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School Teachers, False Arrest and Media Coverage of Sex Crimes:
A Three-State Ethics Probe

A Thesis

Presented to the

Department of Communication

and the

Faculty of the Graduate College

University of Nebraska

In Partial Fulfillment

of the Requirements for the Degree

Master of Arts

University of Nebraska at Omaha

by

Joan L. Lukas

November 1993

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THESIS ACCEPTANCE

Acceptance for the faculty of the Graduate College,
University of Nebraska, in partial fulfillment of the requirements
for the degree Master of Arts, University of Nebraska at Omaha.

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ABSTRACT

In the past few years, sexual abuse has become the most talked about form of child abuse, according to the National Committee for the Prevention of Child Abuse in Chicago. While several abuse charges made by children often prove true, across the United States a growing number of such accusations against teachers, clergymen and daycare workers have been found to be false.

For example, former Manhattan Beach, Calif. nursery school teacher Raymond Buckey was the focus of one of the largest, longest and costliest criminal cases in U.S. history. Buckey was accused of allegedly molesting students at Manhattan Beach's McMartin pre-school. After seven years and two trials, all charges against Buckey were dropped.

Several issues are at play when a teacher is accused of sexual abuse. First, there are the issues of the safety of the children and the rights of the accused teacher. Second, there is the issue of free press versus fair trial. Third, there is the issue of privacy versus a reporter's access to information.

The fourth issue, which is the focus of this thesis, is that newspaper editors face an ethical question: do they print the name of the teacher in a story before the teacher has been officially charged with some level of sexual misconduct? Or do they wait until after the teacher has been officially charged?

In the cases where teachers are accused of sexual abuse and they are named in a newspaper story before they are officially charged, it seems like these teachers are guilty until proven

innocent. These teachers suffer a taint that they possibly abused a student.

The purpose of this thesis is twofold:

- 1) discover how newspaper editors determine whether or not to name a teacher accused of sexual abuse who is not charged with some level of sexual misconduct.
- 2) determine what is available to newspaper editors and reporters from law enforcement officers and district attorneys regarding a suspect's name and investigation information.

A qualitative case study covering three states was used as a research methodology to determine how newspaper editors, police officers and district attorneys in the three states handle the situation of a teacher accused of, but not charged with, sexual abuse. Officials in the case study were located in California, Nebraska and Virginia to represent the West Coast, Midwest and East Coast.

Newspaper editors contacted said they handled the situation on a case-by-case basis. There were differences in how the police handled the situation. The district attorneys were the only officials who handled the situation in a consistent, ethical manner.

This thesis argues that in the case of a person accused of, but not charged with, sexual misconduct there should be a voluntary ethical guideline on the release of information regarding this issue. The guideline proposed would need to be endorsed by national associations representing the news media, police and lawyers. This voluntary ethical guideline would balance the preservation of the crime suspect's reputation with freedom of the press.

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In addition, thank you to my husband, Tom McLaughlin, for his many evenings of proofreading and for his unending support.

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Chapter I

Introduction

Media Coverage of Sexual Abuse

Mass media coverage of the sexual abuse of children has increased in recent years.¹ However, fewer than 20 years ago, newspapers and professional journals gave the problem of child abuse only sporadic coverage. In 1962, the Journal of the American Medical Association (JAMA) published an article, "The Battered-Child Syndrome," which caused an explosion of interest in the mass media.²

In the decade prior to the JAMA article, the health professions produced only nine articles on the subject. In the decade after the JAMA article, the professions published 260 articles.³

The pattern of newspaper coverage of child abuse ballooned from 1950 to 1980. A 1984 study of the New York Times index from 1950 to 1980 found that the Times published 652 articles pertaining to abuse, certainly enough to keep the issue in the public's eye. (See Appendix A.)⁴

"In the past few years, sexual abuse has become the most talked about form of child abuse," said Karen McCurdy, senior analyst with the National Committee for the Prevention of Child Abuse in Chicago.⁵

The National Committee for the Prevention of Child Abuse said that about 404,000 children were sexually abused in 1991.⁶ In 1986, the American Humane Association gathered statistics from

child service agencies and estimated that 132,000 children throughout the nation were sexually abused. In 1976, those same agencies said there were about 7,500 cases reported.⁷

Psychologists, counselors and government officials said that the recent publicity and headlines on the subject are part of society's willingness to discuss and deal with the sexual abuse of children. "The more the public is made aware of this, the more victims will feel it's OK to come forward," said Claudette Baril, director of a sexual assault center in Torrington, Conn.⁸

"The sexual abuse of children is a public concern. The public wants to know if teachers in their communities are sexually abusing children," said Keith Ervin, education reporter for the Seattle Times.⁹

False Charges

While sexual abuse charges made by children often prove true, across the United States a growing number of such accusations against teachers, clergymen and daycare workers have been found to be false.¹⁰ Today, a growing number of school districts aggressively investigate student complaints, even rumors of abuse. When a teacher denies a student's accusation, it is no longer taken for granted that the student is lying and the teacher is telling the truth.¹¹

For example, William Gillett was elected "teacher of the year" seven times by his junior high school students at Yorba Junior High in Orange County, Calif. Although never charged, he

was arrested and publicly accused of molesting a student at Yorba Junior High. The Orange County police announced his arrest at a press conference and said he was suspected of molesting more than one of the girls in his junior high classes. An attorney's investigation later disclosed that his eighth-grade accuser wanted to "get" Gillett for giving her a low grade. Gillett now works in his brother's manufacturing business.¹²

Former Manhattan Beach, Calif. nursery school teacher Raymond Buckey was the focus of one of the largest, longest and costliest criminal cases in U.S. history. Buckey was accused of allegedly molesting students at Manhattan Beach's McMartin pre-school. After seven years and two trials, all charges against Buckey were dropped.¹³

Investigation Process

"Typically, if a student accuses a teacher of sexual abuse, the student will tell a school counselor and/or his parent(s)," said Winnie Callahan, public information officer for Omaha Public Schools.¹⁴

Douglas County (Omaha, Nebraska) Chief Deputy Prosecutor Donald Klein said:

A school representative is obligated by law to report the accusation to the police or a child abuse agency. If they do not report it, they will be held liable. The police will talk with the student to see if there is enough evidence. If there is enough evidence, then the police will confront the teacher suspect and arrest him. A county or city prosecutor will review the evidence. If the prosecutor thinks there is enough evidence to prosecute, then the suspect will be charged

with some level of sexual misconduct.¹⁵

In addition, a student could go directly to the police and file an offense report at the police station. (Offense reports and complaint reports are the same. Offense and complaint reports are used to record when someone files a complaint at a police station. The initial record of the complaint is called an offense or complaint report depending on the police department.¹⁶) It varies among police departments whether or not the offense reports are open to the media and public. (See Appendix B.) The Omaha Police Department, for example, makes available to the media and the public the offense reports which have a disclaimer that says suspects named on the reports have not been charged and the case has not yet been investigated.¹⁷

Meanwhile, the school district where the incident was reported conducts its own investigation. Typically, a teacher is suspended from the job with pay until the investigation is completed, according to Callahan.

Regarding the issue, Alan Peterson, attorney for the Nebraska Press Association, said:

In the incident of a crime suspect, usually a newspaper reporter would use the suspect's name in a story after the person has been formally charged by a prosecutor. A sexual abuse charge is a crime, so a teacher accused and charged of sexual abuse is considered a crime suspect. If there is a public record of the formal charge, and a newspaper doesn't have knowledge that the accusation is false, then a newspaper has the legal right to print the teacher's name.¹⁸

Issues

Several issues are at play when a teacher is accused of sexual abuse. First, the school has to strike a balance between the safety of the children and the rights of the accused teacher.

Second, there is the issue of free press versus fair trial. The sexual abuse of children is a public concern, and newspaper reporters cover the news that a teacher has been charged with allegedly committing a sexual abuse crime. At the same time, the criminal justice system has a job to do, and the teacher faces a criminal trial. The court has to be aware of pretrial publicity and take precautions to ensure the teacher has a fair trial.¹⁹

Third, there is the issue of privacy versus a reporter's access to information. For example, if a reporter receives a telephone call from a parent saying a teacher has been accused of sexual abuse, and the information is only available through a school because the school has not yet reported it to the police, a reporter would have a difficult time obtaining the information. In most locations, state law exempts schools from having to disclose personnel matters.²⁰ The reporter may have to resort to accessing the information from sources other than the school or police, which are "official sources." A reporter may get the news from a parent who does not want to be named.²¹

The fourth issue, which is the focus of this thesis, is that newspaper editors face an ethical question: do they print the name of the teacher in a story **before** the teacher has been officially charged with some level of sexual misconduct? Or do

they wait until after the teacher has been charged? Newspaper editors in California, Nebraska and Virginia agree that the question is resolved on a case-by-case basis.

A "Watchdog" Press

Regarding a teacher accused of sexual abuse, some newspapers will not print the name of the teacher until the person is formally charged. However, more than likely, the newspaper will investigate the situation. Dave Zweifel is the Freedom of Information chair of the American Society of Newspaper Editors. He also is editor of the Capitol Times, a Madison, Wis. daily newspaper. Zweifel said, "In the case of naming a crime suspect, our paper, and most newspapers, typically won't print the name of the suspect until he or she is charged."

Zweifel continued:

However, let's look at a hypothetical situation-- if we get one or two calls from somebody that said Mr. Teacher X is sexually abusing students and the school isn't doing anything about it, I'd send a reporter to the school to find out what's going on.

When it comes to a teacher who isn't performing his or her duties like they should, and Superintendent Smith is dismissing the incident, I think we'd have an obligation to the public to investigate. Who knows if the superintendent is trying to protect the school's image. You don't know the answers until you investigate. ²²

Zweifel's comments relate to the "watchdog" role of the press. The watchdog press is seen as providing a check on and being independent of other powerful institutions in society.²³ In other words, a watchdog press provides a surveillance function

for society. The news media's surveillance function is consistent with media scholar Charles Wright's system of functions that describes what the mass media does for society. Some of these functions of the news media:

- provide information about events and conditions in society;
- correlate information by explaining, interpreting and commenting on the meaning of events;
- provide support for established norms.²⁴

Omaha World-Herald reporter Leslie Boellstorff comments:

When a teacher gets accused of sexual misconduct, it's like a double-edged sword. You don't want to damage a teacher's reputation if he or she is innocent. But on the other hand, you don't want a teacher in the classroom if he or she is abusing students. Generally we don't print a teacher's name until he or she has been formally charged. But we will investigate and ask the police 'Why was this person arrested?' 'What's the charge?'.²⁵

Thesis Focus

This thesis will focus on how news media and law enforcement officials communicate information about a teacher who is accused of, but not formally charged with, some level of sexual misconduct. In this situation, newspaper editors and reporters face a unique ethical question: do they print the name of a teacher when the teacher has not been charged with some level of sexual misconduct but is in one of the following circumstances?

1) A student has filed a complaint at the police station that says the teacher has sexually abused the student; or

2) the teacher has been arrested for an alleged sex crime involving or allegedly committed against a student but has not

been formally charged by the city or county attorney who is investigating the case; or

3) a parent, student or fellow teacher calls the newspaper with the accusation that the teacher is sexually abusing students.

If the teacher is formally charged, then the ethical issues subside. Newspaper editors and others have a legal right to disseminate information on a person charged with a sex crime.²⁶

At the stages prior to the charge, however, newspaper editors and reporters face an ethical question of whether or not to name the teacher before the teacher has been formally charged. There is no uniform, national ethics guideline to help editors and reporters determine when to disseminate information on a teacher or anyone accused of sexual abuse who has not been charged. State statutes that guide law enforcement officials in disseminating information on crime suspects who have not been charged vary from state to state. (See Appendix C.)

This thesis argues that in the case of a person accused of, but not charged with, sexual misconduct there should be a voluntary ethical guideline proposed to be endorsed by national associations representing the news media, police and lawyers. The voluntary ethical guideline would balance the preservation of the crime suspect's reputation with freedom of the press.

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Chapter II

Literature Review

Media Ethics

Naming a crime suspect is one of the top ten subjects that editors wrestle with on whether or not to print the suspect's name.¹

Many journalists would agree that contemporary journalism operates in the context of the "social responsibility theory of the press." News media have a responsibility not just to readers, listeners and viewers; there is a responsibility to the community, and even to the society as a whole.²

However, it is important to note that virtually no media system is governed by one pure theory of the press, nor does practice always follow what seems the appropriate theory.³

Media ethics links itself strongly to the normative social responsibility theory. Social responsibility has been in the marketplace since the Greek Peripatetics. It was applied to the press in the report of Robert Hutchins and his commission of 12 scholars.⁴

Hutchins et al. published a Free and Responsible Press, which presented two sides of a dilemma: A press free of constraints could run amuck in its own drive for power; a press too constrained by the power of the state would fail to inform citizens. But free of state control and responsible to the

public for essential democratic services, the press could flourish.⁵

Although journalism still has no uniform code of ethics, the principle of public service has come close to being a collective norm. Many newspapers do have a voluntary professional code of ethics, which is a byproduct of the movement toward social responsibility.⁶

Surveys show that about 60 percent of newspaper journalists at all levels--publishers, editors and staff members--favor written codes of ethics.⁷ The postulated link between ethics codes and journalistic behavior has rarely been examined.⁸ However, there is a growing assumption that ethics codes help shape the decisions journalists make in situations that raise ethical issues.⁹

The American Society of Newspaper Editors (ASNE) Statement of Principles, "is to serve the general welfare by informing the people and enabling them to make judgments on the issues of the time."¹⁰ In addition, the ASNE code states that to perform this function, the American press should bring an independent scrutiny to bear on the forces of power in the society, including the conduct of official power at all levels of government.¹¹

The ideal of the watchdog press receives considerable support from both working journalists and the general public. A 1982 ASNE national survey, for example, found that readiness to expose wrongdoing is one of the most widely shared yardsticks for evaluating the performance of media companies.¹²

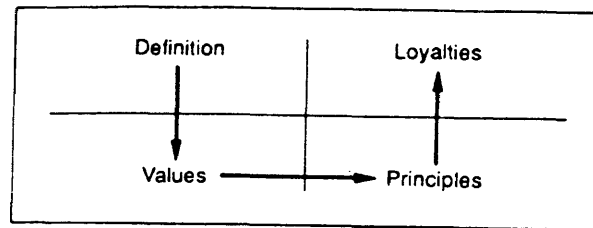
A 1987 study yielded evidence that there is greater support for the watchdog press in urban areas than rural areas.¹³ Respondents in small towns were more likely than large-town or suburban respondents to agree that the media should be less critical of business. But, respondents in all areas supported the idea that the media should be a "watchdog" against government corruption and community problems.¹⁴

However, repeated instances of alleged media invasions of privacy have generated growing public concern.¹⁵ Making ethical decisions in journalism is not just deciding between two choices, right and wrong, when facing an ethical dilemma. Bob Steele, director of the ethics programs at the Poynter Institute of Media Studies, says:

True ethical decision-making is much more difficult and complex. It's about developing a range of acceptable alternative actions and choosing from among them. It's about considering consequences of those actions. True ethical decision-making is also about justification, the ability to explain clearly and fully the process of how and why decisions are made.¹⁶

Potter Box

According to Dr. Ralph Potter of the Harvard Divinity School, moral thinking should be a systematic process. Potter said that ethical decisions can be based on four factors: the situation, values, principles and loyalties. Potter formulated a model of moral reasoning called the "Potter Box," a paradigm employed by media scholars Christians, Rotzoll and Fackler.¹⁷



The Potter Box.

The Potter Box introduces four dimensions of moral analysis. The Potter Box will be applied to the following case where the San Francisco Examiner published stories that named a high school principal accused of sexual abuse before the principal was officially charged.

Potter Box Quadrant 1: Define the situation: Cite newspaper policy, school activity, police activity:

The following is the lead paragraph of the first story in a series of stories San Francisco Examiner education reporter Diana Walsh wrote:

The principal of McAteer High School has taken a leave amid allegations that he improperly touched a male student. Tom Fourie has worked in San Francisco schools for more than two decades and last year was named McAteer principal. He took unpaid 'voluntary' leave of undetermined length Thursday after he met with school officials.

Note that Tom Fourie had not been formally charged, and Examiner reporter Walsh said she did not get the information from a police record. "We found out about Fourie from a phone call from someone in the school district," said Walsh. She continued:

We debated whether or not to run the story because the principal had not been formally charged. I was tipped off by an insider in the school district and that person is a confidential source. We felt it was in the public interest to run the story.¹⁸

According to the Potter Box, another newspaper could have cited a different viewpoint such as not using confidential sources and not naming the principal until he had been charged.

Potter Box Quadrant 2: Examine the values that might have been operative. Walsh said:

The day after we ran the story I felt terrible about it. I heard the school was having a meeting to deal with Fourie's leaving, and I called the school to ask if I could come to the meeting. To my surprise, the school said yes. I thought the teachers would be angry with me for writing the story. But they weren't angry. However, they fully supported Fourie and couldn't believe the allegations. I learned at that meeting that parents were furious because no one was informing them of the status of the situation, so our paper felt the public should know.

The San Francisco Examiner valued getting the information out because the public should know about it, versus valuing giving the principal the benefit of the doubt and not naming him until he had been officially charged.

Potter Box Quadrant 3: Examine the principles at play. The following are excerpts from Walsh's second story on the incident:

No charges have been filed against Thomas Fourie, who is principal of McAteer High School. But sources close to the investigation said the district attorney is considering whether to file misdemeanor charges against Fourie. Details of the allegations were not made public yesterday.¹⁹

By continuing to publish stories without Fourie being officially charged, the paper seemed to follow the principle "do the greatest good for the greatest number of people." The paper's viewpoint seemed to be that people want to know if teachers or principals are sexually abusing students. The decision is to print the principal's name even if some innocent people get hurt.

Potter Box Quadrant 4: Examine the loyalties of the paper.

Walsh wrote a third story. Here are some excerpts:

The principal of San Francisco's McAteer High School has been charged with two misdemeanor counts of sexual misconduct by the district attorney's office for allegedly touching a male student inappropriately. Sources said that during the police investigation Fourie had admitted to poor judgment.²⁰

"I knew we took a chance at running stories before the principal was formally charged because he could have been innocent. As it turned out, once the story ran, two other kids came forward who made similar allegations against Fourie. The similar allegations led to the conviction of Fourie," said Walsh.

The San Francisco Examiner is loyal to the community and seemed to be saying that the welfare of the children in the community is most important even if it means possibly defaming a principal or teacher. In contrast, another paper could have delayed printing the principal's name until after he was charged. The loyalty to protect the innocent would be followed.

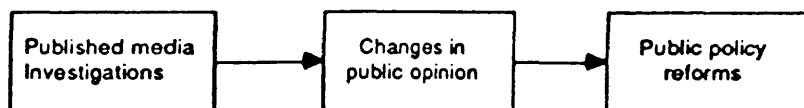
The Potter Box provides a systematic process that can offer insight into why newspaper reporters, school districts and law enforcement officials make the decisions they do in response to an allegation that a teacher has sexually abused a student.

Media As "Engine of Change"

Using the Potter Box terminology, one could say some news media value affecting social change. "Media as an engine of

change" is one view that there can be change by extending education and promoting innovation on social matters.²¹ The general belief is that education leads to social change.²²

Some journalists hold that the general public, once mobilized, becomes a catalyst for change. In the Mobilization Model, it is said that by informing the public, public opinion can be changed, which can lead to reforms in public policy.²³ For journalists, the Mobilization Model appeals to both the professional values of organizational sovereignty and social responsibility. The Mobilization Model exemplifies the ideal of an informed citizenry exerting its will on accountable government.²⁴



The Mobilization Model of investigative reporting.

An example of the Mobilization Model is found in a study of the crusade to deal with child abuse:

Child abuse achieved the public agenda because of the interest of a few pioneering researchers who crossed the bridge to mass-circulation news outlets.... Child abuse remains a lively topic of media coverage. And the public's interest in this newly recognized social problem prompted state legislatures into action.²⁵

First Amendment and Gathering Information

Newspapers must consider the law when deciding whether or not to name a teacher accused of sexual abuse. Although the First Amendment guarantees the right to publish news, it does not guarantee the right to gather information.²⁶ Moreover, it does not guarantee freedom from "subsequent punishment" in libel suits.

In contrast, media ethics are important in both gathering and publishing the news. There are federal and state laws that help reporters in accessing information. Congress adopted the Freedom of Information Act (FOIA) in 1966 as a bipartisan effort to increase public access to federal government. FOIA applies only to federal records. States have laws modeled after FOIA regarding access to state, county and municipal government records.

State Sunshine Laws

All 50 states have adopted statutes requiring disclosure of certain public records held by state, county and municipal governments. Although most state open records laws follow certain basic patterns, they differ greatly in their express terms and in the manner in which their provisions have been construed and applied.²⁷

In addition, all 50 states have adopted open meetings laws paralleling the Federal Sunshine Act,²⁸ passed in 1976, which declares that the public is entitled to the fullest practicable information about the decision-making processes of the federal

government. The states' open meeting laws continue to change through legislative amendment and court interpretation.²⁹

Most states have legislation on privacy that excludes from disclosure information in personnel, student, medical and similar files that would constitute a clearly unwarranted invasion of personal privacy.³⁰ But even though there are privacy laws, reporters can obtain information on a teacher accused of sexual abuse from sources other than records. A reporter could receive a telephone call from a parent or colleague of the teacher.

"Given the public's interest in this issue, and the need to protect children, the scale is sometimes balanced in the interest of the children," said Gene Campbell, head of Colorado's state teacher certification.³¹

Regarding sexual abuse accusation cases, "A number of teachers have been driven from their school and homes," said Greg Lawler of the Colorado Education Association. "The teacher is guilty until proven innocent."³²

The purpose of this thesis is twofold:

- 1) discover how newspaper editors determine whether or not to name a teacher accused of sexual abuse who is not charged with some level of sexual misconduct.
- 2) determine what is available to newspaper editors and reporters from law enforcement officers and district attorneys regarding the suspect's name and investigation information.

The questions listed below posed to police, district attorneys and newspaper editors in California, Nebraska and Virginia will help clarify how this situation is handled at

police departments, district attorneys' offices and at newspapers in those states.

Questions for the police:

1. Is your complaint or offense report log open to the public and to the media?
2. Do you make available to the public and media the names of sexual abuse crime suspects who have not been formally charged?
3. Do you think it's ethical for newspapers to print the name of a teacher who has not been officially charged with sexual abuse?
4. Are police investigations open to the public or media?

Questions for district attorneys:

1. At your office, are names of teachers accused of sexual abuse but not yet charged available to the media?
2. Is information about the investigation available to the media?
3. Do you think it is ethical of newspapers to print the name of a teacher who has not been officially charged with sexual abuse?

Questions for newspaper editors:

1. If a parent calls you with a tip that a teacher is sexually abusing a student and you look into the situation and find that there is no formal charge directed at the teacher, do you print the teacher's name?
2. Do you print the names of teachers who are not formally charged with sexual misconduct but are listed on a police complaint or who have been arrested by police but not yet charged for alleged sexual misconduct with a student?
3. Do you think it is ethical to print the name of a teacher accused of sexual abuse who has not been officially charged?

Through a qualitative phone survey, officials were contacted in a sample that represents the West Coast, Midwest and East Coast. One large city, a medium town and a small town were chosen in California, Nebraska and Virginia. In addition, California, Nebraska and Virginia state constitutions and statutes were surveyed to determine:

- press access to public records and meetings regarding personnel matters;
- press access to police complaint reports.

The research questions are:

1. What are the state laws concerning a newspaper reporter's access to open meetings and open records regarding personnel matters?
2. What are the state laws concerning a newspaper reporter's access to police complaint reports?

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Chapter III

Methodology

A qualitative, three-state case study was used to determine how police officers, district attorneys and newspaper editors handle the situation of a teacher accused of, but not charged with, sexual abuse. According to media scholars Wimmer and Dominick, a qualitative case study uses multiple sources of evidence to investigate a contemporary phenomenon within its real-life context. Wimmer and Dominick noted that many case studies attempt to discover new relationships rather than verifying existing hypotheses.

A systematic, qualitative telephone survey was used to ask police officers, district attorneys and newspaper editors open-ended questions about their handling of a hypothetical case involving a teacher accused of sexual abuse who has not been officially charged with some level of misconduct. The officials are located in California, Nebraska and Virginia. These states were selected to represent the West Coast, Midwest and East Coast.

The following large cities, medium-sized towns and small towns were chosen in each state to determine if there was a variance in practices among the officials:

State/City	Population	Newspaper/Circulation *
California		
San Francisco	678,978	San Francisco Examiner/559,527
Oakland	339,337	Oakland Tribune/137,279
Santa Cruz	41,483	Register- Pajaronian/13,500
Nebraska		
Omaha	322,133	Omaha World-Herald/123,540
Grand Island	33,180	Grand Island Independent/25,500
Gordon	2,245	Gordon Journal/2,708
Virginia		
Richmond	219,214	Richmond Times- Dispatch/227,000
Bristol	19,042	Bristol Herald Courier/50,000
Culpeper	6,621	Culpeper Star- Exponent/8,000

***Source of population and circulation data: Bacon's Newspaper Directory, 1993, Bacon's Information Inc., Chicago, Ill.**

To locate California's, Nebraska's and Virginia's state statutes and/or state constitutional articles pertaining to reporters' access to school meetings and records and police records, the Lexis computer database was accessed. Lexis is part of Nexis, which is a service of Mead Data Central, Inc.

On Lexis, each state's laws were reviewed regarding press access to meetings and records.

On Lexis, to find the laws from each state, the following search phrases were used:

open meetings and personnel
police records
free press
news privilege
news and sources

All of the above phrases or several of the phrases were used to locate the state constitution and statute information. Appendix C displays statute information from California, Nebraska and Virginia regarding police records, open meetings and records. From the telephone survey and state law research, conclusions will be drawn on how these newspaper editors, police and district attorneys in this three-state case study disseminate information on teachers who are accused of sexual abuse.

Chapter IV

Survey Results

Results from Table 1

Results (see Table 1) offer an overview of how police and district attorneys answered the questions posed in the qualitative telephone survey.

Discrepancies Found Among Police Departments

Out of the police contacted, about half have complaint logs available to the media. In the state of California, an officer in San Francisco said the complaint log is always open and cited the California Public Records Act as being very progressive. "The media has an absolute right to the information unless we can cite incidents that will harm the alleged victim," said Sgt. Ambrose of the San Francisco Police Department.

California police in Santa Cruz and Oakland said the complaint log is not open to the public. "With any complaint about a sex offense crime, we don't release information or complaints to the press--only to the D.A.'s office," said Tricia Husome, police records technician at the Santa Cruz police department. The California Records Act does not specify if complaint reports are open or closed.

The majority of police departments contacted did not make the names of crime suspects available to the news media until the suspect was formally charged. However, in Nebraska, it was a different story. Each Nebraska police jurisdiction contacted said

the police complaint logs are open and that names of crime suspects not yet charged are open to the media. Nebraska was the only state in the study where police in each community said that their complaint log was open.

"All offense or complaint reports are open to the public. However, the name of a juvenile would not be released. But the name of an adult suspect would be," said Investigator McLamb of the Grand Island, Neb. police department.

"Our police complaint log is available to the Omaha media. But we have a disclaimer at the end of the complaint log that the suspects in these cases have not been charged or have not been investigated," said Sgt. Muldoon from the Omaha Police Department. "Usually, the media uses good judgement and does not name a suspect in a story until there has been a charge." That disclaimer puts a lot of responsibility on the media. If the police in Nebraska make the suspect's name available through an open complaint book, the media have a documentary source to name someone before they are charged.

The district attorneys in Nebraska, on the other hand, do not give to the media the name of a crime suspect who has not been charged. A Nebraska statute does exempt from disclosure records of citizen complaints and inquiries (§ 84-712.05). It does not seem that Nebraska police contacted in the study are aware of that statement in the Nebraska statute.

District Attorneys Gave Uniform Answers

The district attorneys contacted gave uniform answers: They do not make available to the media crime suspects' names, and none of their investigations were open to the public. Each said that after the suspect was charged with some level of sexual misconduct, it was fair game to talk about it with the press.

"You'll never see a name given out through this office. But newspapers do find out the names of teachers through parents or other sources. We feel a name should be mentioned only if the person is charged and there will be a public trial," said Jane Howell, public information officer at the San Francisco district attorney's office. "We never give out the names of people who are accused of a crime," said Ellen Totkze, county attorney for Hall County, Grand Island, Neb.

Newspaper Editor Views

Table 2 results give an overview of how newspaper editors answered the telephone survey questions. When faced with a case of deciding whether or not to name a teacher accused of sexual abuse, newspapers in the sample survey seem to adopt the watchdog model of press behavior.

"If there is a visible public figure who is suspected of this, we would use our contacts to find out if there is merit to the accusation," said Jeff Funk, managing editor of the Grand Island Independent.

"Most times it would require a criminal charge before we would name someone," said Larry King, metro editor of the Omaha

World-Herald. "But cases vary and if enough points add up, such as if parents are raising hell at a school board meeting and they talk outside of the meeting, then we would check out the situation."

The downside of the watchdog model is in order to get more evidence for a story, newspaper reporters would have to ask questions to get more information which would cause trouble for the suspect. With newspaper reporters checking with relatives or fellow workers, the rumor mill gets started about the teacher accused of sexual abuse.

Urban versus Rural

Editors contacted in the rural areas in the sample study would not even consider printing a name until after a person was charged. This is consistent with studies that have shown that urban areas give more support to a watchdog press than do rural areas. For example, the Richmond Times-Dispatch, an urban paper, said it would depend on the circumstances whether or not it would name a teacher suspect. "I doubt we would run the story if we only heard the news from a parent who phoned us," said Paul Gregory, Richmond Times-Dispatch editor. "But if a lot of parents were standing up at a school board meeting saying that a teacher is suspected of sexual abuse or if the school board fired the teacher because of suspected sexual abuse, then the issue would have some merit to it and we might run the name."

Virginia's Culpeper Star-Exponent, a rural paper, said it

would not name the teacher until the person was charged. In rural Nebraska, it is interesting to note that the newspapers do have access to the crime suspect's name from police blotters. But the Gordon Journal, a Nebraska rural newspaper, said it would never print the name of a suspect until the person was charged.

"We only print the name if the person is officially charged and the case is going to court," said Gordon Journal editor Suzanne Evans. "This way there is sufficient evidence about the crime, and the public has a right to know about the charge."

TABLE 1

Overview of answers from police, district attorneys

	Police	Police/D.A.	Police/D.A.	Police/D.A.	Police/D.A.
	Is your complaint/offense log available to media?	Are names of crime suspects not charged available to media?	Are names of crime suspects not charged available to media?	Is it ethical for newspaper to print name of crime suspect not charged? depends/∅	Are investigations open to media?
California					
San Francisco	yes	yes/no	yes/no	no/no	no/no
Oakland	no	no/no	no/no	no/no	no/no
Santa Cruz	no	no/no	no/no	no/no	no/no
Nebraska					
Omaha	yes	yes/no	yes/no	no/no	no/no
Grand Island	yes	yes/no	yes/no	no/no	no/no
Gordon	yes	yes/no	yes/no	no/no	no/no
Virginia					
Richmond	no	no/no	no/no	no/no	no/no
Bristol	no	no/no	no/no	no/no	no/no
Culpeper	no	no/no	no/no	no/no	no/no

TABLE 2

Overview of answers from newspaper editors

Newspaper Editors	Do you use a parent tip and print name of teacher accused of sex abuse?	Do you print names of teachers accused of abuse on police complaint report but not yet charged?	Do you think it's ethical to print name of teacher before teacher is charged?
San Francisco	depends	depends-sometimes	if a lot of sources say teacher has problem, public has right to know.
Oakland	not usually	no	we try to be ethical-it's hard
Santa Cruz	not usually	not usually	rules vary among states no
Nebraska			
Omaha	no-need more evidence	no, need more evidence	we weigh all sides of issue; we approach it ethically
Grand Island	no-need more evidence	no, need more evidence	no-we try to protect reputation
Gordon	no	no	no
Virginia			
Richmond	no	no	no
Bristol	no	no	no
Culpeper	no	no	no

Chapter V

Conclusion

The focus of this thesis is that newspaper editors face an ethical question of whether or not to name a teacher accused of sexual abuse before the teacher has been officially charged with the crime of sexual abuse.

Editors in this study's survey said they do wrestle with how to handle disseminating information on teachers accused of sexual abuse. None of them cited a law, guideline or policy they follow. Instead, they resolve the issue on a case-by-case basis.

"Currently, we wrestle with the situation each time it comes up, and it would be great to refer to some type of guideline," said Jeff Funk, managing editor of the Grand Island Independent.

In the U.S. legal system, people are supposed to be presumed innocent until they are found guilty by a jury in a public trial. In the cases where teachers are accused of sexual abuse and they are named in a newspaper story before they are officially charged, it seems as if these teachers are guilty until proven innocent. These teachers suffer a stigma that they possibly abused a student.

The district attorneys contacted in this study seem to approach this issue in a fair manner--they do not disseminate information about someone accused of sexual abuse until the person is officially charged. This is a good model for the police and press to follow.

Proposed Voluntary Ethical Guideline

The conclusion of this thesis is to propose a voluntary ethical guideline on the release of information regarding sexual abuse accusations that might be acceptable to national associations representing the news media, police and lawyers. The objective of the voluntary guideline would be to help guide law enforcement officials and the news media on when to disseminate information about someone accused of sexual abuse.

The proposed ethical guideline is this:

Don't publish the name of a suspect until he or she is formally charged--regardless of the permissiveness of state law.

The Potter Box provides a systematic approach to supporting an ethical guideline for disseminating information on a person accused of sexual abuse:

The values that could be operative are balancing the preservation of a crime suspect's reputation and the public's right to know.

--If the media and police would wait to name a crime suspect until the person is charged, this value would be operative because the name of a person who is not officially charged would not be published in the newspaper. This way, a newspaper article would not contribute to damaging the person's reputation with the stigma of sexual abuse.

The principle that could be operative is the "principle of the mean"--use a mean between two extremes: on one end there is excess, and on the other end there is deficiency.

Media scholars Christians et al. note that in disseminating information this could mean that "the sensational is derided and the virtues of balance, fairness and equal time are recognized."

--Again, if the media and police would wait to name a crime suspect until the person is charged, this principle would be operative. If the person is innocent, he or she will be treated fairly in this case and won't see his or her name in a newspaper article before being officially charged, and the possibility of having been publicly accused and then having the accusation withdrawn would have been avoided. If the person is not innocent, the public will have found out about it after the person is charged.

The loyalty that could be operative is protect the innocent.

--By waiting to name a crime suspect until the person is charged, the newspaper follows the belief that people are presumed innocent until they are found guilty by a jury in a public trial.

"It's hard to know what to do sometimes because the rules vary from state to state," said Charles Jackson, assistant managing editor of the Oakland Tribune. "We try to be ethical and use our best judgments in these cases. But an ethics code or guideline would help tremendously."

"If somebody could get a press-law guideline developed and if people would use it, we'd be doing a great service to our citizens," said George Warren, Virginia's Bristol Commonwealth district attorney.

Future research on this topic could include a quantitative survey of newspaper editors and law enforcement officials in all states to determine how they handle the dissemination of

information on this situation.

In addition, the newspaper editors and law enforcement officials in each state could be surveyed to determine if they would support and follow a voluntary ethical guideline when dealing with this issue.

A postulated link between ethics codes and journalistic behavior has rarely been examined. If an ethical guideline on the release of information regarding sex abuse charges existed and was practiced by the news media, research could determine if the ethical guideline helped shape journalists' decisions on whether or not to name someone before they are officially charged.

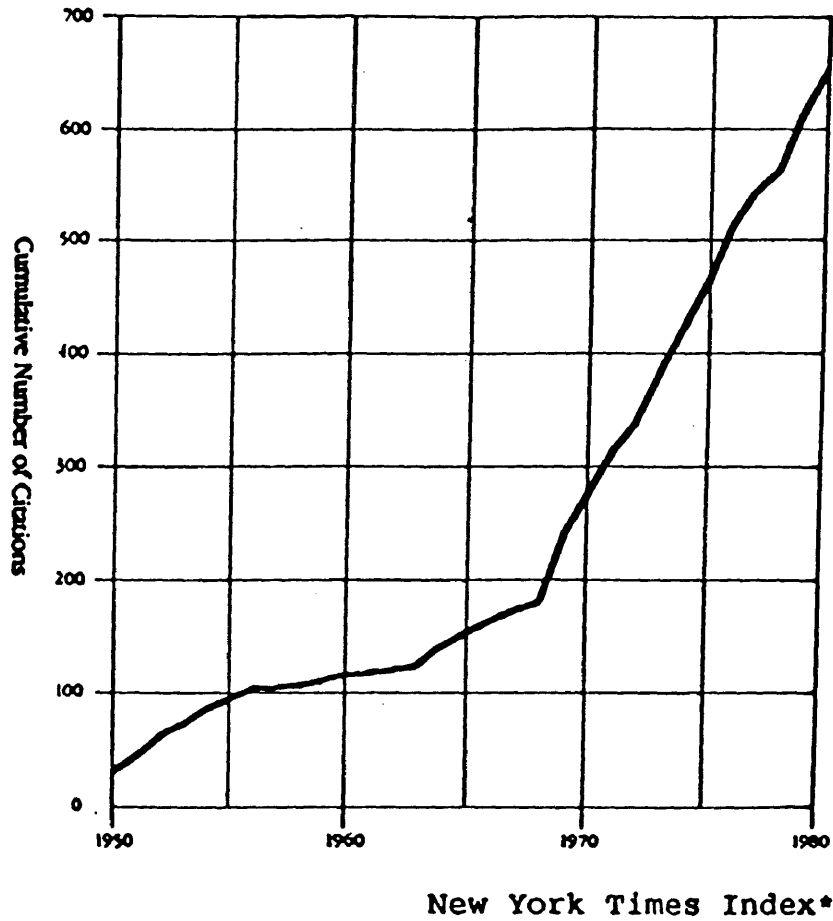
Future research also could determine if newspaper reporters go beyond their "watchdog" surveillance role when they conduct their own investigation of someone accused of sexual abuse. The question is, is it ethical for a newspaper reporter to conduct an investigation even though the police are conducting their own investigation?

Another research topic for this issue is the question of defamation. If a reporter obtains information from an open, privileged police blotter that reports a person is accused of sexual abuse, the newspaper has a right to publish the name from the official documentary source. But what if the accusation is withdrawn from the police blotter after the suspect's name is printed in the newspaper? Can the suspect sue the newspaper for defamation? Future research could determine what are the state laws on libel claims made by suspects and what are the states'

levels of protection for reporter privilege.

This thesis' three-state ethics probe found that there are inconsistencies in how police officers and newspapers disseminate information on a person accused of sexual abuse. The ethical guideline proposed in this thesis would lend balance and fairness to the situation and, perhaps, would prevent innocent teachers from suffering the stigma of sexual abuse.

Appendix A



* From 1950 to 1980, The New York Times published 652 articles pertaining to child abuse.
Source: Barbara J. Nelson, Making an Issue of Child Abuse (Chicago, University of Chicago Press, 1984) 74.

Appendix B --Phone Survey Results**Police Departments**

Questions posed to police are:

1. Is your complaint and/or offense report log open to the public and to the media?
2. Do you make available to the public and media the names of sex abuse crime suspects who have not been formally charged?
3. Do you think it's ethical of newspapers to print the name of a teacher who has not been officially charged with sexual abuse?
4. Are police investigations open to the public or media?

California

Sgt. Ambrose, San Francisco Police Department
Phone interview 7/12/93

Answer to question 1:

It depends on each case. We'll withhold information on both adult and juvenile if the juvenile is at risk of being identified. But if the juvenile is not at risk of being identified, then the press or anyone can get a copy of the complaint report.

Answer to question 2:

Yes. If it doesn't identify the victim if victim is a juvenile.

Answer to question 3:

The media has an absolute right to the information unless we can cite incidents that will harm or identify the alleged victim. The California Records Act is very progressive.

Answer to question 4:

No, investigations are not open to the public.

Sgt. Sheppard, Oakland Police Department
Phone interview 7/12/93

Answer to question 1:

No. All information on sex crimes is confidential. No information is released to the news media.

Answer to question 2:

No. Sex crime information is confidential--unless the police officer making the report authorizes that the complaint is open to the public.

Answer to question 3 and 4:

No. Police investigations are not public record.

Appendix B cont.

Tricia Husome, police records technician, Santa Cruz
Phone interview 7/12/93

Answer to question 1:

With any sex offense crime, we don't release information or complaints to the press--only to the D.A.'s office. We do have a daily log of complaints that press can see, but we don't include complaints about sex crimes.

Answer to question 2:

No.

Answer to question 3:

We base our actions on current law, which says the records involving sex crimes may not be released except to the district attorney or by court order.

Answer to question 4:

No--media or public cannot get information regarding police investigations.

Nebraska

Sgt. Muldoon, Omaha Police Department

Phone interview 7/15/93

Answer to question 1:

Our police complaint log is available to Omaha media. But we have a disclaimer at the end of the complaint log that the suspects in these cases have not been charged or have not been investigated.

Answer to question 2:

Our police log is available to the media, even the names of sex crime suspects who have not been formally charged. But usually the media uses good judgement and doesn't name a suspect in a story until there has been a charge.

Answer to question 3:

No. But as I stated, usually the media shows good judgement in waiting until a teacher is formally charged.

Answer to question 4:

No, our police investigations are not open to the public or media.

Appendix B cont.

Investigator McLamb, Grand Island Police Department
Phone interview 7/12/93

Answer to question 1: All offense or complaint reports are open to the public. However, the name of a juvenile would not be released, but the name of an adult suspect would be.

Answer to question 2:
Yes, they would be available.

Answer to question 3:
A lot of innocent people are getting the finger pointed at them, not only in sex crimes but in other crimes as well. Anyone can accuse someone of a crime. We've lowered our standards--sometimes people are charged because of rumors or allegations that can't be disproven or corroborated because there is no witness except the alleged victim and suspect.

Answer to question 4:
Our police investigations are not open to the public.

Sgt. Brewer, Gordon Police Department
Phone interview 7/7/93

Answer to question 1:
The logging of complaints is public information--it's logged on an offense ledger, which is open to the public. A juvenile would not be named but a teacher would.

Answer to question 2:
Yes.

Answer to question 3:
I disagree with the media's phrase, "the public has a right to know." Victims and suspects' names should be nobody's business. Our job is to protect the community, not publicly roast an innocent victim or suspect. We have to take complaints at face value, but people can wield a lot of power by coming into our department and filling out a complaint form.

Appendix B cont.**Virginia**

Miss Simmons, Richmond City Bureau of Police
Phone interview 7/15/93

Answer to question 1:

We have complaint reports but they are not open to the media or public.

Answer to question 2:

This would not be open to the media or public until a suspect is formally charged.

Answer to question 3:

No, we don't think it's right until a person is charged.

Answer to question 4:

No, our police investigations are not open to the media or public.

Captain Crawford, Bristol Police Department

Phone interview 7/15/93

Answer to question 1:

No complaint log is available to the media.

Answer to question 2:

We would not release the name of a sex crime suspect until after he or she was charged.

Answer to question 3:

No, we don't think it's ethical to release someone's name until he or she has been charged.

Answer to question 4:

Our investigations are not part of a public record.

Lucy Caldwell, public information officer, Culpeper Police Department, phone interview 7/21/93

Answer to question 1:

No complaint log is available to the media.

Answer to question 2:

We would not release the name of a crime suspect until after he or she was charged.

Answer to question 3:

We don't think it's ethical to print the name before someone is charged. It ruins the lives of those who are innocent.

Appendix B cont.

Lucy Caldwell cont.

Answer to question 4:

We are not allowed to disclose any type of information regarding an investigation.

Appendix B cont.**District Attorneys****Questions for district attorneys:**

1. At your office, are names of teachers accused of sexual abuse but not yet charged available for the media?
2. Is information about the investigation available to the media?
3. Do you think it's ethical of newspapers to print the name of a teacher who has not been officially charged with sexual abuse?

California

Jane Howell, public information officer, San Francisco district attorney's office--Phone interview 7/14/93

Answer to question 1:

No--we never give out the names of suspects under investigation.

Answer to question 2:

No, information about an investigation is not available to the press or public.

Answer to question 3:

You'll never see a name given out through this office...but newspapers do find out the names of teachers through parents or other sources. We feel a name should be mentioned only if the person is charged and if there will be a public trial.

Tom Orloff, chief assistant district attorney, Oakland district attorney's office--Phone interview 7/12/93

Answer to question 1:

We don't have a formal policy but we are not in the position to give out names of suspects. Through the California Records Act, the media can get the name at the police station.

Answer to question 2:

If we have inquiries about a name we say we cannot confirm or deny that information.

Answer to question 3:

We can tell press our charge decision, but any information prior to a charge, we do not give to press. If we gave the name of a suspect, you can't unring the bell--the person would be tainted whether he was found innocent or guilty.

Appendix B cont.

Arthur Dannner, district attorney, Santa Cruz--Phone interview 7/13/93

Answer to question 1:

We do not give out a suspect's name. If pressed by media, we say we cannot confirm or deny the information.

Answer to question 2:

No--we take great pains not to disclose any piece of the investigation.

Answer to question 3:

There is nothing in the law that prevents the media from using the name of a teacher suspected of sexual abuse. They can get the name from a parent or the student. We will not help in giving away suspects' names in these cases before a person is officially charged.

Nebraska

Donald Klein, chief deputy, Douglas county attorney's office, Omaha--Interview February 1, 1993

Answer to question 1:

We do not disclose the names of people until they are charged.

Answer to question 2:

No, we do not give out information during an investigation.

Answer to question 3:

Everybody has a job to do in this situation--the police, county attorney and the newspaper. But we have trials because the suspect has a right to a public and speedy trial and the public has a right to know. I don't think it's necessary to name a teacher suspect until the teacher has been charged which means there will be a trial. Some of these teachers who are suspected end up being innocent, but they have already lost their reputation because their name was in the paper for allegedly abusing a student. We have an open and free press in our society, but, unfortunately, if a teacher suspect gets named in a paper before the person is charged, then it seems like the person is guilty until proven innocent and it should be the other way around.

Ellen Totkze, county attorney for Hall County, Grand Island area--Phone interview 7/15/93

Answer to question 1:

No. We never give out names of people who are accused of a crime.

-more-

Appendix B cont.

Ellen Totkze cont.

Answer to question 2:

No, none of our investigations are part of a public record.

Answer to question 3:

Once the person is charged, it's fair game for the media to know the name. But up until the charge point, there is still a lot of speculation about the suspect and we don't think it would be fair to name a teacher suspect before a charge. We have a good working relationship with the press and they show good judgement in this situation.

John Burbridge, county attorney, Gordon area--

From July 5 to July 23, numerous phone calls and faxes were sent to John Burbridge and no response was received to the questions. However, Gordon's Sgt. Brewer and Gordon Journal editor Suzanne Evans said they have never received the name of a crime suspect's name or received information regarding an investigation from county attorney Burbridge.

Virginia

Chris Conroy, director of administration, Richmond Commonwealth attorney's office--Phone interview 7/21/93

Answer to question 1:

No, we don't release names of suspects until a charge is certified.

Answer to question 2:

Our investigations are not open to the public or media.

Answer to question 3:

Personally speaking, in sensitive cases such as some teacher being accused of sexual abuse, it would be in the better judgement of a newspaper not to use a name until the person was charged.

George Warren, Bristol Commonwealth attorney--Phone interview 7/21/93

Answer to question 1:

Absolutely not--we never give out names of crime suspects.

Answer to question 2:

Investigations are never open to the public or media.

Appendix B. cont.

George Warren cont.

Answer to question 3:

I think it is very unethical to have a newspaper print the name of a teacher before the teacher is charged. It's highly prejudicial. If somebody could get a press-law guideline developed and if people would use it, we'd be doing a great service to our citizens.

Paul Ebert, Culpeper Commonwealth attorney--Phone interview 7/22/93

Answer to question 1:

No, we do not release names of crime suspects.

Answer to question 2:

No, we don't open investigations to the media.

Answer to question 3:

No.

Appendix B cont.

Newspaper Editors or Reporters*

*At one newspaper, an editor could not be reached after numerous phone calls. However, a reporter gave information about how the paper handles the situation. Also, most reporters at newspapers contacted referred all questions to their editors, who were interviewed.

In addition, all newspapers contacted except one have experienced this issue of teachers being accused of sexual misconduct.

Questions posed to newspaper editors or reporters:

1. If a parent calls you with a tip that a teacher is sexually abusing a student and you look into the situation and find there is no formal charge directed at the teacher, do you print the teacher's name?
2. Do you print the names of teachers who are not formally charged with sexual misconduct but are listed on a police complaint report or who have been arrested by police but not yet charged for alleged sexual misconduct with a student?
3. Do you think it's ethical to print the name of a teacher accused of sexual abuse who has not been officially charged?

California

Diana Walsh, education reporter with San Francisco Examiner, daily, circulation: 559,527, phone interview Feb. 15, 1993 (Editor Dan Rosenheim could not be reached.):

Answer to question 1:

It depends on each case. If the person is well-known such as principal Tom Fourie, we will print the name based on the viewpoint that the parents have a right to know this information about a school principal.

Answer to question 2:

Again, it depends. If we are getting a lot of tips from sources outside of the police department that someone is abusing a student and then we check out the police blotter and see there is a formal complaint, we might print the name. But we would have to have a lot of substantial evidence that this accusation has merit to it.

Appendix B cont.

Diana Walsh cont.

Answer to question 3:

Again, it depends. On the Fourie case, we were getting calls from people on the school board, from fellow teachers of Fourie who wanted to remain anonymous but said this guy has some problems. We did name Fourie in stories before he was charged and other students came forward and said Fourie abused them ,too, which led to Fourie's conviction.

Charles Jackson, assistant managing city editor, Oakland Tribune, daily, circulation 137,279, phone interview 7/13/93:

Answer to question 1:

We review these situations on a case-by-case basis. We don't rush to print a name if we get a tip from a parent. We usually wait and see if the teacher is on leave from the school or if there is some substantial evidence beyond a phone call from a parent.

Answer to question 2:

We could use the name if we wanted to, but we generally don't until the person has been formally charged.

Answer to question 3:

It's hard to know what to do sometimes because the rules vary from state to state. I was an editor in Texas and it was easier in that state because we could not use the name of a crime suspect. We try to be as ethical as we can and we judge our situations on a case-by-case basis. But we would need a lot of evidence before we named someone before they were charged.

Bill Watson, city editor; Emilio Alvarado, education reporter, Santa Cruz-Watsonville Register-Parajaronian, daily, circulation: 13,500, phone interview 7/13/93 (Editor Bud O'Brien could not be reached.):

Answer to question 1:

Emilio Alvarado: We take this issue on a case-by-case basis. If we get a phone call from a parent we will follow-up with phone calls to the school and to the police.

Bill Watson: Most every time we don't print the name until a person is officially charged. Even if we receive a tip, we still don't use name until person has been charged.

Appendix B cont.

Emilio Alavardo and Bill Watson cont.

Answer to question 2:

Emilio: We usually wait until person is charged.

Bill: We wait until person is charged.

Answer to question 3:

Emilio: Our police contacts are very valuable to us. Many of these incidents are investigated by the police. It's up to the police if they want to share information. One detective let me see his notes but I could not copy them or make notes about them--I ended up not printing the teacher's name.

Bill: We don't print the name until person is charged.

Bill: We don't print names until person is charged.

Nebraska

Larry King, metro editor, Omaha World-Herald, daily,
circulation: 123,540, phone interview 7/14/93:

Answer to question 1:

We would not cover a story if we had a mother call us demanding we name a teacher in a story. We would need far more evidence and most times it would require a criminal charge for us to run the name of the teacher suspect.

Answer to question 2:

Anybody can fill out a police report. We would not name a person based on a police complaint or arrest report. We need more substantial evidence. If the person is charged, we will use name.

Answer to question 3:

We look at these situations on a case-by-case basis. Most times it would require a criminal charge before we would name someone. But cases vary and if enough points add up--such as if it becomes a public issue debate and parents are raising hell at a school board meeting and they talk outside of the meeting or if a teacher calls us and wants to give his or her side of the story, then we would probably name the suspect.

Appendix B cont.

Jeff Funk, managing editor, Grand Island Independent , daily, circulation, 25,500, phone interview 7/14/93:

Answer to question 1:

We are wrestling with this situation currently, the first in three years. We generally do not print the names of sex crime suspects until charges are filed.

Answer to question 2:

We have access to police records or the police will cooperate with us. However, we usually don't print name until there has been a formal charge.

Answer to question 3:

We look at this issue on a case-by-case basis. If there is a visible public figure who is suspected of this, we would use our contacts to find out if there is merit to the accusation. However, we don't want to start a rumor and we aim to protect the reputation of an individual if there is substantial question to the merit of the accusation. We also are careful before we name someone because we don't want to be used by kids who are trying to get back at a teacher for giving them a low grade or something. We discern carefully on this issue and generally wait until a person has been charged.

Suzanne Evans, editor Gordon Journal , weekly, circulation: 2,708, phone interview 7/8/93

Answer to question 1:

We would not print the name of suspect if we received a tip from someone. We wait until the person has been charged.

Answer to question 2:

We would not name someone at the complaint stage--only if it goes to court.

Answer to question 3:

We only print the name if the person is charged and the case is going to court. This way there is sufficient evidence about the crime and the public has a right to know about the charge.

Virginia

Paul Gregory, city editor, Richmond Times-Dispatch , daily, circulation: 227,000, phone interview 7/14/93:

Appendix B cont.

Paul Gregory cont.

Answer to question 1:

I doubt we would run story if we only heard the news from a parent phoning us. But if a lot of parents were standing up at a school board meeting and saying this, or if the school board fired the teacher then the issue may have some merit to it. We would check it out with police to see if there is evidence before we would run a name.

Answer to question 2:

We would probably wait until criminal charges have been filed.

Answer to question 3:

We would have to have substantial reports before we would run a name. We just don't run names on the whim of a parent or other source calling us. We do weigh the factors in each case before we decide to do a story.

Susan Bolling, city editor, Bristol Herald-Courier, daily, circulation: 50,000, phone interview 7/14/93:

Answer to question 1:

We wouldn't print a sex crime suspect's name on receiving only a phone call from a parent.

Answer to question 2:

We would not print a name from a police complaint report. We print the name only when the person has been charged.

Answer to question 3:

We would be afraid of a lawsuit to run a name if the person is not officially charged.

Dale Morton, managing editor, Culpeper Star-Exponent, daily, circulation 8,000, phone interview 7/23/93

Answer to question 1:

We usually print the name after the person has been charged.

Answer to question 2:

We would not print the name from a police complaint report.

Answer to question 3:

We wait to print the name until the person is charged.

APPENDIX C**State Constitutions/Statutes****California**Regarding Police Records

Names and addresses of those involved in incidents, other than those of confidential informants, are public unless disclosure would endanger the investigation or anyone's safety. However, the addresses of victims of sex crimes, child abuse, spouse abuse and race-based hate crimes are not public, and the names of victims of those crimes may be withheld at the victim's request under the Public Records Act. Cal. Gov't Code §6254. The Public Records Act also exempts records of investigations.

Regarding Open Meetings and Records

Closed: legal advice, personnel issues, real estate transactions. Cal Gov't Code § 6252.

NebraskaRegarding Police Records

A statute separate from the open records law specifically makes public police blotters, offense reports, incident reports, photographs of arrested individuals and complete criminal history record information. Neb. Rev. Stat. § 29-3520, 29-3521.

The open records statute exempts records of the investigation or examination of persons, institutions or businesses, intelligence information, citizen complaints or inquiries and informant identification. Neb. Rev. Stat. § 84-712.05

Regarding Open Meetings and Records

Any public body may hold a closed session by the affirmative vote of a majority of its voting members if a closed session is clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual. Closed sessions may also be held for investigative proceedings regarding allegations of criminal misconduct or evaluation of the job performance of a person when necessary to prevent needless injury to the reputation of a person and if such person has not requested a public meeting. Neb. Rev. Stat. § 84-1410.

Virginia**Regarding Police Records**

The identities of individuals arrested and charged with crimes and the status of the charges are public under the state Freedom of Information Act. Incident reports relating to felony offenses are open except when disclosure is likely to jeopardize an ongoing criminal investigation or the safety of an individual, cause a suspect to flee or evade detection. The act exempts memoranda, correspondence, evidence and complaints related to criminal investigations. Va. Code Ann. § 2.1-342 (B) (1)

Regarding Open Meetings and Records

Closed: discussion of plans for public safety from terrorist activities, personnel interviews and disciplinary actions, consultation with legal counsel, discussion of medical and mental records. Va. Code Ann. § 2.1-344

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