



Checklist for Redaction and Substitution in Criminal Proceedings

- File a Notice of Appearance and Assertion of Victims' Rights (NOA).
- File a Motion for Redaction and Substitution that Includes:
 - The jurisdiction-specific standard for redacting and substituting documents.
 - Legal support for redaction of a victim's name or other identifying, locating, or otherwise private information (e.g., addresses, social security numbers) and substitution of a redacted version or a version that uses a pseudonym in place of the victim's name, including:
 - ▶ Federal constitutional right to privacy.
 - ▶ Jurisdiction-specific constitutional, statutory, or rule-based rights to privacy.
 - ▶ Jurisdiction-specific constitutional, statutory, or rule-based rights to protection.
 - ▶ Jurisdiction-specific constitutional, statutory, or rule-based rights for victims to be treated with fairness, dignity, and respect.
 - ▶ Federal constitutional right to meaningfully access the courts.
 - ▶ Jurisdiction-specific constitutional, statutory, or rule-based right to access justice.
 - ▶ Victim- or crime-specific authority (e.g., some jurisdictions provide protections for child-victims, sexual assault victims).
 - * If any right is not explicit, case law may establish the right.
- Request that all original versions of documents be placed under seal.
- Citing the legal bases discussed above, request a protective order instructing the parties not to use or disclose the identity of the victim or any other redacted information in future proceedings, filings, or public communications.
- Seek appellate review of adverse court rulings by direct appeal or the appropriate writ.
- If the parallel civil case is proceeding against defendant, considering seeking a stay of the civil case until the conclusion of the criminal proceedings.



- Assess whether unredacted records are available online or exist outside the case but in a public forum. If so
 - ▶ Send a letter to the record holder or online service providers requesting that the document be removed and replaced with the legally accurate, redacted version.
 - ▶ If they are unwilling to remove and replace the information, seek a court order requiring that they do so.
 - * If any party (prosecution or defense) moves for redaction or requests a protective order be sure to preserve independent standing to seek appellate review (e.g., by formally joining the motion, filing a motion for reconsideration of an adverse decision).



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