

In the Spotlight

Crucial Questions for
Documentary Participants

Table of Contents

INTRODUCTION	03
CREATORS' NOTES	04
GLOSSARY	06
QUESTIONS	08
Consent: Do I agree to be filmed?	08
Content & Logistics: What will be filmed and how will it be filmed?	10
Compensation: Will I be paid for my time and resources?	11
Participant Rights: What rights do I have?	12
Creative Rights: What does collaboration look like?	13
Health & Wellbeing: How will I be taken care of during and after filming?	15
Protection: Will I be put in danger?	17
Distribution & Impact: What is the future life of the film?	19
RESOURCES AND CREDITS	23

Introduction

Welcome to an open conversation about a very big decision that you're about to face. We created this list of questions that you can bring to the initial discussions if you've been approached to be in a documentary. Not only will the questions help you determine if you'll agree to be a participant and assist you in setting equitable terms for the partnership, but they will also open up a healthy dialogue that will make the filmmaking process much smoother if you choose to participate.

For some of the questions below, you and/or the filmmaker might not have all of the answers right away; and that's okay. Not all questions may apply to every situation; and some questions may inspire other questions. We view this list as a starting point for a dialogue that will continue throughout the filmmaking process. The questions encourage transparency at every stage, so that you can make an informed decision. The list is meant to be used creatively, and is not meant to discourage you from participating. Our aim is to have both you and the filmmaker leave the discussion feeling informed and empowered.

Whether you're a new filmmaker, a film student, or a seasoned industry professional; or if you're an expert who's appeared in many documentaries, a passionate community organizer, or new to this all; everyone can benefit from an open dialogue. If you take the time to look through the list, you'll start to realize that none of these questions will jeopardize the story being told or the filmmaker's ability to partner in telling the story. If clear, open communication is fostered, there will be a pathway to more equitable, engaging storytelling.

Together, if we ask the right questions, we can make the documentary industry even better!

Creators' Notes

Writing this list was quite an emotional task at the beginning. I put myself back to December 2001 — my mother had just died, and the police had listed my father as their number one suspect for her death. I wanted to imagine the questions I could have, or should have, asked a team of French filmmakers when they approached my family to be in a documentary about my dad's legal case.

My name is Margie Ratliff, and I was a participant in the documentary, *The Staircase* (Netflix, 2018), and am the producer and participant of the documentary, *Subject* (Greenwich/Kanopy, 2023). I've had the unique opportunity of having been a participant of a documentary for 17 years while also becoming a documentary filmmaker at the same time. From this perspective, I put myself in a very meta position of making *Subject*, a documentary about how to treat your documentary participants with more care and respect.

While touring the globe with *Subject* in 2022 and 2023, I was able to meet close to a hundred different people who had been participants in a documentary or had been approached to be participants in a new documentary. Through these conversations, it was clear to me that participants need more support and resources. Many people had questions and deep concerns around giving their consent to be filmed. Participants told me they felt like consent on film shoots was just a signature on a release form, and then never talking about it again with the filmmakers. My family has had a tough time with issues around consent as well with *The Staircase*.

These issues around consent, as well as mental health concerns and questions around compensation for participants, are what moved me to create the nonprofit Documentary Participants' Empowerment Alliance (DPEA). So when the nonprofit, Peace is Loud, approached me to write a list of questions to spark important, meaningful dialogue between documentary participants and filmmakers, I was willing to peer back into a very traumatic time in my life, in order to make a resource that could help foster healthy, respectful partnerships between documentary participants and their filmmakers.

—Margie Ratliff

Creators' Notes

When I was thirteen, my grandmother, Erna Trocola, was featured in a documentary that changed our family's lives. *The Lost Children of Berlin* chronicled the reunion of the last Jewish school in Nazi Germany, where she had been a student. She was surprised to meet film crews documenting the reunion, but relished the opportunity to tell her father's story—he was a gentle man killed by the Nazis along with much of her family.

The filmmakers, including director Elizabeth McIntyre and executive producer Steven Spielberg, treated my grandmother, and our whole family, with respect, sensitivity, and care, honoring her wishes to keep her father's memory alive. When she requested to speak his name on camera, they agreed, and later provided us with a copy of her full interviews for the film so we could have a record of our family's history. They flew our family to Los Angeles for the film's premiere, then planned a week of meaningful activities that made us feel like valued, special guests. All of this was unpublicized and served no marketing or promotional purposes; rather, it was for my grandmother's enrichment.

After the film's VHS release, my grandmother organized screenings and Q&As at schools, libraries, and religious centers, running her own impact campaign of sorts. Late in life, she found purpose in her ability to memorialize her father and use her experiences in service of ending oppression for all, building connections between genocides that preceded the Holocaust and those that followed it. After she died, I found folders full of letters from people who had seen the film and were moved to write to her about it.

Inspired by our family's experiences, I pursued a career in documentary film, but I learned that not all productions intentionally centered film protagonists' health and well-being. Often the industry exploited participants, intentionally or not, and benefited from their trauma and labor without prioritizing their needs.

In my role as Director of Film Impact and Innovation at Peace is Loud, I now help filmmakers center care for film protagonists—and help the industry similarly reshape their practices. Participating in a documentary film helped my family begin to heal from intergenerational trauma and brought new meaning to our lives. I hope these questions can help other participants navigate the filmmaking process and find similar purpose and agency as a result.

—**Stephanie Palumbo**

Glossary

Throughout this resource, we use some terms that aren't widely known outside of the film industry, so we are providing this list of definitions to help us share a common understanding.

Filmmaker

We're using "filmmaker" as a catch-all term for filmmakers, production companies, distributors, and others in the industry.

I

When we say "I," we mean not only the participant as an individual but also their family and community.

Consent

To some, consent may mean agreeing to be on camera, but to us it means informed consent—the idea that you actually know what you're saying yes to. Ideally this is an ongoing process, with continual conversations between filmmakers and participants, not just signing a release form written in confusing legal jargon.

Non-Disclosure Agreement (NDA)

A filmmaker might ask you to sign an NDA that says you won't talk about certain things (or everything) from the process of making the film. This could be included in your contract or release form, or this could be a stand-alone document.

Artificial Intelligence (AI)

AI refers to the rapidly-changing technology that allows computers to do things that only people used to be able to do.

Life Rights

These are the rights to use details from your life, like your name, appearance, and experiences, in books, TV shows, feature films, and other forms of media, etc. Filmmakers may ask you to sign over your life rights—in other words, to give them permission to use these rights or sell them to others in the future. If you do this, you may lose the ability to be involved, approve, or stop projects based on your life.

Glossary

Impact Campaign

Documentaries often have impact campaigns, or strategic activities that use the film as a tool for social change. This can include screenings, partnerships with aligned communities, social media, speaking engagements, the creation of resources like action toolkits, or a wide variety of other initiatives.

Terms

Your contract or appearance release form might include terms of how long the rights will last, where the rights apply, and what kind of media they cover. When you see “in perpetuity,” this means forever. “All media” means any form of media, including new forms that haven’t been invented yet. “Worldwide” means everywhere on earth, and “throughout the universe” means just that—in space as well as on earth.

Compensation

This is payment for your time and labor. It could involve being paid directly, having money deposited into something like a scholarship fund, profit sharing, or other options. An alternative to this is community compensation, where the filmmakers invest into something that benefits the whole of your community and not just you as an individual—like when the documentary, *The Territory* (2022), set up a multimedia center for the participants and their community.

Archival materials

This includes any footage, images, audio, or other materials you created and own the rights to; like your artwork, personal photos, or home movies. Filmmakers will often ask you to sign a license so they can show items from your archives on screen.

Questions

CONSENT: *DO I AGREE TO BE FILMED?*

What are the filmmaker's intentions?

Why is the filmmaker making this film?
* *What are the filmmaker's dreams for the film?*

What does the filmmaker want to get out of the filming process and the final distribution?

What are my rights around giving consent?

Do I have to consent to being filmed? Can I say no or opt out at any point?

When do I have to decide if I want to be in the film?

Will I need to sign a release form?
* *If so, can I have my own lawyer with me to look over the form?*
* *Are there any resources for me to find a lawyer who can assist with this process?*
* *How long will I have to review the form?*
* *Alternatively, can I provide my own release form?*

How often will I be asked to give consent to appear in the film?
* *If I signed a release form, does it last in perpetuity, or will I have the opportunity to revisit it at any point in the future?*

Will I be required to sign a Non-Disclosure Agreement at any point in the filmmaking process?

CONSENT: DO I AGREE TO BE FILMED?

Who gives consent?

If filming in a group setting, such as an organization or family, who will be given the power to consent, and why?

- * For instance, will one family or group member's consent apply to everyone, or will each person have the opportunity to consent?

How are the filmmakers going to handle consent for children under the age of 18?

- * If the parent/guardian signs a release form for them now, will the child get the right to sign a new contract when they are older?
- * Once the child is over 18, would it be possible for the footage of them to be edited out of the film?

Must a parent/guardian be present when filming children under 18?

During the course of the film, if a parent/guardian becomes unavailable—is incarcerated, falls ill or is hospitalized, or even dies—will the filmmakers stop filming the children, now that the guardian is no longer present?

Why would someone give consent?

Can I speak to someone who was in one of your previous films to learn about their experience?

What are the possible legal consequences if I am involved with this film?

If your participant is in jail/prison or becomes incarcerated during the course of the film, how are you going to make sure the participant is not consenting under duress?

- * Will the filmmakers offer any funding for their legal needs?
- * Will the filmmakers take away jail/prison visits from family or friends in order to film?

CONTENT & LOGISTICS: *WHAT WILL BE IN THE FILM AND HOW WILL IT BE FILMED?*

Who will be in the film?

Will my family/ children be interviewed or appear in the film?

Will my colleagues and/or group members appear in the film?

Will any of my adversaries be included in the film?

If I feel untruths are included in the film, what is the process for me to talk to the filmmakers about it?

What will filming look like?

When will I be filmed?

When will the filming start?
When will it end?

What form will this project take?
* Will it be a mini-series, a series, a movie, a podcast, or something else?

COMPENSATION: *WILL I BE PAID FOR MY TIME AND RESOURCES?*

Will there be compensation during filming?

Will I be paid for my story and/or time?
* *If so, how will my rate be calculated?*

Will I be paid for the use of any of my own archival materials?

Will I be paid for my electricity bill if film equipment is used in my home or office?

Will I be paid for childcare/missed wages from work on the days when we film?

Will I be paid a location fee if we film inside my home?

If I will not be paid, are there alternative forms of compensation (support like a grocery store gift card, contribution to a college fund, and/or investment in community organizations, e.g.) we can explore?

What if the film makes money?

What is the film's total budget?
* *How much has been raised?*
* *Will you keep me apprised of the fundraising progress?*

What if the film never makes any money? Is there a way to make sure I still received an agreed-upon payment?

If the film makes money, who keeps it?
* *Will the money be split or shared?*
* *Will I be paid?*
* *Will my family or colleagues be paid?*

If the participants do end up making a lot of money, will there be resources for how to manage the money, deal with taxes, and/or navigate disability or other benefits we might receive?

PARTICIPANTS' RIGHTS: *WHAT RIGHTS DO I HAVE?*

Will my family and I keep our life rights? How will the filmmakers ensure this?

Will I have control over my own name, image, and likeness when new technology (like holograms, AI, or robots) becomes available to the filmmakers and/or distribution companies?

- What is the filmmaker's philosophy on dialogue editing?
- * *Would they consider using AI to fill in or replace audio in their film?*
 - * *Am I able to write into my contract that the production will not use AI to augment or replace my likeness and/or voice?*
 - * *Will my audio ever be used out of context in an unrelated scene, and if so, will I be able to give feedback?*

Will I get to keep the rights to my own archival materials?

CREATIVE RIGHTS: WHAT DOES COLLABORATION LOOK LIKE?

What will the credits look like?

Will I be listed in the credits? If so, how and where, exactly?

- * *What are some of the options for my role to be named?*
- * *Could I be called "Participant" or "Protagonist" instead of "Subject"?*

If I film interviews or scenes for the film, how will I be credited?

If any of my archival materials are used in your film, will I be credited? What will this credit look like?

What are the collaboration opportunities?

Can I be involved in the filmmaking process?
* *Are there opportunities for me to take on a role, such as a co-director, producer/co-producer, intern, production assistant, or cinematographer?*

If I'm interested in filmmaking, would your crew be open to showing me how to use their film equipment?

CREATIVE RIGHTS: WHAT DOES COLLABORATION LOOK LIKE?

What will be my involvement in the editing process?

Can I be involved in the editing process?

Who has final decision-making power on the edit of the film?

Can I approve the film or ask for changes before it's released?
* *Can I ask the filmmakers to take out any scenes that are too painful for me to watch?*

How will footage be used?

Can I use any of the documentary footage for my own film projects?

Can I get a copy of my interview and/or the footage of myself that was not used in the film?

Can I get a copy of archival materials that might be found of me or my family?

How will the raw footage be stored?
* *Will the filmmakers and/or distribution companies retain all of it?
If so, for how long will the footage be retained?*
* *If the footage will be deleted, will I learn about this before it happens?*
* *If I want the footage to be deleted—for legal reasons or if I change my mind—what is the process for me to make this happen?*
• *Can I ask the filmmakers to delete footage that could harm my legal case if the footage was subpoenaed?*

HEALTH & WELLBEING: *HOW WILL I BE TAKEN CARE OF DURING AND AFTER FILMING?*

What is the filmmaker-participant relationship?

Before filming begins, can I meet the filmmaking crew and ask them questions?

How long do you expect the participant-filmmaker relationship to last?

What physical support is available?

If I require the interview space/set to be ADA accessible, is this something the filmmakers will provide?

- * *Will accessible travel be provided?*
- * *What about at screenings, festivals, and other film-related events?*

If the pace of production is harmful to my health, or if unexpected health needs arise, how will the filmmakers address this?

- * *Can I take breaks as needed?*

How long will I be expected to film—how many days/weeks, and how many hours per day?

- * *What happens if filming exceeds your expected timeframes?*

Will hair, makeup, and/or attire assistance or guidance be offered prior to filming?

HEALTH & WELLBEING: *HOW WILL I BE TAKEN CARE OF DURING AND AFTER FILMING?*

What mental health support is available?

Will there be a mental health facilitator available for me during and/or after the filming process?
* *Will there be mental health support available when I see the film for the first time?*

Will mental health assistance be available for the filmmakers and crew?
* *Will there be any coaching for the crew on how to ethically treat a participant in crisis?*

If the film deals with difficult situations and/or trauma in my life, what kind of resources will the filmmakers provide for me, and for how long?
* *If the film puts me in legal jeopardy, physical danger, or threatens my mental health, what resources will the filmmaker provide to ensure my safety?*
* *If I need to hire a therapist and/or lawyer as a result of the filming, will the filmmaker provide one for me, or pay for my therapy or legal bills?*

**PROTECTION:
WILL I BE PUT IN DANGER?**

**What boundaries
can we set?**

Are there boundaries we can set around interview questions?

- * *Is it an option for me to not answer a question, if I don't feel comfortable or don't want to answer it?*
- * *Are we able to supply certain interview questions for ourselves?*
- * *Will we be able to see the interview questions before our interview?*

Will there be boundaries set around filming locations, especially for children and professionals?

- * *Will there be filming at my school or workplace?*
- * *Can I ask for the filmmakers to not enter certain rooms in my house or workplace—for instance, my bedroom?*

If I need filming to stop for any reason, what should I do?

PROTECTION: *WILL I BE PUT IN DANGER?*

What safety measures are available?

Will there be safety resources to protect me after the film is released?

- * *If necessary, will there be assistance in filing a restraining order?*
- * *If I'm shown driving my car in the film, will my license plate number be blurred out?*
- * *If you film my house, neighborhood, and/or workplace, will you make the location unidentifiable?*

Will there be a plan to protect me against potential stalkers and gawkers after the film's release?

If the filmmakers witness domestic/child/elder abuse while filming, what steps would they take?

- * *Would they report the abuse? Turn off the camera?*
 - Just keep filming?*
 - * *Do the filmmakers have resources to take preventative action?*
 - * *Have they been educated about how to handle potential violence and/or the dynamics in abusive relationships?*

If there are unsafe conditions while filming, are there resources for me to contact someone or an organization?

- * *Unsafe conditions could include things like fire hazards from electrical equipment, harrassment from a crew member, sexual harrassment from a producer.*

DISTRIBUTION & IMPACT: *WHAT IS THE FUTURE LIFE OF THE FILM?*

What is the plan for viewing the film?

When will I be able to watch the film? Am I able to watch the film before it's released to an audience or submitted to festivals/for distribution?

Where will the movie be shown?

- * Will the film only be for an audience in my country or is the film intended for a global audience?
- * In what language/s will the film be made available? Can I request for it to be available in a particular language?
- * Will I be updated regularly about when and where the film will be screened?
- * Will I be given advance notice if the film is screened in an area that is near my home or the homes of my extended family?

What are the promotional opportunities?

Are there ways I can promote my art/business/nonprofit/cause through the film and/or impact campaign?

Will I have the right to set up screenings of the film in my community?
* Will I need permission?
From whom? What does the process entail?

Can I use the film to raise money for myself and/or my organization?

Will I get to approve marketing materials, e.g. photos, clips, trailers, synopsis, posters, and/or tag lines?
* If the film is about something traumatic in my life, what care will be given to ensure my safety while reviewing these materials?

DISTRIBUTION & IMPACT: *WHAT IS THE FUTURE LIFE OF THE FILM?*

**What does
distribution
look like?**

How long will the film be on TV,
streaming, and/or in the theaters?
* *If distribution is not already secured,
what are the filmmaker's goals for
distribution?*

How will decisions be made to sell
the film to distributors?
* *Are there opportunities for me to
be in these distribution
discussions?*

Who owns the film?
Will I share in its
ownership?

Can the film be turned into a feature
film or series? Will I have a say in
that decision?

DISTRIBUTION & IMPACT: *WHAT IS THE FUTURE LIFE OF THE FILM?*

What will the film's promotional and impact campaign look like?

What will the film's distribution look like?

If I want to do my own publicity or interviews, does it require approval from the filmmakers first?

What are the filmmaker's expectations for my participation in press or promotional activities? What, if anything, is required of me?

- * Will I go to the film's premiere?
- * Will I be part of the Q&As at festivals, premieres, and screenings?
- * Who will pay for and arrange my travel? Will I be paid?
- * Will I be expected to speak on panels and/or do interviews?

Will I have the opportunity to access a PR specialist and/or media training when the film releases?

Will there be an impact campaign? If so, will I be involved in it?

- * Will I have a say in shaping the campaign's goals and strategy?
- * Will I be paid for my participation?

DISTRIBUTION & IMPACT: *WHAT IS THE FUTURE LIFE OF THE FILM?*

What resources are available?

How will the filmmaker respect my community, if it's not also their own?

- * *Will there be community screenings of the film?*
- * *Will there be compensation for the community (donations to a non profit perhaps)?*
- * *Will there be mental health facilitators for the community to access?*

If the film gets nominated for an Oscar or another large award in a country where I require a visa to visit, will your team assist me with getting the visa?

In the future, if I want to join a guild or alliance for documentary participants, would this be something the filmmaker would support?

Resources & Credits

Co-Creators: Margie Ratliff and Stephanie Palumbo

Author: Margie Ratliff

Editor: Stephanie Palumbo

Reviewers: Susanne Reisenbichler, *The Wolfpack* and *Subject* participant, and *Subject* co-producer; Nick Thompson, Love is Blind S2 cast and Co-founder of UCAN Foundation

Designer: Lani Rodriguez

This resource was produced by Peace is Loud and supported through a grant from the Robert Wood Johnson Foundation.

Documentary Participants' Empowerment Alliance



Our mission is to bring vital resources to all those who have appeared in or are considering appearing in documentary films. These resources include legal, mental health, counseling, mediation, and mentorship opportunities. We also aim to educate documentary and “based-on-true-life” filmmakers in how to ethically engage with their film participants and characters.

<https://www.dpealliance.org>

Peace is Loud



Peace is Loud harnesses the power of storytelling by women, trans, and nonbinary change makers to mobilize strategic collective action grounded in equity and care.

<http://www.peaceisloud.org>

This work is licensed under CC BY-NC-SA 4.0.

To view a copy of this license, visit <http://creativecommons.org/licenses/by-nc-sa/4.0>

You may distribute, remix, adapt, and build upon this material in any medium or format under the following conditions: You credit the original creators, you use your work for noncommercial purposes only, and if you allow others to modify or adapt the material, they must follow identical terms.