

Media Release and Victim Privacy

[OR Const. Art I, section 42, ORS 135.970](#)

Oregon Department of Justice Crime Victim and Survivor Services Division

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HONORING A VICTIM'S RIGHT TO PRIVACY

Media Release

The justice system is best served by full implementation of all crime victims' rights as embodied in Oregon Constitution and statute. This document identifies issues that should be considered before making a statement to the media.

What and How

Protecting a victim's right to privacy is an integral part of treating victims with dignity and respect. It is in the best interest of all that we consider not only a victim's privacy, but how the criminal justice system will afford due dignity and respect to a victim of crime, and the impact a media release may have on their well-being.

Select Express Provisions of Law

The Oregon Constitution defines a victim as:

"Victim' means any person determined by the prosecuting attorney or the court to have suffered direct financial, psychological, or physical harm as a result of a crime and in the case of a victim who is a minor, the legal guardian of the minor."

Article I Section 42 (1) states that:

"To preserve and protect the right of crime victims to justice, to ensure crime victims a meaningful role in the criminal and juvenile justice systems, to accord crime victims due dignity and respect and to ensure that criminal and juvenile court delinquency proceedings are conducted to seek the truth as to the defendant's innocence or guilt, and also to ensure that a fair balance is struck between the rights of crime victims and the rights of criminal defendants in the course and conduct of criminal and juvenile court delinquency proceedings, ..."

ORS 135.970 (1)

"If the victim or a witness request, the court shall order that the victim's or witness's address and phone number not be given to the defendant unless good cause is shown to the court."

Frequently Asked Questions

Below we highlight a few questions that arose during the writing of this paper.

- **What should be considered when releasing information because of a public records request or to a media outlet?**

Law enforcement agencies may receive public records requests from the media or may decide to release information to the media upon request. There are several concerns when this happens, in particular, that victims may be exposed to sensitive information in the newspaper, online, or on television/radio. Victims need to be prepared for this in advance of the release.

- **Who issues a media release and why?** Generally, media releases are issued by Law Enforcement, the District Attorney's office, or a victim's attorney for a variety of reasons. These reasons can include promoting public safety, acknowledging a public harm, promoting system transparency, or correcting misinformation held by the public or by a community within the public.

- **What information can be included in a media release?** Careful consideration should be given before any information is provided. **Do not include personally identifying information about the victim, no matter what type of case.** Often, established news media outlets have written or unwritten policies not to publish the names or identifying information about child sexual abuse or sexual assault cases. But the media regularly publishes identifying information about victims of domestic violence, hate crimes, and homicides. Personally identifying information like the victim's name, DOB, home, work or school address, phone number, gender, sexual orientation, and any additional information that could identify the victim to the public should not come from LE or prosecutor's offices.
- **Can victims participate?** Yes. Some victims may wish to make a statement to the media. One should inform victims about possible unintended consequences resulting from engaging with the media, including loss of privacy, impeachment concerns, the public and permanent nature of the internet, and more. Always inform victims before a statement to the media is released and provide all details that will be included in the release.
- **Which crimes are considered for media release?** When writing a media release focused on homicides, sexual assault, domestic violence, child victim cases, hate crimes, or other violent crimes, carefully consider the reason for the release. Are public safety concerns truly implicated? What details actually educate the public on an issue?
- **Why issue a media release at all?** A media release should be a last resort, reserved only for imminent public safety reasons, ensuring the public is aware of a crime targeting a particular segment of the community, acknowledging a community harm or impact from a particular crime, or clarifying potentially damaging information that may harm the victim or interfere with offender accountability.
- **Should LE or prosecution build relationships with media outlets?** It may be helpful to have a broad understanding or agreement about the detail of coverage certain crimes receive, to avoid an intrusion into a victim's privacy, and minimize traumatic impact to the victim. When an office or department has a relationship with the local media outlets, the office may be able to know ahead of time when the press is investigating or planning to publish coverage on a case, and the outlet's policy around publishing the victim's and/or witnesses' names, photos, or other types of details. The victim advocate can also prepare the victim, and the agency press point contact can advocate for responsible coverage that prevents additional secondary victimization to the victim.

Where Do We Go from Here?

Successfully crafting and incorporating a new process into current procedures takes time and resources. This document offers guidance on best practice in asserting and enforcing victims' rights in the context of media coverage. Included:

- Impact of coverage, victim considerations for unintended consequences document
- [Link](#) to best practice on providing culturally responsive and trauma informed notification
- Endorsement to use these solutions statewide

Any guidance and sample documents supplied here will allow agencies to follow the law, respond with speed and consistency, and minimize the potential for secondary victimization and victim rights violations. We encourage you to share this information with others in your agency who make decisions around media contact or who may benefit from learning more about victim considerations in media contact.

Guidance

General Process – Every community member can now be a reporter with the ease of cameras, phones, social media, and blogging. Use this guide to uphold victim’s Constitutional and statutory rights and consider the impact on the victim while balancing the need for public safety and transparency.

"Public Records Request," Prepare victims in advance of the release.

BEST PRACTICE – Media statements should not be the norm. Carefully consider the need.

Law Enforcement & Prosecutors *Victims’ rights can attach before and after charging and conviction.* Develop a practice for considering the pros and cons of making a statement to the media. If your agency is using social media, which limits the amount of information being shared, remember that because of the condensed format there is often a lack of context. Social media also allows community members to like, dislike, and comment on social media posts, which may increase the trauma to the victim, and give rise to additional misinformation, victim blaming, and stereotypes about community members.

Transparency is an important consideration but must not come at the victim’s expense.

Consider

- Why are you making a statement? Is it necessary? Is it a reaction to the media asking for updates?
- What are the pros and cons, the need vs. the desire?
- Have you contacted the victim to inform them of the release of information?
- If you are working with an advocate, have you informed them about the proposed media statement so they can have a thorough conversation with the victim about their choice to engage with the media, make comments on social media, or even share with “friends” over text?
- If victim wants to engage with the media, have you or the victim advocate provided them with a physical list of considerations or unintended consequence?
- What is the size of your community and how will a media release affect victim/witness anonymity?
- What is the impact on the criminal justice process moving forward? Your jury pool? Your judge? Advocacy agencies in your community?
- What is the impact of a media release on the victim’s physical and emotional safety? Has the victim advocate discussed safety planning with the victim, including reporting and responding to doxing (*publishing private or identifying information about a particular individual on the internet*), online abuse, or violations of platform standards of conduct, possible witness tampering, communication from the defendant’s family or community, and the possibility of national press coverage?

Advocates – *Consult with the prosecutor regarding what information will be shared so that you can help the victim predict and prepare for a variety of possible outcomes.*

Consider

- Have you discussed with the prosecutor the victim’s perspective about your agency making a statement?
- If victim wants to engage with the media, have you discussed considerations and possible unintended consequences? What resource information will you provide to the victim? Does the resource include tips for deactivating or making private any social media accounts as well as additional privacy recommendations for victims and their families?
- Does the victim know they don’t have to talk to the media?
 - Is your office willing to communicate with media outlets on behalf of the victim if they request no contact?

Training

To provide the best services to victims and to manage cases most effectively, it is incumbent upon agencies to ensure personnel are regularly and appropriately trained in crime victims' rights.

If you think a victim's right(s) has been violated

Be sure to follow your office procedure, which should include referring to a victim's rights lawyer or agency for consultation and/or to the [Oregon Department of Justice crime victims' rights enforcement page](#) for further information.

Media Release



Is a statement really necessary?

(What is impact to victim? Can you protect privacy? If yes)

How will you protect victim privacy?

Inform victim's
lawyer

Do not share any
personally
identifying
information

File motions to
protect, seal

Inform victim

(About all relevant Constitutional and Statutory rights, and
what information will be shared and when)



Victim's right to privacy is honored

Impact of Media Coverage on Victims

How Case-Specific Media Coverage Can Affect Crime Victims

From the perspective of crime victims and advocates, the news media often wield a “double-edged sword” in covering crime and victimization. Victim service providers should be aware of both the benefits as well as the risks of media coverage on criminal investigations, prosecutions, suspects/defendants, and crime victims so they can explain rights and options to victims and help them explore both the potentially positive and negative consequences of speaking to the media.

Benefits of Speaking to the Media

- The “power of the personal story” of victims that is conveyed through the media has been a strong, driving force in the growth of America’s victim assistance field.
- Coverage of individual victims can help other people understand what happens to crime victims and survivors and how it affects them and their loved ones—physically, emotionally, financially, socially, and spiritually.
- Media coverage can humanize crime and its impact on individuals, families, and communities.
- Speaking to the media can sometimes help validate victims who want their perspectives heard.
- Since alleged and convicted defendants and their counsel often speak to the media and give their side of the case, it can be helpful to balance these perspectives with those of the crime victim/survivor.
- Other victims and survivors who learn about victims’ experiences through the media may be inspired to report crimes and seek supportive services.
- Through victims speaking out, people learn that crime is not something that happens to “somebody else” but are reminded that crime can happen *anywhere* and to *anybody*.
- Public awareness and understanding about the plight of crime victims are enhanced every time a sensitive story about one victim’s experience is published or broadcast, which can lead to increased public support for victim assistance initiatives.

RISKS OF SPEAKING TO THE MEDIA: How Inappropriate or Intrusive Reporting Can Re-Victimize Victims in Trauma

- For some victims, the trauma of victimization can be compounded by speaking publicly about their experiences in the aftermath of a crime. It takes time to cope with the shock and trauma of being victimized and to participate in police investigations and criminal or juvenile justice processes. The detrimental mental health consequences of victimization are well documented. Media coverage in the wake of a crime can result in a “secondary victimization” that may exacerbate victims’ trauma and cause unnecessary additional harm. The shame that some victims feel, as well as the blame they sometimes feel from others, can be increased by untimely, inappropriate, or intrusive reporting.