



CAP TIPs is a series of periodic messages to assist in the planning and implementation of NCVRW Community Awareness Projects. Please feel free to send your individual questions or requests for assistance to Anne Seymour at [annesey@atlantech.net](mailto:annesey@atlantech.net)

## CAP TIP #10

### *To Improve Public Awareness*

#### **Consent to Video- or Audio-Tape Individuals & Audiences**

##### **Introduction**

Since a significant goal of National Crime Victims' Rights Week – and Community Awareness Projects – is to promote victim awareness and public education about victims' rights and services, many organizations sponsor events that are documented in audio, video or online formats to increase the number of people who will hear the important messages related to the NCVRW theme and the need for victim/survivor services and victims' rights. While this type of expanded outreach is admirable, it also requires obtaining consent from people whose images, comments and/or presentations may be used.

**Keep in mind that all NCVRW CAP subgrantees have agreed “that any project activity or event that involves the identification of an individual crime victim(s) must have the victim’s or, in the event of a death, a family member’s informed consent.” [NCVRW CAP Subgrant Award Agreement]**

While this CAP TIP does not provide formal, legal advice, it provides some basic information and guidance to help you ensure that victims and survivors are aware of and consent to their role in your NCVRW CAP events and activities.

##### **Victims, Survivors and Consent**

It is particularly important that crime victims and survivors, many of whom agree to be public speakers, panelists, hosts or take on other NCVRW event responsibilities that will put them “in the public eye” knowingly consent to their involvement. As the need to always respect victim autonomy and decision-making is a core ethical consideration of victim services, it is essential that survivors who speak or act on behalf of your agency or organization are aware of what this commitment entails and if/how their image, likeness and/or words will be used.

When you engage crime victims and survivors to speak at your NCVRW events, it’s important to provide them *in advance* with basic information about:

- The goal(s) of your event
- Any guidance or expectations specific to their presentation
- Who will be attending

- Whether or not the news media are invited or have confirmed to attend, and may be requesting interviews with them or audio-/video-taping them
- Whether or not their presentation will be documented in audio-, video- or online format(s), and specifically how such footage will be used, for example:
  - In the news media
  - On social media (such as Facebook, Twitter, Instagram, YouTube, podcasts, etc.)
  - On your agency's/organization's website or in publications such as an annual report or brochure
  - In training initiatives such as PowerPoint presentations or webinars

If you would like to use the image, footage or remarks of adult crime victim/survivors for any purpose during 2017 NCVRW or in the future, you should inform them (as described above) and seek their consent in writing via a release form/waiver. Child or adolescent victims under the age of consent should not be identified, audio-taped or video-taped under *any* circumstances.

### **When Release Forms/Waivers Are Needed**

New Media Rights has published a *Legal Guide to Video Releases & the Use and Publication of Audio and Video Recordings*. Helpful tips include:

- Release forms/waivers are recommended when footage is to be used for *exploitative* purposes, i.e., for one's personal benefit or for commercial use.
- Release forms/waivers are a good idea to make sure that people whose images may be shared via traditional or social media or other venues are aware of this fact, and have the option to decline to be on camera or on audiotape.
- It is recommended to secure release waivers *in writing*, rather than in the body of an audio or video recording.

The Guide, which includes sample release forms/waivers, can be accessed at [http://www.newmediarights.org/guides/legal\\_guide\\_video\\_releases\\_use\\_publication\\_audio\\_and\\_video\\_recordings](http://www.newmediarights.org/guides/legal_guide_video_releases_use_publication_audio_and_video_recordings).

### **Sample Consent Forms**

#### **Individual Consent**

There is sample "release form/waiver" for individuals who are participating in and/or speaking at your NCVRW events to be video- or audio-taped, including video, print, Internet/web and broadcast purposes at the end of this CAP TIP.

You can easily adapt this simple form to your specific NCVRW event or activity, and to crime victims and survivors. Another sample video release/consent form that can be tailored to your special event is available from **ROCKETLAWYER** at <https://www.rocketlawyer.com/document/video-release.r/#/>

#### **Audience Consent**

At NCVRW events, audience members are sometimes included in wide-shots that attempt to capture the size and enthusiasm of a crowd. Even though they may not be individually identified, it is an important courtesy to inform your audiences that filming will be taking place, which can be accomplished in four different ways:

1. If your event features a participant registration, inform confirmed registrants by email that filming will occur; that audience members may be included in footage; and that such footage may/will be used in video, print or social media in the future.
2. You can post “Crowd Release” posters around your venue (sample language that you can adapt to your event is included at the end of this CAP TIP) at all entrances/exits to your venue (and take photos of a posters for your records).
3. You can have a “video capture” sign-in sheet for event participants at your registration or sign-in table (a sample “video capture” sign-off from Western Carolina University is available at <https://www.wcu.edu/WebFiles/VideoCaptureConsentForms.doc>).
4. Prior to the commencement of your special event, you can make a brief announcement about filming: “Our organization (“and the news media” if applicable) is videotaping this event and footage or photographs may be featured in the news media, social media or in our organization’s publicity and outreach activities following this event.”

### **For More Information**

Please contact National Crime Victims’ Rights Week Community Awareness Project Consultant Anne Seymour via email at [annesey@atlantech.net](mailto:annesey@atlantech.net); or by telephone at 202.547.1732.



RELEASE FORM/WAIVER

I willingly agree to participate in the (name of NCVRW special event) sponsored by (your organization/ agency) on (day/date).

**I grant (your agency/organization) permission to videotape, audiotape and/or photograph me and to use my voice and physical likeness without restriction in any form, be it video, web, broadcast, print media, DVD, training/education, or any future media format.**

In addition, I grant permission to (your organization/agency) to use my voice and physical likeness for future productions on related topics, without limitations, to include video, print, web, broadcast, electronic and any future media formats (**Please indicate acceptance of this clause with your initials here**).

I agree to be fully responsible for my participation in the production, and **hold (your organization/ agency)** and the Community Awareness Project Sponsors (including the National Association of VOCA Assistance Administrators and the U.S. Department of Justice Office for Victims of Crime), harmless from any liability, loss or expense arising from the use of my voice or likeness. I expressly release you and your agents or representatives or any institution transmitting or exhibiting the program from any claims arising from such use or distribution.

BY:

\_\_\_\_\_  
(Sign Your Name)

\_\_\_\_\_  
(Today's Date)

PLEASE **PRINT** THE INFORMATION BELOW CLEARLY AND AS YOU WOULD LIKE IT TO APPEAR ON SCREEN, SHOULD VIDEO FOOTAGE OF YOUR PRESENTATION OR PARTICIPATION BE USED:

Full Name: \_\_\_\_\_

Title & Organization: \_\_\_\_\_

City/State: \_\_\_\_\_

**PLEASE PROVIDE YOUR CONTACT INFORMATION IN THE EVENT THAT WE NEED TO CONTACT YOU:**

Email Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

**NATIONAL CRIME VICTIMS'  
RIGHTS WEEK**

**STRENGTH RESILIENCE JUSTICE**  
**APRIL 2-8 ★ 2017**

**SAMPLE LANGUAGE FOR CROWD RELEASE**  
*(Post outside of entry doors or on perimeter of filming area)*

By entering and by your presence here, you consent to be photographed, filmed and/or otherwise recorded. Your entry constitutes your consent to such photography, filming and/or recording and to any use, in any and all media throughout the universe in perpetuity, of your appearance, voice and name for any purpose whatsoever in connection with this 2017 National Crime Victims' Rights Week event.

You understand that all photography, filming and/or recording will be done in reliance on this consent given by you by entering this area.