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# A Call to the Media to Change Reporting Practices for the Coverage of Mass Shootings

Jaclyn Schildkraut \*

## INTRODUCTION

Mass shootings continue to be a cause for concern in the United States, fueled in part by the extensive media coverage these events garner. When word of another shooting breaks, the news media often interrupt regularly scheduled programming with reporting or live updates from the scene; newspaper stories are churned out at a rapid pace, expedited by the availability of digital media. Depending on the severity of the attack, the coverage may last hours, days, or, in the most extreme examples like the recent shootings in Las Vegas, NV (2017), Sutherland Spring, TX (2017), Parkland, FL (2018), and Pittsburgh, PA (2018), weeks. Despite the highly sensational nature of mass shootings, however, not all events receive equitable attention in the media, with coverage often skewed towards those that are the most lethal.<sup>1</sup>

While the volume of the coverage may differ between events, the reporting patterns of mass shootings share one distinct feature: an overwhelming emphasis on the perpetrators once they have been identified. Once this information is known, the perpetrators' names and faces are splashed across television screens, newspaper pages, and the internet alike. While some argue that there is an investigative value in sharing such information, such as determining a motive, creating a profile, and potentially preventing future shootings, the reality is that these ends can be achieved without turning mass shooters into media celebrities.

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1. Jaclyn Schildkraut, et al., *Mass Shootings and the Media: Why All Events are Not Created Equal*, 41 J. CRIME & JUST. 223, 223 (2018).

Moreover, the consequences of such a practice — namely rewarding killers for their actions and inspiring copycat attackers—far outweigh any such gains. Yet despite mounting evidence to support this claim and repeated calls for the media to limit the use of perpetrators’ names and images, the practice continues, rationalized under the First Amendment’s guarantee of freedom of the press and the broader principle of “the public’s right to know.”

In this article, consideration is given to how a more responsible form of media coverage of mass shootings could help to reduce the occurrence of these events. I first examine evidence of a contagion effect, as well as the presence of copycat shootings, that result from the media coverage of these attacks. Next, I explore recommendations for media reporting offered by the World Health Organization (“WHO”) as it relates to a similarly contagious phenomenon—suicide. The way in which such guidelines may be extended to the reporting of mass shootings and what potential outcome this shift might have also is reviewed, as is one such protocol that already is making strides to achieve this: No Notoriety, a campaign established after the 2012 shooting in Aurora, CO, that calls for the limited sharing of the names and photos of perpetrators. Finally, consideration is given to why the media have failed to adopt such recommendations and how this translates into a shift of journalistic practices moving forward in an effort to help reduce the occurrence of mass shootings in the United States.

## I. MASS SHOOTINGS AND COPYCAT ATTACKS

The potential for mass shootings to produce a copycat or contagion effect has been a growing concern among scholars who study these events. Given the amount of media coverage these events receive, such a possibility is not unrealistic. Take for example the April 20, 1999 shooting at Columbine High School, which is considered by many to be a watershed moment in the conversation about school and mass violence.<sup>2</sup>

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2. JACLYN SCHILDKRAUT & GLENN W. MUSCHERT, COLUMBINE, 20 YEARS LATER AND BEYOND: LESSONS FROM TRAGEDY 13–21 (2019).

The attack also is believed to be the first of its kind due to the inordinate amount of media attention it received and, consequently, the manner in which it turned the two perpetrators into household names.<sup>3</sup> Now, twenty years after the shooting, the pair still serve as inspiration for other perpetrators and even are referenced by those whom had not yet been born when Columbine occurred.<sup>4</sup>

Recent studies have documented a potential contagion effect for mass shootings. Media contagion occurs when the news coverage of an incident, like a mass shooting, leads to an increase in similar events.<sup>5</sup> Sherry Towers and her colleagues, among the first to address this possibility, found that for both mass and school shootings, a contagion period of thirteen days exists, during which the likelihood of additional attacks is greater;<sup>6</sup> other studies have shared similar findings.<sup>7</sup> Following the 2018 shooting at Marjory Stoneman Douglas High School in Parkland, FL, for example, researchers found that threats and incidents of school violence increased 300% in the first month after the attack, with the majority coming in the first twelve days — when the news coverage also was at its highest.<sup>8</sup> Contrary to studies identifying a contagion period following some mass

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3. *Id.* at xi, 35–36.

4. Mark Follman, *How the Media Inspires Mass Shooters*, Mother Jones (Oct. 6, 2015), <https://www.motherjones.com/politics/2015/10/media-inspires-mass-shooters-copycats/>; Pierre Thomas et al., *Columbine Shootings' Grim Legacy: More Than 50 School Attacks, Plots*, ABC NEWS (Oct. 7, 2014), <https://abcnews.go.com/US/columbine-shootings-grim-legacy-50-school-attacks-plots/story?id=26007119>.

5. Lisa Pescara-Kovach & Mary-Jeanne Raleigh, *The Contagion Effect as it Relates to Public Mass Shootings and Suicides*, 5 J. CAMPUS BEHAV. INTERVENTION 35, 35 (2017).

6. Sherry Towers et al., *Contagion in Mass Killings and School Shootings*, 10 PLOS ONE e0117259 (2015), at 1, available at <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0117259>.

7. Javier Garcia-Bernardo et al., *Social Media Appears to Affect the Timing, Location, and Severity of School Shootings*, ARXIV PREPRINT (2015), at 1, available at <https://arxiv.org/pdf/1506.06305.pdf>; see generally Jason Kissner, *Are Active Shootings Temporally Contagious? An Empirical Assessment*, 31 J. POLICE CRIM. PSYCHOL. 48 (2016).

8. AMY KLINGER & AMANDA KLINGER, THE EDUCATOR'S SCH. SAFETY NETWORK, 30 DAYS SINCE PARKLAND: SCHOOL-BASED VIOLENT INCIDENTS AND THREATS FROM FEB 15TH-MAR 16TH (2018), available at <https://static1.squarespace.com/static/55674542e4b074aad07152ba/t/5aba8598562fa76217664d9f/1522173337463/fact+sheet+30+days+of+data+since+parkland.Educator%27s.School.Safety.Network.+www.eSchoolSafety.org.pdf>.

shootings, other researchers have found support for a longer term copycat effect for others, similar to what the Columbine attack produced.<sup>9</sup> In fact, one examination found that in the first fifteen years following the attack, there were seventy-four copycat threats specifically referencing the Columbine killers.<sup>10</sup> While fifty-three of the plots were averted, twenty-one were completed, leading to the deaths of eighty-nine people with 126 others injured in the shootings.<sup>11</sup>

The potential for a contagion period or copycat shootings is not only influenced by the amount of coverage these events receive, but also by the manner in which the stories are presented. Oftentimes, the media sensationalize the coverage of these events by naming the shooter, providing detailed news packages including interviews with distraught individuals live from the scene, and including photos and videos of the perpetrator, victims, and crime scene in the loop.<sup>12</sup> Despite the different angles such stories could take, however, the focus has overwhelmingly been found to be on the shooters themselves.<sup>13</sup> This occurs not only in the headlines and bodies of stories,<sup>14</sup> but also in the images that are chosen to be shared within the coverage.<sup>15</sup> As a result, perpetrators are rewarded for killing others by being turned into celebrities of sort — an enticement that may serve as a catalyst for the event in the first place. Furthermore, the potential for copycat or contagion shootings also increases because other like-minded individuals are incentivized to carry out similar attacks when

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9. See Adam Lankford & Sara Tomek, *Mass Killings in the United States from 2006 to 2013: Social Contagion or Random Clusters?*, 48 SUICIDE & LIFE-THREATENING BEHAV. 459, 459 (2018).

10. Mark Follman, *Inside the Race to Stop the Next Mass Shooter*, MOTHER JONES (Oct. 5, 2015), <https://www.motherjones.com/politics/2015/10/mass-shootings-threat-assessment-shooter-fbi-columbine/>; Mark Follman & Becca Andrews, *How Columbine Spawned Dozens of Copycats*, MOTHER JONES, <https://www.motherjones.com/politics/2015/10/columbine-effect-mass-shootings-copycat-data/> (last visited Jan. 24, 2019).

11. Follman, *supra* note 10.

12. Pescara-Kovach & Raleigh, *supra* note 5, at 38.

13. Follman, *supra* note 10.

14. Jaelyn Schildkraut, *Mass Murder and the Mass Media: An Examination of the Media Discourse on U.S. Rampage Shootings, 2000-2012* (May 2014) (unpublished Ph.D. dissertation, Texas State University) (on file with the Texas State University Library).

15. Nicole Smith Dahmen, *Visually Reporting Mass Shootings: U.S. Newspaper Photographic Coverage of Three Mass School Shootings*, 62 AM. BEHAV. SCIENTIST 163, 163 (2018). See also James N. Meindl & Jonathan W. Ivy, *Reducing Media-Induced Mass Killings: Lessons from Suicide Prevention*, 62 AM. BEHAV. SCIENTIST 242, 247 (2018).

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the media shows them the potential rewards they stand to reap.<sup>16</sup> Moreover, the constant focus on the shooters can perpetuate psychological harm to the community and stifle the recovery and healing processes.

## II. THE WORLD HEALTH ORGANIZATION AND SUICIDE REPORTING

While the WHO has yet to address the issue of mass shootings reporting, it has offered guidance to journalists covering a similarly contagious phenomenon: suicide.<sup>17</sup> More than 100 studies have documented a unique relationship between the media coverage of suicide and deaths resulting from imitative behaviors.<sup>18</sup> These systematic reviews have found that a copycat phenomenon, known as the “Werther Effect,” exists, and that suicides increase following media coverage of a suicide event.<sup>19</sup> Moreover, this effect is more pronounced when the coverage is prominent, sensational, and extensive, or if the person who died is of a celebrated status.<sup>20</sup>

Accordingly, the WHO has offered guidelines for how the media can cover stories about suicide responsibly in an effort to temper this copycat effect. One such recommendation relates to the placement of such stories. Specifically, the WHO recommends that stories covering suicide never receive prominent placement (e.g., front page of a newspaper, at the start of a newscast, or as the highest ordered post on a website).<sup>21</sup> Instead, it suggests that better placement is within the inside pages of a newspaper section, later in the news broadcast after several commercial breaks have

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16. Jaelyn Schildkraut & Glenn W. Muschert, *Why the Coverage of Mass Shootings Continues to Miss the Mark and How to Fix It*, THE HILL (Sept. 30, 2018), <https://thehill.com/opinion/criminal-justice/408497-why-the-coverage-of-mass-shootings-continues-to-miss-the-mark-and>.

17. See WORLD HEALTH ORG., PREVENTING SUICIDE: A RESOURCE FOR MEDIA PROFESSIONALS UPDATE 2017 1 (2017), available at <http://apps.who.int/iris/bitstream/handle/10665/258814/WHO-MSD-MER-17.5-eng.pdf>.

18. *Id.* at 3. See also *id.* at 11.

19. See David Gunnell, *A Population Health Perspective on Suicide Research and Prevention: What We Know, What We Need to Know, and Policy Priorities*, 36 CRISIS: J. CRISIS INTERVENTION & SUICIDE PREVENTION 155, 157 (2015). See also Kuang-Kuo Chang & Eric Freedman, *WHO's Media Guidelines in the Press and in Public Perception*, 33 J. MEDIA ETHICS 14, 15 (2018).

20. WORLD HEALTH ORG., *supra* note 17, at 1.

21. *Id.* at 6.

passed, or further down in the order of online posts.<sup>22</sup> Moreover, the word “suicide” should not appear in the headline of the story, nor should the method used to carry it out.<sup>23</sup>

Similarly, the WHO offers recommendations about how the manners in which the suicides are carried out should be discussed. Sensational language should be avoided, as should any verbiage that normalizes suicide or misinforms the public.<sup>24</sup> Statistics, when used, must be verified to ensure accuracy, particularly when there are changes from previously reported figures.<sup>25</sup> Furthermore, like the story lead, the method of suicide should neither be explicitly stated nor described in detail.<sup>26</sup> Finally, the WHO cautions against sharing photographs and video of the scene of the suicide, particularly if it in any way references the method in which the act was carried out, and recommends withholding communications, such as social media posts, text messages, emails, or suicide notes, made by the deceased.<sup>27</sup>

In the United States, agencies such as the American Foundation for Suicide Prevention (“AFSP”), the Centers for Disease Control (“CDC”), the National Alliance on Mental Illness (“NAMI”), and the National Institute of Mental Health all have endorsed similar recommendations.<sup>28</sup> Such guidelines, however, have not been adopted uniformly by news agencies. One study found that in a sample of 968 local and national newspapers covering 157 suicides, a majority of the recommendations, including minimizing details about the location and method of the suicide and providing information about risk factors and warning signs, were not followed.<sup>29</sup> A separate study similarly found that adherence to such

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22. *Id.*

23. *Id.* at 7.

24. *Id.* at 6.

25. *Id.*

26. *Id.*

27. *Id.* at 7.

28. *Recommendations for Reporting on Suicide*, REPORTINGONSUICIDE.ORG, <http://reportingonsuicide.org/recommendations/> (last visited Feb. 17, 2019).

29. Philip T. Tatum et al., *Suicide Coverage in U.S. Newspapers Following the Publication of Media Guidelines*, 40 SUICIDE & LIFE-THREATENING BEHAV. 524, 524 (2010).

guidelines was inconsistent, adding that guideline adoptions also varied based on the type of media outlet (print vs. digital).<sup>30</sup>

When these guidelines are not followed, such as in the case of celebrity suicides, the consequences can, as noted, be deadly. Specifically, stories about celebrities' suicides have been found to increase the likelihood of imitative behavior.<sup>31</sup> One such example is found with the August 11, 2014 death of movie star Robin Williams. In the four months following his highly publicized death, the national suicide rate rose nearly 10%.<sup>32</sup> Moreover, suicides by suffocation — the same manner that Williams used to take his own life (asphyxiation) — increased more than 32% in the five months after his death.<sup>33</sup> Thus, not only does the reporting influence behavior generally, but specifically the methods used. Accordingly, it is clear that following the recommendations offered by these various agencies can produce rewards that far outweigh the costs.

### III. EXTENDING TO WHO GUIDELINES TO REPORTING OF MASS SHOOTINGS

Researchers have repeatedly challenged the media to change their reporting practices as it relates to the coverage of mass shootings in order to minimize possible contagion or copycat attacks.<sup>34</sup> Similarly,

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30. Rachel Nutt et al., *Assessing the Adherence to Guidelines of Media Reporting of Suicide Using a Novel Instrument – the “Risk of Imitative Suicide Scale” (RISc)*, 45 SUICIDE & LIFE-THREATENING BEHAV. 360, 360 (2015). In this study, the researchers found that online publications were more likely to adhere to the recommendations made about suicide reporting (e.g., not using sensational language or giving prominent placement) than the print news outlets. Digital articles also were found to be longer (in respect to word counts), devote more space to including contact information for suicide support, include more positive and fewer negative statements, and incorporate fewer intrusive images into the coverage as compared to those stories that were printed. *Id.* at 368.

31. Steven Stack, *Media Impacts on Suicide: A Quantitative Review of 293 Findings*, 81 SOC. SCI. Q. 957, 965 (2000); Steven Stack, *Suicide in the Media: A Quantitative Review of Studies Based on Nonfictional Stories*, 35 SUICIDE & LIFE-THREATENING BEHAV. 121, 121 (2005).

32. David S. Fink et al., *Increase in Suicides in the Months after the Death of Robin Williams in the US*, 13 PLOS ONE e0191405 (Feb. 7, 2018), <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0191405>.

33. *Id.*

34. Meindl & Ivy, *supra* note 15, at 246–47. See also Adam Lankford & Eric Madfis, *Don't Name Them, Don't Show Them, But Report Everything Else: A Pragmatic Proposal for Denying Killers the Attention They Seek and Deterring Future Offenders*, 62 AM. BEHAV. SCIENTIST 260 (2018); Adam

recommendations for how such events are covered have been offered through campaigns aimed at reducing the attention given to the shooters.<sup>35</sup> Yet, despite such calls and corresponding evidence to underscore their importance, these recommendations have gone largely unheeded by the media.<sup>36</sup> Consequently, the glorification of mass shooters continues—as do the events themselves.

James Meindl and Jonathan Ivy contend that the WHO guidelines easily can be extended to mass shootings,<sup>37</sup> and other researchers have made similar assertions.<sup>38</sup> Specific application of the WHO recommendations include:

- **Avoid sensationalizing the shooting through language, description, or visual presentation.**<sup>39</sup>

Oftentimes, the coverage of mass shootings is steeped in dramatic language and imagery, ultimately becoming what Douglas Kellner calls a “media spectacle.”<sup>40</sup> Television stories are aired with the banner “breaking news,”<sup>41</sup> while newspaper stories are published with sensational headlines that include words such as rampage, bloodshed, massacre, and the like.<sup>42</sup> Many of the stories published in *The New York Times* following the Columbine shooting, for example, were published with headlines leading with “Terror in Littleton.”<sup>43</sup> Similarly, coverage of the April 16, 2007

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Lankford & Eric Madfis, *Media Coverage of Mass Killers: Content, Consequences, and Solutions*, 62 AM. BEHAV. SCIENTIST 151 (2018).

35. *No Name. No Photo. No Notoriety*, NO NOTORIETY, <https://nonotoriety.com/> (last visited Jan 23, 2019). See also *The Reasons*, DON'T NAME THEM, <http://www.dontnamethem.org/> (last visited Jan 23, 2019).

36. Meindl & Ivy, *supra* note 15, at 247.

37. *Id.* at 249–250 (noting studies that have found benefits to media campaigns for a number of social problems).

38. *E.g.*, Jaclyn Schildkraut, *The Media Should Stop Making Mass Shooters Famous*, VOX (Mar. 31, 2018), <https://www.vox.com/the-big-idea/2018/2/22/17041382/school-shooting-media-coverage-perpetrator-parkland>.

39. Meindl & Ivy, *supra* note 15, at 249.

40. DOUGLAS KELLNER, MEDIA SPECTACLE (2003); see also DOUGLAS KELLNER, GUYS AND GUNS AMOK: DOMESTIC TERRORISM AND SCHOOL SHOOTINGS FROM THE OKLAHOMA CITY BOMBING TO THE VIRGINIA TECH MASSACRE (2008).

41. Meindl & Ivy, *supra* note 15, at 249.

42. Schildkraut, *supra* note 14, at 92.

43. See *e.g.*, James Brooke, *Terror in Littleton: The Overview: 2 Students in Colorado School Said*

Virginia Tech shootings often led with “Massacre at Virginia Tech.”<sup>44</sup> This dramatization of an already sensational event called further attention to the attack and, according to Meindl and Ivy, “increase[d] the perceived reward for imitating similar behavior.”<sup>45</sup> Accordingly, reporters and news outlets should strive to present only the facts of the case and do so in a neutral manner, while simultaneously toning down the imagery that accompanies the pieces. Similarly, journalists should avoid describing these events as “the worst mass shooting in the United States,” or some variation of this phrasing. By identifying something as “the worst,” it incentivizes others to aim to exceed the number killed under the belief that they will get even more media attention than the event in question.<sup>46</sup>

▪ **Avoid excessive reporting of the event.**<sup>47</sup>

When news of a mass shooting breaks, so often too does a lengthy period of uninterrupted news coverage and a barrage of newspaper articles, both in print and online. Upon learning about the Columbine shooting, which at the time was still in progress, CNN broke live and continued its uninterrupted coverage for more than six hours.<sup>48</sup> Evening news programs on ABC, NBC, and CBS ran fifty-three stories totaling

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to Gun Down as Many as 23 and Kill Themselves in a Siege, N.Y. TIMES (Apr. 21, 1999), <https://www.nytimes.com/1999/04/21/us/terror-littleton-overview-2-students-colorado-school-said-gun-down-many-23-kill.html>.

44. E.g., M. Alex Johnson, *Massacre at Virginia Tech: Gunman Sent Package to NBC News*, NBC NEWS (Apr. 19, 2007), [http://www.nbcnews.com/id/18195423/ns/us\\_news-crime\\_and\\_courts/t/gunman-sent-package-nbc-news/#.XEKSTlxKjIU](http://www.nbcnews.com/id/18195423/ns/us_news-crime_and_courts/t/gunman-sent-package-nbc-news/#.XEKSTlxKjIU).

45. Meindl & Ivy, *supra* note 15, at 249.

46. Follman & Andrews, *supra* note 10. In their study, individuals in 13 out of 74 cases (17.5%) indicated a direct aim to exceed the body count in the Columbine shooting. *Id.* Following other high-profile shootings, similar goals from would-be perpetrators have been reported. See also Mary Stringini, *Man Arrested in Tampa for Social Media Post Saying He Purchased AR-15, Planned to Kill 400+ People*, ABC ACTION NEWS (Oct. 2, 2018), <https://www.abcactionnews.com/news/region-citrus-hernando/man-arrested-in-tampa-for-social-media-post-saying-he-purchased-ar-15-planned-to-kill-400-people>; Rich Scinto, *Mass Shooters Looking to Be 'More Deviant,' ONEIDA DAILY DISPATCH*, (Feb. 23, 2013), [https://www.oneidadispatch.com/news/mass-shooters-looking-to-be-more-deviant/article\\_67db42d9-784e-5077-870d-ce8898b54678.html](https://www.oneidadispatch.com/news/mass-shooters-looking-to-be-more-deviant/article_67db42d9-784e-5077-870d-ce8898b54678.html).

47. Meindl & Ivy, *supra* note 15, at 249.

48. Glenn W. Muschert, *Media and Massacre: The Social Construction of the Columbine Story* (2002) (unpublished Ph.D. dissertation, University of Colorado at Boulder) (on file with the University of Colorado at Boulder Library).

nearly four hours of coverage on the shooting collectively<sup>49</sup> and a total of 319 stories aired in the year after Columbine on similar programs.<sup>50</sup> This pattern has held among more recent shootings: On the day of Virginia Tech, 60% of network news and 76% of cable news airtime was allocated to covering the shooting.<sup>51</sup> For more than seventy-two hours following the December 14, 2012 shooting at Sandy Hook Elementary School in Newtown, CT, nearly every cable news network broadcast was live from the community.<sup>52</sup> Similarly, a total of 140 stories aired on broadcast evening news programs in the three weeks following the Las Vegas shooting, with nearly 33% of those coming the day after the attack.<sup>53</sup> Such excessive reporting is not limited to television. In the year following Columbine, more than 10,000 articles were published in the nation's fifty most circulated newspapers;<sup>54</sup> the *New York Times* published 170 stories in just the first thirty days after the shooting.<sup>55</sup> Other particularly lethal shootings also have garnered high numbers of newspaper stories, though all have failed to surpass the attention given to Columbine.<sup>56</sup> Accordingly, it is recommended that the story not be permitted to consume the news cycle. This repetition, which often may be redundant, particularly when the news first breaks after the shooting and information is limited, also may incentivize a would-be perpetrator. Instead, the coverage should

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49. Brendan Maguire et al., *Network News Coverage of School Shootings*, 39 SOC. SCI. J. 465, 467 (2002).

50. MATTHEW B. ROBINSON, *MEDIA COVERAGE OF CRIME AND CRIMINAL JUSTICE* 96 (2011).

51. *Widespread Interest in Virginia Tech Shootings*, PEW RES. CTR. (Apr. 25, 2007), <http://people-press.org/report/322/widespread-interest-in-virginia-tech-shootings>.

52. Peter Applebome & Brian Stetler, *Media Spotlight Seen as a Blessing, or a Curse, in a Grieving Town*, N.Y. TIMES (Dec. 16, 2012), <https://www.nytimes.com/2012/12/17/business/media/newtown-has-mixed-feelings-about-the-media-horde-in-its-midst.html>; Jamshid Ghazi Askar, *TV Coverage of Sandy Hook Shooting Draws Heavy Criticism*, DESERET NEWS (Dec. 17, 2012), <https://www.deseretnews.com/article/865568947/In-context-where-TV-coverage-of-Sandy-Hook-shootings-fell-short.html?pg=all>.

53. Cydney Hargis & Timothy Johnson, *Study: Lessons for the Media Following the Worst Mass Shooting in Modern U.S. History*, MEDIA MATTERS FOR AMERICA (Nov. 14, 2017) <https://www.mediamatters.org/blog/2017/11/14/study-lessons-media-following-worst-mass-shooting-modern-us-history/218534>.

54. Katherine S. Newman, *School Shootings are a Serious Problem*, in *SCHOOL SHOOTINGS* 10–17 (Susan Hunnicutt ed., 2006).

55. Hsiang Iris Chyi & Maxwell E. McCombs, *Media Salience and the Process of Framing: Coverage of the Columbine School Shootings*, 81 JOURNALISM & MASS COMM. Q. 22, 27 (2004).

56. Schildkraut, et al., *supra* note 1, at 233.

present and repeat information only so long as it is needed to inform the public about the case (e.g., such as if the perpetrator was still on the loose).

- **Consider the prominence of placement of the stories.**<sup>57</sup>

As with the WHO recommendation for suicide reporting, where the story is placed in the broadcast or the newspaper also must be carefully selected as more prominent placement can lead to increased notoriety for the shootings and, by extension, their perpetrators. Yet for many mass shootings, given their sensational nature and ability to capture the attention of news consumers (which then translates into ratings and subsequent advertising dollars), their coverage often enjoys prominent placement. One study found that in 564 newspaper articles in the *New York Times* covering ninety-one shootings between 2000 and 2012, nearly one out of every five stories were placed on the front page.<sup>58</sup> How long this prominent coverage is sustained for also is problematic. In its analysis, *The Atlantic* found that for eleven shootings, the coverage of each averaged more than six days on the front page, though the length of time any one event received was contingent upon other stories that also may have occupied the news cycle.<sup>59</sup> Therefore, minimizing the amount of prominent space a shooting occupies can help to reduce its perceived newsworthiness and subsequently help to diminish the potential rewards a shooter seeks by carrying out a similar attack.

- **Avoid using video or photos of the shooting.**<sup>60</sup>

The October 1, 2017 shooting in Las Vegas, NV has been found to be the most widely recorded mass shooting to date.<sup>61</sup> Since the shooting,

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57. Meindl & Ivy, *supra* note 15, at 249.

58. Schildkraut, *supra* note 14, at 80.

59. Adam Harris, *The Media's Week-Long Attention Span for a Mass Shooting*, ATLANTIC (Nov. 15, 2018), <https://www.theatlantic.com/education/archive/2018/11/how-long-does-media-cover-mass-shootings/575926/>.

60. Meindl & Ivy, *supra* note 15, at 249.

61. Jason Silverstein, *Las Vegas Shooting: One Year Later, Hundreds of Videos Traumatize Some Survivors*, CBS NEWS (Oct. 1, 2018), <https://www.cbsnews.com/news/las-vegas-shooting-one-year-later-hundreds-of-online-videos-traumatize-survivors/>.

hundreds of different videos depicting the chaotic scene as concertgoers ran for cover, victims laid on the ground shot or dead, and the sounds of rapid gunfire filled the soundtrack, have surfaced online, many of which also have regularly been looped into news broadcasts nationwide, even a year or more after the attack.<sup>62</sup> Cell phone camera footage taken by students during the Parkland shooting also was shared extensively by media outlets.<sup>63</sup> Continuing to loop this vivid imagery into coverage of the attacks, which has questionable news value to begin with, leads to a number of consequences, including providing models for others to follow when paired with additional information.<sup>64</sup> Moreover, the continual replaying of these images can serve to re-traumatize individuals impacted by the attack, the community, and even survivors of other mass shootings.<sup>65</sup>

▪ **Avoid minimizing the perpetrators' actions.**<sup>66</sup>

Many times, people seek to explain why these individuals commit such horrific acts. In doing so, however, they tend to minimize or reason away the shooting and justify or rationalize the action behind it. Following Columbine, the attempted rationalization centered on bullying, suggesting that the two shooters retaliated against those who had tormented them.<sup>67</sup> In the twenty years since the attack, however, that contention has since been refuted,<sup>68</sup> yet the emphasis of bullying as a precursor for mass shootings continues.<sup>69</sup> Shooters also are commonly framed as angry<sup>70</sup> or

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62. *Id.*

63. Brian Stetler, *At Stoneman Douglas High School, Cell Phone Videos Take Us Inside a Massacre*, CNN BUSINESS (Feb. 15, 2018), <https://money.cnn.com/2018/02/15/media/parkland-shooting-cell-phone-videos/index.html>.

64. Meindl & Ivy, *supra* note 15, at 249.

65. *Coping Tips for Traumatic Events and Disasters*, SUBSTANCE ABUSE & MENTAL HEALTH SVCS. ADMIN., <https://www.samhsa.gov/find-help/disaster-distress-helpline/coping-tips> (last visited June 10, 2017) (recommending survivors avoid mass media due to potential to trigger stress and anxiety).

66. Meindl & Ivy, *supra* note 15, at 249.

67. *See generally* DAVE CULLEN, COLUMBINE (2009).

68. *Id.* *See also* William Sanders, *Little Relation Between Bullying Victims and Mass Shooters*, DAILY HELMSMAN (Mar. 28, 2018), [http://www.dailyhelmsman.com/news/little-relation-between-bullying-victims-and-mass-shooters/article\\_16d66870-32d7-11e8-9232-67d8c0fc417e.html](http://www.dailyhelmsman.com/news/little-relation-between-bullying-victims-and-mass-shooters/article_16d66870-32d7-11e8-9232-67d8c0fc417e.html).

69. Samantha Ketterer et al., *Claims of Bullying Surface as Santa Fe Community Mourns Mass*

troubled.<sup>71</sup> Framing the actions of mass shootings in these ways signals to others who find themselves in comparable circumstances that they can respond in a similar fashion.<sup>72</sup> Additionally, it suggests to members of the public that these perpetrators can be profiled when, in reality, it is not possible to do so as it would result in over-prediction (suggesting that more people are potential mass shooters based solely on similar characteristics).<sup>73</sup> Given that mass shootings are complex events and their causes equally as multifaceted, presenting them and their perpetrators in such simplistic terms can be misleading.

▪ **Avoid describing mass shootings as part of a trend.**<sup>74</sup>

Mass shootings are routinely contextualized as being “on the rise.”<sup>75</sup> The reality is that, while these events are increasing in frequency, they remain statistically rare.<sup>76</sup> More broadly, homicides in the United States make up just 1.2% of violent crimes and 0.1% of all offenses known to

*Shooting*, HOUS. CHRON. (May 23, 2018), <https://www.chron.com/news/houston-texas/houston/article/bullying-Santa-Fe-High-School-texas-mass-shooting-12927991.php>.

70. Ian Duncan & Nicholas Bogel-Burroughs, *Capital Gazette Shooting Suspect's Anger Flared, and Fell Silent. Then, Police Say, It Exploded*, BALT. SUN (July 8, 2018), <https://www.baltimoresun.com/news/maryland/crime/bs-md-ramos-profile-20180705-story.html>; Sady Doyle, *If You Don't Think Stephen Paddock "Fits the Mass Shooter Profile," You Haven't Been Paying Attention*, ELLE (Oct. 3, 2017), <https://www.elle.com/culture/career-politics/a12772832/stephen-paddock-las-vegas-mass-shooter-profile/>.

71. Francis Robles & Nikita Stewart, *Dylann Roof's Past Reveals Trouble at Home and School*, N. Y. TIMES (July 16, 2015), <https://www.nytimes.com/2015/07/17/us/charleston-shooting-dylann-roof-troubled-past.html>; Rick Rojas & Kristin Hussey, *Newly Released Documents Detail Sandy Hook Shooter's Troubled State of Mind*, N. Y. TIMES (Dec. 10, 2018), <https://www.nytimes.com/2018/12/10/nyregion/documents-sandy-hook-shooter.html>; Washington Post Staff, *Red Flags: The Troubled Path of Accused Parkland Shooter Nikolas Cruz*, WASH. POST (Mar. 10, 2018), <https://www.washingtonpost.com/graphics/2018/national/timeline-parkland-shooter-nikolas-cruz/>.

72. Meindl & Ivy, *supra* note 15, at 249.

73. SCHILDKRAUT & MUSCHERT, *supra* note 2, at 153–154.

74. Meindl & Ivy, *supra* note 15, at 249.

75. Jaelyn Schildkraut, H. Jaymi Elsass, & Mark C. Stafford, *Could It Happen Here? Moral Panic, School Shootings, and Fear of Crime Among College Students*, 63 CRIME & L. & SOC. CHANGE 91 (2015).

76. JACLYN SCHILDKRAUT ET AL., SUNY ROCKEFELLER INSTITUTE OF GOV'T, CAN MASS SHOOTINGS BE STOPPED?: TO ADDRESS THE PROBLEM, WE MUST BETTER UNDERSTAND THE PHENOMENON 3 (May 22, 2018), available at <https://rockinst.org/wp-content/uploads/2018/05/5-22-18-Mass-Shootings-Brief.pdf>.

law enforcement annually.<sup>77</sup> Mass shootings make up a fraction of an already rare form of crime. Yet these statistics are rarely, if ever, reported to offer much-needed context about the prevalence (or lack thereof) of these events.<sup>78</sup> Thus, reporting these events as “on the rise” can serve to make these events appear more commonplace and normalize the behavior, which also may entice copycat attackers. Such reports also provide viewers with a disproportionate understanding of their potential risk of victimization, which, like the occurrence of the shootings themselves, remains quite low.<sup>79</sup>

▪ **Avoid publishing content from the perpetrators.**<sup>80</sup>

A number of mass shooters leave behind documents, photographs, and even videos that detail their plot and chronicle their actions leading up to the attack. The Virginia Tech perpetrator, for example, mailed a package to NBC News in the nearly two-hour span between the shootings at the West Ambler Johnston Dormitory and Norris Hall.<sup>81</sup> The package contained an 1,800-word manifesto, forty-three photographs, and more than two-dozen videos.<sup>82</sup> The perpetrator of the May 23, 2014 shooting in Isla Vista, CA, left behind a 141-page manifesto as well as a series of YouTube videos, including one entitled “Retribution” posted the day before the attack.<sup>83</sup> The Parkland shooter posted numerous photos of himself, often posing with his weapons, on social media.<sup>84</sup> Before the

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77. Schildkraut et al., *supra* note 1, at 226.

78. Jaelyn Schildkraut, *Mass Murder and the Mass Media: Understanding the Construction of the Social Problem of Mass Shootings in the US*, 4 J. QUALITATIVE CRIM. JUST. & CRIMINOLOGY 1, 27 (2016).

79. SCHILDKRAUT ET AL, *supra* note 76.

80. Meindl & Ivy, *supra* note 15, at 250.

81. REPORT OF THE VA. TECH REVIEW PANEL, MASS SHOOTINGS AT VIRGINIA TECH 26 (Aug. 2007), available at <https://scholar.lib.vt.edu/prevail/docs/VTReviewPanelReport.pdf>.

82. Robert Windrem, *Va. Tech Killer's Strange 'Manifesto'*, NBC NEWS (Apr. 19, 2007), [http://www.nbcnews.com/id/18187368/ns/us\\_news-crime\\_and\\_courts/t/va-tech-killers-strange-manifesto/#.XEof3FxFkJIU](http://www.nbcnews.com/id/18187368/ns/us_news-crime_and_courts/t/va-tech-killers-strange-manifesto/#.XEof3FxFkJIU).

83. Ian Lovett & Adam Nagourney, *Video Rant, Then Deadly Rampage in California Town*, N.Y. TIMES (May 24, 2014), <https://www.nytimes.com/2014/05/25/us/california-drive-by-shooting.html>.

84. Elliott C. McLaughlin & Madison Park, *Social Media Paints Picture of Racist 'Professional School Shooter'*, CNN (Feb. 15, 2018), <https://www.cnn.com/2018/02/14/us/nikolas-cruz-florida-shooting-suspect/index.html>.

attack, he also recorded his own version of a manifesto on a cell phone.<sup>85</sup> In each of these instances, and others alike, the media shared this content either in part (Virginia Tech) or in whole (Isla Vista and Parkland). Further, in sharing, the media are helping to share messages from the shooters, including how to commit similar acts of violence. It bears noting that the Columbine perpetrators also left behind similar content, a series of videos that later were dubbed “The Basement Tapes.” Their content, however, was so disturbing that the Jefferson County Sheriff’s Office, citing concerns that the tapes would provide a template for other would-be shooters, destroyed the tapes after they had been sealed for twelve years and before they had a chance to be released to the public.<sup>86</sup> Thus, the media should avoid publishing or reproducing content left behind shooters, not only because it provides guidance for others on how to carry out similar attacks, but it also glamorizes the shooters themselves.

▪ **Avoiding elevating the perpetrator.**<sup>87</sup>

Finally, effort should be made at all costs to avoid elevating the status of the perpetrator. The media can avoid elevating the status of perpetrators by following many of the preceding points. Still, the press also should engage in limiting the use of the perpetrators’ names and images, instead focusing on reporting concrete details about the event in a factual, unemotional, and unbiased way. Doing so removes the incentive of making perpetrators household names.

#### IV. NO NOTORIETY

While the WHO recommendations have yet to be extended to the coverage of mass shootings, one grassroots campaign has been making

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85. *Parkland School Shooter Nikolas Cruz Plans the Mass Shooting on Cellphone Video*, S. FLA. SUN SENTINEL, <https://www.sun-sentinel.com/local/broward/parkland/florida-school-shooting/99367023-132.html> (last visited Jan. 24, 2019).

86. SCHILDKRAUT & MUSCHERT, *supra* note 2, at 33–34. The *Denver Post* actually sued seeking access to the tapes, but the Colorado Supreme Court ruled the tapes were “criminal justice records” and thus outside the scope of the Colorado Open Records Act. *See Harris v. Denver Post Corp.*, 123 P.3d 1166 (Col. 2005).

87. Meindl & Ivy, *supra* note 15, at 249.

strides in educating the media on the consequences of prioritizing the perpetrators of these events. The No Notoriety campaign was started by Tom and Caren Teves after their son Alex was murdered in the July 20, 2012 mass shooting at an Aurora, CO movie theater. The campaign's media protocol incorporates many of the recommendations outlined here with an emphasis on balancing the public's need for information with the potential harm the coverage could bring. Specifically, it advocates for a limited use of the perpetrators' names (no more than once per article or broadcast segment), no prominent placement of the story or its components (e.g., photographs), and a refusal to publish manifestos or other content generated by the shooters.<sup>88</sup>

In addition to these general recommendations, the No Notoriety protocol also recommends prioritizing the victims of the attacks, whether they are injured or killed, rather than the perpetrator. Similarly, it calls for the inclusion of data and analysis from experts to help offer the necessary context needed to fully understand such an event. Perhaps most importantly, the protocol advocates for reporting information such as the mindset, demographics, and possible motive for the attack, but cautions that this can be achieved without elevating the likeness of the perpetrators.<sup>89</sup> While some reporters (e.g., *CNN*'s Anderson Cooper) and news organizations (e.g., 9News in Denver) employ the No Notoriety protocol, widespread adoption of the recommendations, consistent with those offered by the WHO, has yet to occur.

#### V. THE RESISTANCE TO ADOPT THESE GUIDELINES AND THE NEED TO OVERCOME IT

There are two common responses from the media when asked why they are not willing to adopt the recommendations made by the WHO or the No Notoriety protocol. The first centers on the First Amendment's guarantee of freedom of the press.<sup>90</sup> In many cases, this guarantee may be viewed as absolute, such that the press can report on any topic they choose without

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88. NO NOTOREITY, *supra* note 35.

89. *Id.*

90. U.S. CONST. amend. I.

limitation or interference from the government.<sup>91</sup> The second concerns the public's "right to know," which also draws, in part, upon the First Amendment.<sup>92</sup> When the public has a right to know, the media see it as their responsibility to inform them.

The ratings that mass shootings bring suggest that these events produce an insatiable appetite for information among news consumers that largely can only be satisfied by the media, which is likely a third reason why the press are reluctant to change their reporting practices. On the day of the Virginia Tech shooting, CNN, which typically averaged 450,000 daily viewers,<sup>93</sup> drew an audience of 1.4 million viewers.<sup>94</sup> Similarly, Fox News doubled its regular daily audience,<sup>95</sup> attracting 1.8 million viewers.<sup>96</sup> Such increases, however, were not only unique to the television format. MSNBC's website, which averaged 400,000 unique daily page views,<sup>97</sup> ballooned to 108.8 million on the day of the Virginia Tech shooting.<sup>98</sup> The coverage of the Sandy Hook Elementary School shooting also led to big payoffs for news outlets: CNN's afternoon and evening news slots (between 3:00 p.m. and 9:00 p.m.) all averaged between two and three million viewers per show, with one — Wolf Blitzer's *The Situation Room* — rated second among adults eighteen to forty-nine by Nielsen.<sup>99</sup> Given that more viewers equal higher ratings, which translates into more

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91. William J. Brennan, Jr., *The Supreme Court and the Meiklejohn Interpretation of the First Amendment*, 79 HARV. L. REV. 1, 4 (1965).

92. Thomas I. Emerson, *The First Amendment and the Right to Know*, 1976 WASH. U. L.Q. 1, 2 (1976).

93. JACLYN SCHILDKRAUT & H. JAYMI ELSASS, MASS SHOOTINGS: MEDIA, MYTHS, AND REALITIES 45 (2016) (citing *Cable TV Audience: 2006 Annual Report, Fox News vs. CNN*, PEW RES. CTR.'S PROJECT FOR EXCELLENCE IN JOURNALISM, <http://www.journalism.org/node/507>).

94. Joe Garofoli, *Virginia Tech Massacre/New-media Culture Challenges Limits of Journalism Ethics*, S.F. GATE (Apr. 20, 2007), <https://www.sfgate.com/politics/joegarofoli/article/VIRGINIA-TECH-MASSACRE-New-media-culture-2575867.php>.

95. See SCHILDKRAUT & ELSASS, *supra* note 93.

96. Garofoli, *supra* note 94.

97. MSNBC.com, WEB STATS, <http://www.thewebstats.com/msnbc.com> (last visited Jan 24, 2019).

98. Garofoli, *supra* note 94.

99. *Friday Cable Ratings: 'Gold Rush' Wins Night Sandy Hook News Coverage, 'Jungle Gold', 'Duck Dynasty', 'Friday Night Smackdown' & More*, TV BY THE NUMBERS (Dec. 17, 2012), <https://tvbythenumbers.zap2it.com/sdsdskdh279882992z1/friday-cable-ratings-gold-rush-wins-night-sandy-hook-news-coverage-jungle-gold-duck-dynasty-friday-night-smackdown-more/162164/> (last visited Jan 24, 2019).

advertising revenue, it is clear that mass shootings are big business for the media.

Yet research finds that news consumers still will follow the coverage of mass shootings even if the media were to adopt a No Notoriety format where they minimized the presentation of the perpetrators' names and images. One recent study found that more than six out of every ten news consumers would still follow the coverage if a No Notoriety format for covering these events was adopted nationally.<sup>100</sup> Interestingly, 70% of respondents indicated that they found the existing coverage to be overly sensational and 80% expressed that they believed the extensive media attention of mass shootings could lead to copycat attacks.<sup>101</sup> These perceptions may be driving why news consumers support the adoption of a more responsible form of reporting and why the overall findings indicate that the media can make such a shift without worry of loss of their audience.

Moreover, the recommendations specifically related to limiting the incorporation of the perpetrators' names and images in the news coverage are not a violation of the First Amendment but are instead a call for more responsible reporting. Most importantly, No Notoriety calls for media to adopt these standards voluntarily. Such discretionary policies have long been recognized to pose no First Amendment issue.<sup>102</sup> Furthermore, as noted above, none of the recommendations offered or protocols in existence advocate for a complete blackout of this information, only that it be used sparingly. Limiting the inclusion of the name of the shooter to once per story, for instance, reduces the attention that individual receives. In its place, simply referring to the individual as "the perpetrator" achieves the same end — details about their actions, backstory, and the case still can be presented without giving added notoriety to the person who caused such harm. Denying notification of the individual by name removes the reward of seeing "their name in lights," which may then remove the

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100. Ryan McHale & Jaelyn Schildkraut, *Covering Rampage: News Consumers' Perceptions About Mass Shootings in the Media*, Presentation at the Academy of Criminal Justice Sciences Annual Meeting (Feb. 2018).

101. *Id.*

102. *See, e.g., Alliance for Community Media v. FCC*, 56 F.3d 105, 114 (D.C. Cir. 1995) (finding no First Amendment violation for cable companies voluntary decision to limit indecent programming).

incentive for other would-be mass shooters.

Though the Society of Professional Journalists (“SPJ”) recognizes that “the highest and primary obligation of ethical journalism is to serve the public,” it also recognizes the importance of doing no harm, so much so that it is written into the code of ethics.<sup>103</sup> Specifically, the SPJ charges journalists with balancing the public’s need for information against the potential harm and discomfort such reporting could bring. As such, the organization urges journalists to show compassion for those who may have been impacted by the event that they seek to interview, particularly with juveniles (as is the case with school shootings) or members of other vulnerable populations), and to recognize the reach and permanence of publication and consider the implications accordingly before a story goes live.<sup>104</sup> While the SJP does not suggest, nor do I, that events like school and mass shootings not be reported on, it does contend that the coverage must be pursued responsibly and sensitively.<sup>105</sup>

### CONCLUSION

Mass shootings continue to be a source of concern in the United States, yet a promising avenue for helping to reduce the occurrence of these events remains largely unexplored. While the public has a right to know about mass shootings and the media have a responsibility to provide that information, the way this process occurs could have grave consequences. Despite the routine contention that the recommendations offered here are an infringement on the First Amendment freedom of the press and the public’s right to know, the reality is that the press can still satisfy both goals with a shift in reporting. More specifically, the five W’s of any news story—the who, what, where, when, and why (and even the how)—still can be reported without celebrating the perpetrator by simply removing their name and image. These small changes are likely to produce

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103. SPJ CODE OF ETHICS, SOC’Y OF PROF. JOURNALISTS (2014), *available at* <https://www.spj.org/ethicscode.asp> (last updated Sept. 6, 2014).

104. *Id.*

105. *Reporting on Grief, Tragedy and Victims*, SOC’Y OF PROF. JOURNALISTS, <https://www.spj.org/ethicscode.asp> (last visited Jan 25, 2019).

numerous benefits in addition to help reduce the number of mass shootings, such as attracting news consumers who may limit their exposure to the coverage due to “mass shootings fatigue.”<sup>106</sup>

The question remains that if there is documented support for a copycat or contagion effect of mass shootings, such that the existing coverage format leads to an increased potential for additional events, and news consumers indicate that they will still tune in even if there is a shift in reporting practices, then why are the media so reluctant to change their approach? More importantly, if their own code of ethics indicates that journalists are expected to minimize harm, yet their coverage produces a likelihood of increased attacks that lead to more people being injured or killed, then is it not their responsibility to help mitigate such losses through more responsible reporting? While conversations addressing these questions have begun taking place in editorial meetings and newsrooms, this needs to be a more widespread, protracted conversation. This shift is needed, and the time for it is now.

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106. The phrase “mass shootings fatigue” is a term coined by the author to describe the tone related to these attacks in the U.S. Due to the number of events that occur and the media’s excessive reporting, news audiences may become numb to the issue, such that “not one more” becomes “add another to the list.” See also Joan Cook, *Becoming Numb to School Shootings Won’t Save Anyone*, TIME (Feb. 15, 2018), <http://time.com/5160556/mass-school-shootings-outrage-numbness/>.