information, they have an ethical responsibility to go further and balance the potential for public good against the private harm resulting from publication. A recent study shows that television news directors agree in principle that crime victims have privacy rights and the private individual's right to privacy is *not* outweighed by the public's right to know. However, when a specific case of invasive footage is placed before those same directors, especially if their competitor possesses the same film footage, they are less likely to respect the victim's privacy (*Thomason & LaRocque, 1992*).

The National Center for Victims of Crime advocates the adoption of a proposed code of ethics for media professionals who deal with crime victims. This code was developed at a 1985 symposium by Seattle University and Seattle Women in News and was designed to recognize the demands journalists face while encouraging them to treat victims with dignity and respect. The code includes a vow that the journalist shall notify and ask permission from victims and their families before using pictures or photographs and shall not promote sensationalism in reporting crime or criminal court cases in any way (*National Victim Center, 1990*).

Victims should have rights when dealing with the media. In most cases, a person will *not* be able to bring a legal action against the media if his or her rights are violated.

Victims Should Have the Right:

- To say "no" to an interview;
- To select the spokesperson or advocate of the victim's choice;
- To select the time and location for media interviews;
- To request a specific reporter;
- To refuse an interview with a specific reporter even though he or she has granted interviews to other reporters;
- To say "no" to an interview even though the victim has previously granted interviews;
- To release a written statement through a spokesperson in lieu of an interview;
- To exclude children from interviews;
- To refrain from answering any questions with which the victim is uncomfortable or that the victim feels are inappropriate;
- To avoid a press conference atmosphere and speak to only one reporter at a time;
- To demand a correction when inaccurate information is reported;
- To ask that offensive photographs or visuals be omitted from airing or publication;
- To conduct a television interview using a silhouette or a newspaper interview without having their picture taken;
- To completely give the victim's side of the story related to the victimization;
- To refrain from answering reporters questions during a trial;
- To file a formal complaint against a reporter;
- To grieve in private; *and*
- To suggest training about media and victims for print and electronic media in their community.

A victim has the right at all times to be treated with dignity and respect by the media. Victims' rights to privacy can be better protected by the active participation of a victim advocate. A victim advocate can play an effective role as a "go-between" for the reporter and the victim establishing an environment conducive for the victim to speak to the press. This minimizes the invasion of privacy felt by the victim, allows advocates to advise victims about their rights in the media, and gives the media access to the story. Additionally, such a process assists those victims who wish to refuse to grant an interview. It also provides an opportunity for the advocate to assist the victim in preparing a statement, including reviewing the facts that can and cannot be released to the public, calming their fears, and being present when the actual interview is conducted.

*Material provided by the National Center for Victims of Crime
A Survey of Television News Directors on Their Policies Regarding Coverage of Crime Victims*