

# BEST PRACTICES FOR MEDIA WHEN REPORTING ON SEXUAL ASSAULT, AND SEXUAL ASSAULT OF BOYS/MEN IN PARTICULAR

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## OVERVIEW

If you have been assigned to report about a sexual assault, rape case, or simply on the topic of sexual abuse in general, it may well be one of the toughest assignments of your career. You are reporting on topics that feel like a mine-field with legal and psychological complexities at almost every turn. Sensitivities are rampant and reporting mistakes could cause significant damage to multiple parties.

The fact is that few journalists receive adequate training in the complexities attached to reporting on sexual violence. This can often lead to misunderstandings, and reporting, that while done with the best of intentions, can often reinforce harmful stigmas, repeat inaccuracies and myths as factual, and cause real harm to survivors and their loved ones.

Accurate and informed reporting on sexual abuse and violence is therefore a crucially important matter. This is why MaleSurvivor has partnered with the Scripps College of Communication at Ohio University to develop this best practices guide for reporting on male sexual abuse. The intent of this short resource guide is to outline some best practices for

reporting on male sexual abuse, as this is a topic that is even less well understood than sexual violence against women.

No list can give you a complete guide or answer every question you may have but this will give you some practical tips and people for you to contact, if you still have questions. Also, we urge you to consult various journalistic ethics codes such as <http://www.spj.org/ethicscode.asp>

## **BACKGROUND FACTS ON SEXUAL ABUSE OF MALES**

It is beyond the scope of this document to educate members of the media on all the salient facts and statistics regarding sexual abuse in general. Sources for more information on sexual abuse statistics in the general population include RAINN, the National Sexual Violence Resource Center, the National Alliance to End Sexual Violence, the Crimes Against Children Center at the University of New Hampshire – to name just a few.

However, even within these organizations, accurate and up to date information on the prevalence and impact of sexual abuse of males can be difficult to find. Which is why MaleSurvivor partnered with the Scripps College of Communication at Ohio University to develop this best practices guide for reporting on male sexual abuse.

A good place to begin familiarizing oneself with the basic information on male sexual victimization is the FACTS section of MaleSurvivor's website:

<http://www.malesurvivor.org/facts/>

It includes nine facts about male sexual abuse debunking persistent misconceptions and misunderstandings. The Facts pages provide citations to research and articles in support of the facts presented. Click on the numbered fact of interest on the left side of the page and more detailed background information appears on the right along with citations to sources supporting the factual assertions.

Key facts to remember are:

- Current research suggests that at least 1 in 6 boys are sexually abused before age 18 and 1 out of every 4 males will experience sexual trauma during his life. In certain communities, these numbers are believed to be higher.
- Boys can be significantly traumatized by sexual abuse. The aftereffects of abuse in childhood often carry well into adulthood, and can include many emotional and medical health consequences including (but not limited to) PTSD, depression, anxiety, substance abuse, heart disease, diabetes, addictive behaviors and substantially increased risk for suicide.

- Reporting of male sexual abuse is usually delayed -- with it taking an average of 20 years before disclosure.
- Sexual abuse and assaults are not usually committed by strangers. The victim usually knows the perpetrator. These types of sexual assaults also are not usually “impulsive” acts of lust. Instead, they are acts of violence, aggression, power and control. They are violent acts veiled in secrecy, fear and threats.
- Males are not always abused by males. Females can and do commit sexual abuse on males.
- The vast majority of male survivors never commit sexual abuse themselves. However a significant proportion of male survivors struggle with this fear, and face stigma and prejudice from the mistaken culture view that any male survivors is a potential threats.
- Many males report negative reactions in the wake of disclosing their sexual abuse to friends and family negative. These responses can include professional and personal harm to family relationships and career.

Again, backup citations for these and other facts are available under the FACTS section MaleSurvivor’s website and are not repeated here.

### **ACCURATE TERMINOLOGY WHEN REPORTING ON SEXUAL ABUSE STORIES**

Proper terminology in these types of stories is vital. The wrong word or a casual misplaced phrase can change the meaning for the audience, distort public perception of the details in critical ways, and be devastating to the survivor.

- Please remember that sexual assault, abuse, and/or rape are not acts of sex. They are acts of violence and imposing the power of one person over another. **Terms such as “sex,” “sexual relationship,” “tryst,” “affair,” etc. can mislead the public** to perceive a consensual relationship that the evidence does not support.
- Especially in cases connected to potential criminal charges of sexual assault/abuse/misconduct, or when civil suits are being (or have been) filed in connection to allegations, be careful not to unconsciously minimize the significance of the situation. Even without criminal charges being filed, it is considered best practice to report on allegations with terminology that is not minimizing.
  - E.G. – Allegations of sexual misconduct by a teacher or coach against a student are being investigated by local law enforcement. Reporting on this matter should accurately reflect that the matter is viewed as a potential criminal act. As such it should not be referred to as an “illicit relationship” between the two persons, any more than a person accused of robbing or beating a victim would be said to be in a relationship with their victim.

- Be mindful of how easily acts of interpersonal violence can be dismissed when the parties are already within a relationship. **Sexual assault should not be reported as a “dispute,” “quarrel,” or “lover’s spat.”**
- The gender of both alleged victim and perpetrator are immaterial to application of these principles. **Sexual assault by a woman on a male is no less significant a crime or violation than a male perpetrator acting against any victim.**
  - Quotes and comments from the public that reinforce the idea that a male victim was “lucky” if he had a female attacker are prejudicial and should not be included in reporting.
  - In addition online comment sections should be monitored for these statements with the same diligence given to statements of a racist, inflammatory, or threatening nature.
- **The person who has been abused or assaulted may not want to be characterized as a “victim.”** Survivor is generally the preferred term, however when possible it is advised to ask the individual what term they prefer. That said, when reporting on legal proceedings or criminal investigations the term victim is often standard, and is appropriate to use when quoting law enforcement or reporting on legal charges.
- **Be careful of adjectives describing the perpetrator such as: “well-liked priest,” “star athlete” or “successful businessman.”** These give elevated status to the alleged attacker.

## ETHICAL INTERVIEWING OF SURVIVORS

Past experiences of betrayal and current concerns about having their victimization known often create barriers to establishing trust with survivors as a reporter. Especially if a survivor has spent years keeping abuse silent, establishing a sense of trust with him is of primary importance to ensure you, as a journalist, are able to receive the best and most complete information from him.

However, one of the plain truths of working with survivors is that in spite of your best efforts, establishing trust and getting him to share his story may not be possible. However, acting in ways that are trauma-informed and sensitive to the challenges survivors regularly battle can improve the likelihood of success getting the information you need in a timely manner. It also can greatly increase the likelihood of a positive and productive experience for both you and the subject. Here is a list of principles to keep in mind:

- **Remember that a victim/survivor has a right to say NO to an interview request.** There may be numerous reasons for a refusal. Boys and men are often socialized not to be

“victims” and therefore, they may not want to talk about experiences of their own victimization and vulnerability.

- Victims/survivors, if abused, by another male may have fears of homophobia or they may fear appearing weak or complicit. **Don’t guess at a person’s reason for denying an interview.**
- **If you are going to identify the interviewee in your story, make your intent known prior to conducting the interview, and get his permission during the interview, even if he gave it previously. Having this committed to a written document is advisable.**
- **NEVER trick someone into an interview and pretend not to be a journalist.** That is unethical and only elevates the interviewee’s levels of mistrust.
- Understand that being a victim/survivor of a sexual abuse carries a high degree of guilt, shame and self-blame that may have had lifetime effects of the interviewee. Therefore, be understanding of his reluctance to fully participate, and be mindful as you are creating questions that you do not unintentionally reinforce these feelings.
  - E.G. “Have you experienced feelings of self-blame” is preferable to “Do you think you are to blame for what happened?”
- **In an interview, avoid any “victim blaming” in your questions.** With any hint of that, the interviewee may terminate the interview.
  - Examples of questions that may be interpreted as victim blaming include: “Were you intoxicated at the time?”, “Were you a virgin?”, “Why did you allow this to happen?”, “Did you fight back?”, “Why didn’t you come forward sooner?”
- **Set up the interview at a location comfortable and safe to the interviewee.** The more comfortable he is with his surroundings and the safer he feels, the more forthcoming he will be with information.
- **Be a good listener.** Participate in “active listening.” Maintain focus on the person by holding them in your field of view (i.e. maintain eye contact if possible (and not intimidating to the interviewee; alternatively focus your view on their chest or chin), if you are taking written notes be sure to regularly look at the interviewee to show you are paying attention to him.
- **Conduct the interview as a conversation as much as possible, and not an interrogation.** It is unlikely a survivor will be able to provide all the specific details of their abuse in a concise, organized manner. Rather than an indication of fabrication, this is the nature of trauma and memory (for more detail see this lecture by Dr. Rebecca Campbell <https://www.youtube.com/watch?v=mTOZE90-fCY>). Especially if the events happened many years prior, the interviewee may not be able to provide all the information you hope to get. As such you may have to review your notes for these details and set up another conversation and/or send notes to the interviewee for confirmation of details.

- Your job is to gain information, not confirm details. While you clearly need to fact check, it is important to do so with openness and not skepticism. A journalist is not a detective looking to solve a crime.
- NEVER say that you know how the interviewee feels. Even if you are a victim/survivor yourself, you do not have context for understanding their context. What you can share is empathy, support, and belie
- **Request the interviewee use proper biological terms and specific details of the exact acts. Clarify euphemistic terms or unclear descriptions.** Lack of specificity and detail can lead to ambiguous reporting of stories and cause problems for you and the subject.

**For more tips on trauma-informed communication techniques with survivors you can review:**

**Best Clinical Practices for Male Adult Survivors of Childhood Sexual Abuse: “Do No Harm”**

Gallo-Silver, Les, Christopher M. Anderson, and Jaime Romo. "Best clinical practices for male adult survivors of childhood sexual abuse:“do no harm”." *Perm J* 18.3 (2014): 82-7.

[http://www.ncbi.nlm.nih.gov/pmc/articles/PMC4116270/Other resources?](http://www.ncbi.nlm.nih.gov/pmc/articles/PMC4116270/Other%20resources?)

## LEGAL PROCEEDINGS

There are two types of legal actions in the United States – **criminal** and **civil** actions. Each type of action entails significant differences in processes and rules. If you are unfamiliar with the distinction between criminal trials and civil suits, good basic primers to review are:

<http://www.journalisttoolbox.org/category/legal-resources/> and

<http://www.uscourts.gov/statistics-reports/publications/journalists-guide-federal-courts.>

Not bringing a legal case against a perpetrator should not be considered as evidence that a person was not sexually abused. Just because a situation is not prosecuted does not mean it did not happen. **Truth does not need to be validated by a criminal verdict or conviction in all cases.**

Many survivors of abuse for reasons other than a legal barrier can't or won't prosecute the perpetrator. For example, sometimes the abuser is dead or a close relative. **Be sensitive** to their reasons for not engaging the legal system and **do not be judgmental**. Refusing to bring charges is a deeply personal and complicated choice and does not hurt the credibility of the assault victim.

There are many challenges to bringing a successful prosecution in sexual abuse cases. If you are reporting on sexual abuse trials, it is important to be knowledgeable on these issues. For example, in cases of male sexual abuse, where the contact reported by a victim included groping and fondling of a his genitals in the past, very rarely will there be physical evidence collected at the time of the incidents. This does not require that you presume the guilt of the

accused solely on the basis of an accusation by a victim. But at the same time, it is important not to discredit disclosures, out of hand, if a survivor cannot produce corroborative evidence, especially in cases of abuse that happened years or decades in the past. Indicators of veracity from victims can include consistency of statements over time and specificity in descriptions of specific sensory details of an abuse (this may include clear descriptions of certain elements such as a scent or a visual cue). Again, for more information on the ways sexual abuse can impact memory formation see this lecture by Dr. Rebecca Campbell

<https://www.youtube.com/watch?v=mTOZE90-fCY>

Know that it is not uncommon for survivors' statements to law enforcement to change over time. Male survivors especially can be fearful of having their abuse made known publicly. In addition, survivors may feel distrust for law enforcement or other public entities for a variety of reasons and may therefore be unwilling to disclose in initial statements prior to a degree of trust being established.

Not every act of sexual assault, sexual abuse, sexual battery, and rape is resolved through the legal system. Many, perhaps the overwhelming majority of sexual assaults, go unreported or not prosecuted. Just because an attack is not prosecuted, or a survivor fails to bring a civil suit against a perpetrator does not mean the assault did not happen. There are many significant barriers to the prosecution of sexual crimes, including "Statutes of Limitation"

### STATUTES OF LIMITATION

Currently, most states have "statutes of limitations" -- meaning that criminal actions must be brought to court within various statutory time limits after the abuse occurs. Because, male abuse is not reported for an average of 20 years, the discovery of the abuse is often already well beyond the period allowed for prosecution. **Know the appropriate statutes of limitations for your state and jurisdiction. A good resource for information on SOL laws is [www.sol-reform.org](http://www.sol-reform.org)**

Some states are currently reviewing these limitations and there are discussions and activities to extend these time periods. **Know the status of pending legislation in your state regarding extending the statutes of limitations in sexual abuse matters. A good resource for information on SOL laws is [www.sol-reform.org](http://www.sol-reform.org)**

### IMPORTANT INFORMATION ABOUT CRIMINAL INVESTIGATIONS/TRIALS

- **If you are reporting a criminal case, please, be careful with your wording.** "Sexual abuse" is usually a catch-all term for more specific crimes like sexual assault, sexual battery, sexual imposition, and rape. When possible, use the specific term but please realize that each term listed above has a specific statutory definition in your state. **Know what constitutes the particular charge you are reporting and use the terms**

accurately. Also, know what specifically needs to be proven for a conviction to be reached.

- **Know the gravity of criminal charges.** Please understand the difference between a misdemeanor, a less severe criminal charge, and a felony, the most serious of criminal charges. Misdemeanor charges have different legal procedures from felonies and in most states are even processed through a different court.
- **Know the penalties of charges.** Obviously, not all charges are equal in legal severity and not all penalties are the same. It is important to know what the criminal stakes are of any legal matter you are covering.
- **Know the legal procedures relevant to the case you are covering in your state.** Each state is slightly different procedurally so it is important to find an attorney or a judge who is willing to give you background on procedural matters to enhance your understanding.
- **Know the rules of the courtroom for the judge trying the case.** Specifically, know whether cameras and pictures are permitted, the rules related to smartphones, tablets, and laptop computers. **Know whether live-blogging is allowed or live tweeting.** A bailiff ought to be able to brief you on these procedures. Also, in high visibility cases, the court may have a designated public information officer to help you navigate specific court rulings concerning the media.
- **Know the importance of legal terminology.** All defendants are presumed not guilty unless or until a judge or jury finds him or her guilty. That can be vital in how your word stories prior to a verdict.

### **GUILT, INNOCENCE, AND BURDEN OF PROOF IN CRIMINAL TRIALS**

- The state has the burden of proof in all criminal cases and to obtain a conviction, the prosecution must convince all jurors of guilty beyond a reasonable doubt. That is the highest degree of proof required in any type of case.
- A Defendant does not need to prove his or her innocence; as such, the outcome of any trial alone is not sufficient to establish that a person did not commit the acts they are accused of.
- If the state does not meet this burden then the judge or jury will return a verdict of “not guilty.” **That verdict does not always equate to the term “innocent.”** A “not guilty” verdict simply states that the state failed to produce enough evidence to establish a defendant’s guilt beyond a reasonable doubt.
- **In short, a “not guilty” verdict does NOT say the defendant did not commit the crime...only that that state FAILED TO PROVE that the defendant did commit the crime.** The term “not guilty” is acceptable under *The Associated Press Stylebook and Briefing on Media Law 2015*. It is preferred instead of “innocent.”



Lastly, be aware that in most states, sentencing is the province of the judge and not the jury. A judge's sentencing records on similar cases are public record. You may have to do some digging in back records but generally, you can find sentencing propensities of a particular judge for particular crimes.

#### **CONTACTS:**

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**Thomas S. Hodson**, [hodson@ohio.edu](mailto:hodson@ohio.edu). He is a **journalist, attorney, and former state trial judge** with extensive experience in criminal cases and media coverage. Hodson also is the Joe Berman Professor of Communication in the Scripps College of Communication at Ohio University.

If you have any questions about covering a situation involving male sexual abuse, you are invited to reach out to them via the email addresses above.