

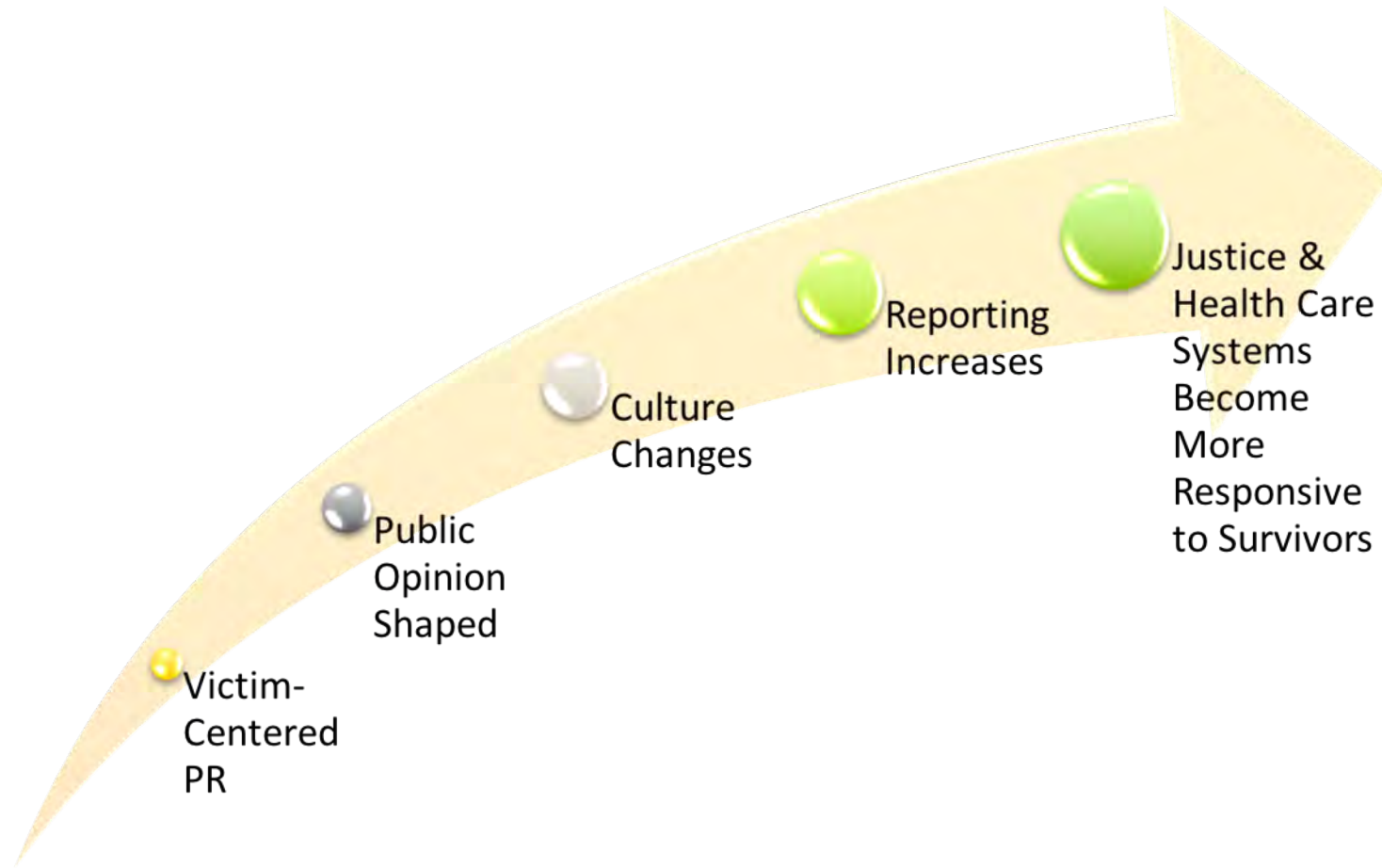


Guiding Journalists to Victim-Centered Reporting

This project was supported by Grant No. 2015-AK-BX-K021 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the U.S. Department of Justice's Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.



Why Does This Matter?



Source: "A Media Toolkit for Local and National Journalists to Better Media Coverage," Chicago Task Force for Violence Against Girls and Young Women

Why Does This Matter?

Flawed reporting can inflict further harm to victims, both individually and collectively.

It shames and discourages reporting.



Room For Improvement

An analysis of news coverage of sexual violence between 2011 and 2013 by the Berkeley Media Studies Group found:

- ½ the articles mention consequences of sexual violence for the accused – arrest, loss of employment, status at university – while only 6 percent reference treatment for those who had experienced violence.
- Rape myths are still present in news coverage – 15% of articles used language that minimize the act of violence or implied consent

Source: "What's Missing from the News on Sexual Violence?", Berkeley Media Studies Group

Common Rape Myths

Myth: It's about sex

Truth: Rape is NOT triggered by sexual arousal

Myth: It's only rape if the victim physically fights back

Truth: A victim who lacks obvious physical trauma or who didn't fight back is STILL a victim.

Myth: Consent is murky

Truth: People who don't rape don't have a problem understanding consent. If someone changes their mind about sexual activity, non-rapists get that they should stop. And non-rapists get that someone who is unconscious or heavily intoxicated can't give consent.

Words Matter

Certain words or phrases commonly found in news stories about sexual assault may perpetuate some of these rape myths and minimize or hide the intrinsic violence of assault.



Avoid Consensual Sex Language

Rape or assault is **NOT** sex or intercourse, so don't call it that.

Other words & phrases to avoid:

Perform, engaged in, oral sex, kiss, fondle, caress, panties, etc.

Use instead: Groped, forced his penis into her mouth, forcibly touched, forcibly penetrated her vagina with his penis, etc.

Avoid Consensual Sex Language

“I have two small children, and one of them is a special-needs child, and the thought of being away from them for any amount of time is terrifying.”

That is what former [Carlisle County substitute teacher](#) Kasey Warren told the court Tuesday during a hearing to determine whether her request to withdraw her guilty plea would be granted.

McCracken Circuit Judge Craig Clymer denied the motion, upholding Warren’s guilty plea on the basis that Warren’s change of heart was not a legal reason to vacate her agreement with the commonwealth.

Warren, 28, of Bardwell, was charged Aug. 15 with three counts of third-degree rape and three counts of third-degree sodomy, after the Kentucky State Police were tipped to allegations that Warren had had sex with two 16-year-old male students.

Charged with rape and sodomy – the most severe charges for sexual assault – yet it is casually stated that police were tipped to allegations that she “had sex with” the victims.

BEWARE of gender trap here, too: “Mrs. Robinson” cases aren’t funny or less serious just because the victim is a male teenager.

Avoid Past Tense & Passive Language

A Lexington woman was raped; the rape occurred ...

Past tense makes the rapist invisible and fails to make explicit there was a person responsible for assaulting the victim.

Alternative: A 31-year-old woman reported to our detectives that a man raped her April 12 at the Century Apartment complex.

Source: "A Media Toolkit for Local and National Journalists to Better Media Coverage," Chicago Task Force for Violence Against Girls and Young Women

Use of the Words Alleged & Accused

These words have their place in the criminal justice system, but they are overused and loaded with implications that the victim is lying.

The best alternative would be to scrap the words and instead say “victim stated” or “victim reported”.

Try to avoid accuser. Recasts victim as the perpetrator of an accusation, positions readers to identify sympathetically with perpetrator.

Source: “A Media Toolkit for Local and National Journalists to Better Media Coverage,” Chicago Task Force for Violence Against Girls and Young Women

Victim vs. Alleged Victim

The most recent rape occurred Sunday, involved a victim who was 78, Lexington police said. A citation says that Cummins used a crowbar to enter the residence before raping and sodomizing her.

When Lexington police received the DNA match Friday, they began looking for Cummins, police spokeswoman Brenna Angel said. Police could have arrested Cummins on probable cause.

“The timeline of events is awful,” Angel said. “We were looking for him this weekend and determined he was out-of-county.”

Officers applied for an arrest warrant, and state police arrested him Monday in Frankfort.

In the first case, the victim was watching television on April 11, 2015, when she heard a creak behind her, according to court records. She saw Cummins standing in the basement doorway, police said. He asked her twice if she was alone and she replied yes.

In this story, the victim in a story is elderly. Was she given more benefit of the doubt than if she had been younger?

Victim vs. Alleged Victim

Victims attend convicted arsonist's hearing in new string of burglary-arsons

Lexington police arrested two men and obtained an arrest warrant for a third after a series of robberies in early Thursday.

The first robbery occurred about 1:30 a.m. on Arlington Avenue, according to police. Two victims told officers they were walking home from a grocery store when a dark SUV approached them and two men jumped out.

One of the two men pointed a gun at the victims and demanded their belongings, according to police. The men took the victims' cellphones, keys, groceries and a wallet.

wav

A Lexington woman has been arrested and charged with second-degree assault after allegedly cutting a victim across the face with a butcher knife Saturday night.

According to an arrest citation by Lexington police, 60-year-old Linda Clay Davis was arguing with the victim, a man. Davis got a butcher knife and cut the man across the face, causing a small laceration under his right eye and a large laceration across his nose.

Victims of non-sexual crimes aren't described as "alleged victims", so why do we feel the need to do this in sexual assault stories?

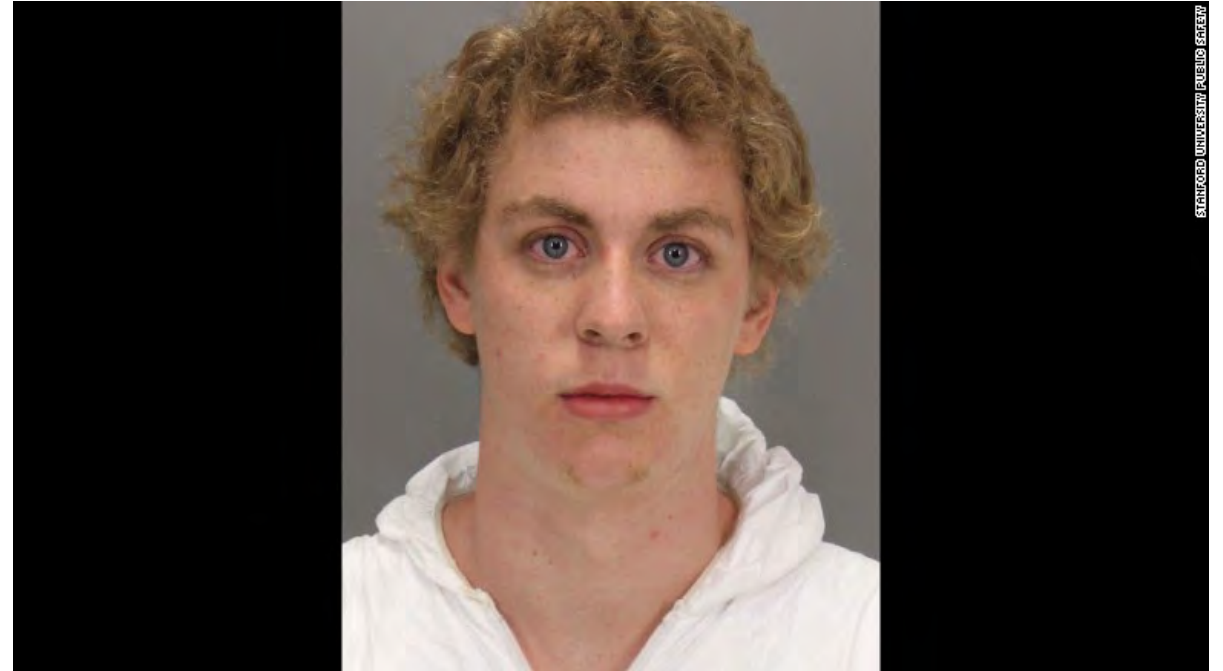
Victim-Blaming Language

O'Connell declined to respond to questions about how Jones' accusers are doing.

Asked by reporters how Jones is doing, Cox said he is an "emotionally strong person" and is "hanging in there."

Ask yourself: In what other crime would journalists ever ask about the well-being of the offender?

The Power of Images



Much was said about the use of a photo showing a clean-cut Brock Turner vs. his arrest mugshot. The use of the clean-cut version paints a more positive and sympathetic image of the perpetrator.

Other Problematic Language

Date Rape – Downgrades rape from “real” (stranger) rape. Just say rape.

Domestic dispute – When a mugger assaults a cab driver for fare, it isn’t described as a ‘fare dispute.’ Avoid if physical violence is involved.

Abusive relationship – Relationship isn’t abusive; a person is

Child pornography or worse, kiddie porn – Experts advise “child sexual abuse images”

Law Enforcement's Perspective

A few tips from a veteran special victims
detective



Survivor Safety & Privacy

Generally speaking, journalists don't reveal victims' names. But they can and often do reveal other identifying information – sometimes unknowingly. Understand that anything in the arrest citation may appear on the 5 o'clock news.

Law enforcement should be mindful of this and understand steps they can take within the law and agency policy to protect survivors.

Don't rush to submit search warrants into the record until you are required to do so.

Do use initials when describing the victim in search warrants.

Don't name witnesses – state “witness, whose identity is known to affiant” if that is allowable.

Prosecution

We know that defense attorneys use tactics to taint public opinion and jury pools, but reporters often don't know this.



Defense Tactics

Document dumping – Dump records into the court file that contain evidence that wouldn't be admissible in court – such as victim's sexual history – but that will be accessed by the press

Victim outing – Release clues that allow the press and public to identify victims without naming them

Misinformation spreading – Get one reporter or influencer to hang onto something that discredits victim, such as why they might have made up a story

Keeping it public – Makes it unbearable for a victim to want to continue to cooperate with a prosecution

Defense Tactics: An Example

"The sex was 100% consensual and at no time did I think she was too drunk to know what she was doing," Tilford said.

Tilford told police in the April statement that both women said goodbye and appeared calm when they left.

However, he said he noticed blood on a portion of Jones' shirt as he was trying to tuck it in.

Timeline of Chris Jones dismissal, rape charges

Tilford said that "when the blond girl was angry and cussing in the hallway I thought it was either because Chris had been rude to her or or she was just drunk. Sometimes Chris can be big headed and rude to women. I do not believe however that he did anything forceful or against any girls' will sexually. "

His remarks, released by his attorney, represent the first comments by any of the defendants since they were charged in the explosive case in February.

Tilford testified Wednesday morning before a Jefferson County grand jury that is expected to announce at 1 p.m. Wednesday whether it returned an indictment against

This story quotes someone as saying the sex was 100% consensual, and that he doesn't "believe" the perpetrator did anything forceful, when this "witness" couldn't possibly know that.

Also, we know from studying victim trauma that a calm demeanor is a terrible indicator of whether a victim is telling the truth.

Countering Strategies

Keep it under seal – File discovery receipts into the record but not the actual discovery if you aren't required to do so.

Build & maintain key media relationships – This is KEY. Establish these trusting relationships so you can call them up and help them avoid identifying the victim. If possible, have a relationship that allows for off-the-record conversations. If they trust you, they may call you to bounce something off you they heard from defense or read in the file. You may be able to convince them to keep that information out of their stories.

Last resort: Gag Order. Unfortunately, most defense attorneys know where the line is and are careful not to cross it. But if there is one who is really going overboard, seek one.

Media Outreach

Building those relationships is essential



Approaching the Media

Establish the relationships – Find those respectable journalists and get to know them

Know what they don't know – Don't assume they have full understanding of criminal justice system. Explain things simply and work to educate them on the process

Be proactive – Reach out to them on sexual assault stories to help protect victims, help them avoid tainting the jury pool. Most reporters would be receptive to this guidance

Approaching the Media

Provide reporters with critical content to ensure accurate and meaningful press!

- Social media – especially Twitter
- Press releases
- Websites

Resources

National Sexual Assault Kit Initiative – sakitta.org – for information about the SAKI project

Rape crisis center in your region – visit centers.rainn.org to find center by county or zip code

Joyful Heart Foundation – endthebacklog.org – for information about previously untested Sexual Assault Kits (SAK)

Rape, Abuse & Incest National Network – rainn.org –for information about rape and abuse

AEquitas – aequitasresource.org – for information about prosecuting sexual assault

References

“Reporting on Rape and Sexual Violence, A Media Toolkit for Local and National Journalists to Better Media Coverage,” Chicago Taskforce on Violence Against Girls & Young Women: <http://www.chitaskforce.org/wp/wp-content/uploads/2012/10/Chicago-Taskforce-Media-Toolkit.pdf>

“What’s Missing from the News, An Analysis of Coverage, 2011-2013,” Berkeley Media Studies Group:
http://www.bmsg.org/sites/default/files/bmsg_issue22_sexual_violence_news.pdf

“Reporting on Sexual Violence: A Guide for Journalists,” Minnesota Coalition Against Sexual Assault: <http://www.mncasa.org/assets/PDFs/2013MediaManual.pdf>

“Covering Sexual Assault”, Poynter News University and the National Sexual Violence Resource Center: <http://www.newsu.org/courses/covering-sexual-assault>

References

“Cultural Myths and Misconceptions” presentation, Kentucky DOCJT instructor Jim Root

“Is it Sex or Assault? Erotic Versus Violent Language in Sexual Assault Trial Judgments,” Janet Bavelas and Linda Coates, 2001:
<http://web.uvic.ca/psyc/bavelas/2001isit.pdf>

“Raped or ‘Seduced?’ How Language Helps Shape our Response to Sexual Violence,” National Judicial Education Program

Marjorie Stanek, KY Justice Cabinet, Criminal Justice Statistical Analysis Center

“DSK’s Alleged Victim Should Not Be Called His ‘Accuser’,” Jackson Katz, Huffington Post (Aug. 20, 2011), http://www.huffingtonpost.com/jackson-katz/dsks-alleged-victim-shoul_b_930996.html

Contact Information

Stephenie Hoelscher

Consultant

(513) 289-7667

stephenie.Hoelscher@outlook.com

