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Court Of Public Opinion: How the Convicted Perceive Mass Media Have Affected Their Criminal Trials and Personal Lives

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Abstract

This paper is designed to provide insights into a neglected aspect of crime news effects. This mixed-qualitative methods study explores what effects convicted criminals report experiencing in the wake of media coverage of their alleged crimes and trials. There are two primary areas of focus in this study: What effects inmates perceive media coverage has had on their cases and how they feel they have been personally affected by media coverage of their alleged crimes and subsequent trials.

**Court of Public Opinion:
How the convicted perceive mass media have affected
their criminal trials and personal lives**

By

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DISSERTATION

Submitted in partial fulfillment of the requirements for the
degree of Doctor of Philosophy in Mass Communications
in the Graduate School of Syracuse University

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Chapter One

Introduction

Crime is an unwelcome influence in our lives. The levels on which it affects individuals in our society are as varied as the acts of crime themselves. Homicide victims are obviously the most profoundly affected of crime victims. One homicide leaves in its wake a host of secondary victims – family members and friends of the slain and, in a different but perhaps no less tragic way, those connected to the perpetrator. In addition, a community may be affected by a single homicide in terms of loss of a sense of safety. Often, after murders occur in small towns, people who never locked their front doors before suddenly find themselves being concerned about home security.

On a larger scale, terrorist acts have the same effect on communities and entire nations. The Oklahoma City bombing and the 9/11 terrorist attacks are examples of crimes that influenced large sectors of society, leaving victims that ranged from the homicide victim to the person who lived thousands of miles away, seemingly untouched by the crime itself but in reality changed because of it.

In ways big and small, all of our lives are impacted by crime and, therefore, by individuals who commit crimes. It could be said – and maybe even should be said – that criminals are not among our best decision makers. Yet, their decisions affect our lives and society as a whole. It is natural, therefore, for people affected by these decisions to commit crime to want to know why these events come to pass. While knowing why

someone commits a crime will not undo the damage of the criminal act, knowing what the underpinnings of the decision-making process are can be of value to society on several levels.

As it stands, society affects and is affected by crime through a multitude of interactions. One key player in this drama is the press. Others include the law enforcement community and the public. Each group has specific goals when forming – or avoiding – relationships with potential criminals. It is within these dynamics that valuable information may be gained or lost. For the most part, the approach of various societal groups to criminals works in favor of their goals. For example, the general public tends to avoid contact with people who they perceive as threatening or dangerous. This type of behavior diminishes the chance of becoming the victim of crime. Law enforcement officials, on the other hand, engage in purposeful, direct engagement with criminals on a daily basis to meet their goal of suppressing criminal activity. The more tuned in the law enforcement community is to the criminal world, the more successful they will be in their endeavors. The media, however, have a less systematic approach. Communication between individuals who commit crimes and the media tends to be sporadic, with some cases including interviews with the criminal and other stories spanning years without a single quote from a perpetrator. This can only result in less comprehensive coverage of crime stories.

Mass communication is the source that provides the public with not only news of crime and criminals but also with the interpretation of those events and the profiles of the individuals. Society depends on the media to explain the “why” of events like the Oklahoma City bombing. It is not enough to report the “facts” of a crime. The public has

a need to understand the motivation behind seemingly senseless acts of violence and mayhem.

The person who can answer these questions is the perpetrator himself. He alone possesses the knowledge of his motivation, his goals and, often, the details of his crime. Exploring these issues with the perpetrator is already a worthy avenue of pursuit for practitioners of psychology and criminology. Their work depends heavily on communication with perpetrators of crime in order to understand other criminals and crime itself. Mass communication practitioners have not availed themselves of these valuable sources to the same degree. For a myriad of reasons, including access and legal considerations, journalists frequently write crime stories without the voice of the primary player – the suspect.

The perpetrator has information that can benefit society in so many ways. By opening lines of communication and research with convicted criminals, we can gain understanding into why they have chosen to occupy the place they do in our society. We can use this understanding to achieve a number of goals to benefit society.

The Oklahoma City bombing case is an example of what contact with a perpetrator has to offer society in the wake of high-profile crime. Two journalists who recognized the importance of such communication were *Buffalo (New York) News* reporters Lou Michel and Dan Herbeck. In the wake of the Oklahoma City bombing, they set out to tell that story from an angle seldom taken – the perspective of the perpetrator and his family. Their interviews with convicted bomber Timothy James McVeigh and his father William McVeigh resulted in the book “American Terrorist: Timothy McVeigh and the Oklahoma City Bombing.” In it, Michel and Herbeck reveal many of the ways in

which communication with convicted criminals can benefit survivors and even the general public in the aftermath of criminal acts.

One of the first questions that arises in the wake of a crime is motive. Again, the person who committed the crime is the only one who can truly and thoroughly answer that question. While the question of motive is undoubtedly of importance to investigators and prosecutors, it is also of great value to victims and their families. Often, knowing the reason a crime has been committed against a victim is the first step to closure for the victim and the victim's family. Crime victims often need such answers in order to begin to recover from the trauma of the crime. Some crime victims – particularly family members of homicide victims – struggle for years to regain their footing after the crime. It is never too late to provide comfort for these crime victims. Communication with criminals is often the only insight into the reason the crime occurred and sometimes the only way the family may get closure for this part of their lives.

Without a doubt, motive was the most pressing question in the Oklahoma City bombing case. Minutes after a bomb ripped through the Alfred P. Murrah Federal Building in downtown Oklahoma City on April 19, 1995, the media began speculating about why a person or persons would perpetrate such an act of destruction. Investigators put motive at the top of their list of questions as well. Though it would take years to get the answer to that question, the desire to know why did not diminish with the passing of time. The communication between the McVeighs and the *Buffalo News* reporters went a long way in helping the public understand what motivated Timothy McVeigh to load a Ryder rental truck with nearly 5,000 pounds of explosive material, light two fuses and park in front of an occupied federal office building on a Wednesday morning.

After months of talking with McVeigh and his father, Michel and Herbeck realized that a number of factors contributed to the bomber's state of mind in the months leading up to the bombing. When Timothy McVeigh was a teenager, his parents, Bill and Mildred "Mickey" McVeigh, divorced after a rocky marriage. Tim stayed with his father in Pendleton, New York, while his mother and two sisters moved to Florida. During the time after the divorce, according to Bill McVeigh, Tim was heavily influenced by a grandfather who held antigovernment beliefs related to taxation. His grandfather also instilled in Tim a love of firearms (Michel & Herbeck, 2001).

After high school, Timothy McVeigh became a security guard but was soon disillusioned with the job. He then joined the Army. While the Army offered McVeigh many opportunities that he relished – like the chance to fire weapons and the ability to excel and be recognized for his self-discipline – it also led to difficulties. McVeigh served in the Gulf War and, according to his father, was deeply affected by what he saw there (Michel & Herbeck, 2001). In addition, McVeigh tried out for a special forces unit upon his return from the war and did not qualify. Though he never named this setback as an influence in his antigovernment attitude, many investigators speculated that McVeigh viewed the failure as a slight on the part of the Army.

Most prominently among the motives uncovered by the Michel and Herbeck interviews was what investigators suspected from the beginning: That the date of the attack was significant. April 19, 1995, was the two-year anniversary of the siege at Waco, Texas. During that 51-day event, members of the Branch Davidian Seventh Day Adventists barricaded themselves in their multi-structure compound against ATF and FBI officials attempting to serve warrants for illegal firearms. The siege ended on April 19,

1993, when the compound went up in flames, killing 75 adults and 25 children in the buildings. Over the course of the siege, four ATF agents were also killed.

The incident had a profound effect on Timothy McVeigh. Bill McVeigh recounted to Michel how Tim would become extremely animated and overtly angry when media coverage of the siege was shown in their Pendleton home. At one point, Timothy McVeigh traveled to Waco during the standoff and joined militia members from around the country who had come to support what they considered unwarranted intrusion by government officials. McVeigh would, in the years to come, cite Waco and Ruby Ridge, an Idaho siege with gun rights at its core, as touchstones for his antigovernment sentiments (Michel & Herbeck, 2001).

One specific question that many people had in the wake of the Oklahoma City bombing was how McVeigh had chosen his target. This too was related directly to Waco. McVeigh believed – though mistakenly so – that ATF agents responsible for giving the orders to move on the Branch Davidians had offices in the Murrah building.

One of the lingering questions, even among the militia members who may have sympathized with McVeigh, was why he chose to bomb the Murrah building while it was occupied as opposed to attacking it at night. The answer was chilling. In a *Dallas Morning News* story on March 1, 1997, reporter Pete Slover wrote that McVeigh had told his defense team that he did not feel that the mere destruction of property would make the kind of statement he wanted. He stated that only a “loss of life” would make the impact that he hoped would spark a revolution against the government (Michel & Herbeck, 2001, p. 224).

Another question related to motive that was frequently asked after the bombing related to the day care center housed on the second floor of the federal building. Investigators maintain that McVeigh was aware of the presence of children in the building at the time of the bombing. In interviews with the *Buffalo News* reporters, McVeigh denied that he knew about the day care center. However, he did not apologize for the deaths of the children, instead referring to them as “collateral damage” (Michel & Herbeck, 2001). In one interview, McVeigh compared the day care center to buildings occupied by children in Iraq during the Gulf War, noting that in those instances the children were labeled as “human shields” and perhaps implying that the occupants of the Murrah building had some culpability for the presence of the children (Michel & Herbeck, 2001). Likely, these are not statements that comfort the parents of the children who died in the Murrah building. However, not all answers are the ones we hope to hear.

Another possible benefit of communicating with suspects and convicted criminals is in the realm of incident resolution. This is what the law enforcement community calls the establishment of “the entirety of circumstances” (Simpson, personal interview, July 29, 2010). Understanding the details of a crime from the perspective of the perpetrator helps law enforcement paint a more comprehensive picture of the crime and the circumstances surrounding it. Many investigators feel compelled to have the complete story of a crime before they feel they can properly “close” a case. However, “closing cases,” while beneficial to law enforcement, can be a painful experience for victims and their families and, on occasion, an ethical minefield for the media.

The case of the Virginia Tech shooter Cho Seung-Hui and his communication with NBC provides an example of both the valuable information such communication can provide and the difficulty the press and the public can experience in receiving it.

On April 18, 2007, two days after the deadliest school shooting in American history, a package from the alleged gunman arrived at the headquarters of NBC Television in New York City (NBC statement, 2007). Cho Seung-Hui, the killer, had mailed what journalists dubbed a “multimedia manifesto” the morning of April 16, during the nearly two-hour window between when he shot two Virginia Tech students in a dormitory and when he entered another building on campus and shot 30 more and himself (NBC statement, 2007).

After the Virginia Tech killer sent materials to NBC headquarters, the network aired portions of the video on the NBC Evening News, as well as releasing some of the raw video on the Internet, on the same day it arrived, April 18, 2007 (Apuzzo, 2007). The images included 11 frames of Cho brandishing handguns at the camera (Johnson, 2007). The public’s reaction was swift. That night, family members of the Virginia Tech victims canceled scheduled interviews with NBC. They cited the insensitive decision of the network to air the material so soon after the shooting (Campus reacts to Cho’s words, 2007).

Even the police leveled criticism at NBC for choosing to air the Cho material. Virginia State Police Colonel Steve Flaherty expressed dismay at NBC’s decision to air parts of the video made by the Virginia Tech killer, citing the devastating effect the material may have had on the families of the victims (Johnson, 2007). “(We) are rather disappointed in the editorial decision to broadcast these disturbing images,” Flaherty said

at a Blacksburg, Virginia, press conference. “I’m sorry that you were all exposed to those images” (Johnson, 2007).

Criticism of the decision also came from within the ranks of the media. *Accuracy in Media* editor Cliff Kincaid said that NBC was “playing into the cold dead hands of a mass murderer, exploiting his delusions for ratings and profit” (Greppi, 2007). Media experts concede that, on occasion, the public’s right to know and the media’s responsibility to report the truth sometimes clash with journalists’ obligation to protect the public from graphically violent images (Lind, 1993).

NBC defended its decision the next day in a public statement, saying that the material was carefully edited and that the decision to air it at all, in any form, was made with great care. The statement also noted that an experienced reporter was assigned to cover the airing of the material and that much consideration went into how to disseminate the video images (NBC statement defends release of Virginia Tech shooter’s images, video, 2007). NBC News President Steve Capus took responsibility for the decision (Angelotti, 2007) and some journalists agreed with NBC’s decision to air the material. Bob Steel of the Poynter School of Journalism called NBC’s decision “journalistically and ethically appropriate” because it revealed to the public a “piece of the puzzle about the why of what happened” (Decision to air killer’s video criticized, 2007). NBC also reported that it turned the material over to law enforcement officials as soon as it arrived (NBC statement defends release of Virginia Tech shooter’s images, video, 2007).

While the communication between Cho and NBC went a long way in resolving the events of the day of the shooting, it left lingering questions for the families of the victims, as well as investigators. It is impossible to assess the true motive of the shooter

from his passive communication. However, years after the events of that day, discussions about campus safety and mental health services at universities still occur, in part, because of information made available through communication with a criminal.

There are any number of investigative benefits to communicating with perpetrators at all stages of a criminal event. Communication with active criminals can lead to the identification of suspects. One of the most intriguing demonstrations of how the media may play a role in suspect identification can be found in the phenomenon of serial killers who write to the press. The cases of the BTK and Zodiac serial killers provide examples of how the media play a role in active investigations. These cases also illustrate the inconsistency in editorial policy when it comes to publishing materials alleged to be from criminal sources.

When the *Wichita Eagle-Beacon* received a letter in October of 1974 claiming responsibility for the murders of four members of the Otero family, they had no written editorial protocol regarding such correspondence. In fact, thirty-one years later, the paper still does not have such a policy (Chisenhall, 2011).

“We do not have a specific ethics policy regarding information sent by the public,” *Wichita Eagle* Editor Sherry Chisenhall said. “Our general policy is to verify all such information the same as we would other material we report” (Chisenhall, 2011).

In the case of the October 1974 letter, the investigation to determine authenticity began with a call to Wichita authorities. The writer of the letter had included details of the crime known only to the police and the murderer (Chisenhall, 2011).

The *Wichita Eagle* elected not to print the letter – in full or in part. Newspaper staff immediately turned the material over to authorities to aid in their investigation. They

further agreed to take direction regarding publication of the material from the police (Chisenhall, 2011).

BTK continued to communicate with the *Wichita Eagle-Beacon* (later renamed simply the *Wichita Eagle*) throughout his long criminal career (Chisenhall, 2011). In other letters to the press, the serial murder suspect related details of additional murders and dubbed himself “BTK” (Chisenhall, 2011).

“The code words for me will be: Bind them, torture them, kill them,” read a letter to the *Wichita Eagle-Beacon* in 1978. “BTK, you see he (is) at it again. They will be on the next victim” (Chisenhall, 2011).

In January of 1978, a letter signed “BTK” was sent to the media. It included a parody of a nursery rhyme and specific information regarding the March 17, 1977 murder of 24-year-old Shirley Vian. Police linked the letter to the killer through facts revealed in the poem (Chisenhall, 2011).

The *Wichita Eagle-Beacon* again elected not to print any part of the correspondence in the paper. A reporter did, however, write a story stating that the letter was received and believed to be from the person who murdered Vian (Chisenhall, 2011).

On March 19, 2004, after the *Wichita Eagle* published a story on the anniversary of one of the murders, BTK resumed his conversation with the media. In a flurry of letters and packages to the press and the police, BTK stated that he was still alive and in the area. Again, he used items taken from his victims to prove his connection to the murders (Chisenhall, 2011). The *Wichita Eagle* maintained its original publication decision. No part of the correspondence was published and all materials were turned over to law enforcement officials almost immediately (Chisenhall, 2011). Materials from the

correspondence, specifically a computer disk, led directly to the identification of Dennis Rader as the BTK killer. Though it cannot be conclusively said that the press coverage compelled Rader to resurface in the form of correspondence, it is clear that he was following his own story in the media.

The as-yet-unidentified Zodiac killer also sent letters to the press. One of the most prolific of correspondents suspected to be serial killers, the Zodiac sent 18 letters and cards to editors of several California newspapers in the 1960s and 1970s. His case has similarities to that of BTK but also some significant differences.

The Zodiac Killer generally targeted young couples in secluded areas around San Francisco. He used a variety of weapons and committed his assaults and murders during both daylight and nighttime hours. Like BTK, the contents of the Zodiac's correspondence to the media included details and evidence from previous crimes to establish his credibility. All materials sent by the Zodiac were marked "Please Rush to Editor" and included information or items from *recent* Bay-area murders. By contrast, Rader wrote of his crimes sometimes years or even decades after they had been committed. This factor may have also lessened the threat level in the minds of newspaper editors in the BTK case.

As BTK would do years later, the Zodiac chose his own title, often signing his correspondence with a symbol. The Zodiac sent materials to the editors of the *San Francisco Chronicle*, the *San Francisco Examiner* and the *Vallejo Times-Herald* from July of 1969 until July of 1974.

During this time period, cab driver Paul Stine was shot and killed in his taxi at the corner of Washington and Cherry Streets in Presidio Heights. On October 13, 1969 – just

two days after the murder – the *San Francisco Chronicle* received a package from the Zodiac claiming responsibility for the murder of Stine. Enclosed in the package was a piece of the cab driver’s bloodied shirt. The police, upon receipt of these materials, verified the authenticity of the correspondence. Although they did publish certain pieces of material they believed were from the Zodiac Killer, editors at all of the newspapers involved in this case turned all items over to law enforcement authorities immediately (Graysmith, 2007a).

Like most criminals who engage in a cycle of murder and authenticated correspondence with the media, the Zodiac expressed a desire to be recognized in some public fashion. He was counting on the media to make him famous and was quite clear about how he wanted the press to assist him... and what would happen if they did not. He made implicit threats.

Like BTK, the Zodiac threatened to kill more victims. Unlike BTK, he said he would carry out these threats in coming days if the newspapers failed to publish his work. On November 9, 1969, one such letter informed the editors of two newspapers that the Zodiac intended to plant an explosive device on a Bay Area school bus. For several days in the wake of that letter, San Francisco Police patrol units followed school buses on every mile of their routes (Graysmith, 2007a).

The most striking difference in these cases is that several editors – including those at both major San Francisco papers – chose to publish excerpts from the Zodiac letters soon after they were received (Graysmith, 2007a). Editors in receipt of materials from BTK did not publish those writings and did not release any of the material to the public until after Rader’s arrest for the murders.

The Zodiac killer was never identified. While the police had several leads and a few suspects, no significant breaks in the case were ever made. Though never captured, police believe they know who the Zodiac was, based in part on the correspondence. An investigation of the Zodiac Killer by the *San Francisco Chronicle's* Robert Graysmith supports that theory (Graysmith, 2007b).

These are by no means the only cases in which the media were drawn into an active criminal investigation. In at least two other cases, a murderer sent correspondence to a newspaper. David Berkowitz, better known as the Son of Sam, sent letters to columnist Jimmy Breslin at the *New York Daily News* during a 1977-1978 killing spree that left six people dead and seven wounded. The "Son of Sam" letters were not published during David Berkowitz's killing spree. The editors involved in that decision said they felt that publishing the material would result in public panic (Newton, 2000).

Unabomber Theodore Kaczynski wrote to newspapers nationwide, finally submitting a 65-page manifesto to the *New York Times* and the *Washington Post*. Those newspapers agreed to share printing expenses in order to publish a special section containing the manifesto in its entirety. Their decision was based, in part, on Kaczynski's threat to continue mailing explosives to innocent people unless his publication demand was met (Crime Library, 2007b). The Unabomber case also illustrates another investigative tool that may be provided by criminal communication: profile information for active and convicted criminals. Details in the manifesto printed by the *Times* and the *Post* contained language that was recognizable to Kaczynski's family members as that of the suspect. Subsequent tips to the FBI led to his identification as the Unabomber.

The case of Richard Ramirez illustrates both the potential the media have to alter the course of a criminal investigation and the importance of the relationship between the media and the criminal justice system. It reveals the worst and the best the media have to offer in terms of criminal reporting. A media misstep in Northern California nearly cost the investigators their quarry. Later, in Southern California, the press facilitated the capture of the same vicious murderer (Crime Library, 2007a).

Richard Muñoz Ramírez embarked upon a murderous burglary spree in 1985 in Los Angeles (Kurtis, 2006, *American Justice*). The best evidence investigators had in the crime was a set of shoe impressions. The Los Angeles media reported on the series of attacks, without the shoe reference, upon the request of the authorities, and dubbed the murderer the “Night Stalker” (Kurtis, 2006, *American Justice*). Soon, the unknown suspect was linked by the same evidence to two Bay Area murders. As public concern mounted, San Francisco Mayor Diane Feinstein called a press conference to inform the city that the police were indeed making progress and that San Francisco residents were safe, but both bad and good would come from this brief intersection of the media and law enforcement (Kurtis, 2006, *American Justice*). During the press conference, Feinstein unwittingly disclosed the sensitive information about the shoe impressions. The media reported that information and, after that day, no similar shoe prints were found at California crime scenes (Kurtis, 2006, *American Justice*). The investigators had suspected all along that the Night Stalker was following the case in the media. It would be learned later that the serial killer had thrown his sneakers off the Golden Gate Bridge after seeing the mayor on television. The shoes were never recovered (Kurtis, 2006, *American Justice*). The good that came out the same news conference was that Feinstein

also described jewelry that had been stolen from the San Francisco victims. Eventually, an acquaintance of a burglar named Richard Ramírez would contact authorities with the identity of the Night Stalker (Kurtis, 2006, *American Justice*). The premature disclosure of the shoe evidence to the public, however, had threatened to derail the investigation (Discovery, 2003, “Lasting impressions”).

In a fashion every bit as dramatic as the San Francisco fiasco, the Los Angeles media contributed to the capture of Ramírez. In early September 1985, Ramírez fled to Arizona after seeing a composite drawing of the Night Stalker on the front page of the *Los Angeles Times*. By the time he returned several days later, he had been identified and his name and picture stared back at him from several newsstands, including that of Spanish-language newspaper *La Opinion* (Newton, 2000). At an East Los Angeles liquor store, several customers recognized Ramírez from *La Opinion* and gave chase. He was soon caught and subdued by citizens until police arrived. The terror of the Night Stalker was over, thanks in large part to the media (Newton, 2000).

Another issue that arose in the Ramírez case was the difficulty in coordinated news coverage and criminal investigations across numerous police jurisdictions. Los Angeles County is comprised of 88 cities spanning 4,000 square miles. It is protected by 63 law enforcement agencies (Kurtis, 2006, *American Justice*).

While the details of profiles like those developed in the Night Stalker and Unabomber cases are obviously unique to those cases, they also have broad-based value in that form a larger body of information on similar crimes and the characteristics of the people who commit them. These details may be used to solve future crimes.

While profiling the criminal mind is invaluable to investigators, study of crime itself is crucial as well. Communication with perpetrators reveals patterns of criminal offenses. The applications for this information are numerous. For example, the discovery of trends in criminal patterns may be used to identify geographical areas of high-crime risk, behavioral patterns that lead to victimization and trends in victimology. The development of these patterns of offenses and risks may be used in crime prevention strategies.

Over the long term, opening communication lines with criminals can lead to a more comprehensive understanding of crime trends and patterns that could have profound effects on the ways in which crime is investigated by authorities, reported by the media and viewed by the public. Longitudinal studies of the criminal voice may be used to create historical patterns of criminal offenses that can be placed in the context of other societal factors. For example, a deeper understanding of home-invasion motivations may reveal what role the economy plays in that crime category over time. Again, this information can be used to address the conditions that precipitate offenses.

Long-term profiling of individual offenders can have value as well. By exploring the details of the offender's life, sociologists can better associate the societal conditions that lead to a lifetime of criminal behavior. Such work is already done, of course. Interviews with serial killers, for example, are the basis for profiles of serial killers in general and assist law enforcement in identifying suspects and mental health professionals in treating offenders (Generalized Characteristics of Serial Murderers, 2010). Compiling more complete inventories of the societal factors and personality traits that precipitate criminality can help not only in identifying potential offenders but also in

addressing the issues that create criminal environments. The addition of information to this area of study could only benefit society in identifying the underlying conditions that may lead to criminal activity. Institutionalizing communication with perpetrators in the mass communication field could result in a body of work that would add to the other fields as well as creating more comprehensive crime storytelling on a daily basis.

Returning to the Oklahoma City bombing case, we can see the intricate dance between the media and the criminal justice system. Communication between the media and the criminal can have effects on the criminal justice system itself. Both Timothy McVeigh and his defense team Stephen Jones and Rob Nye felt that the media affected McVeigh's trial. It began, they contended, with the "perp walk." On April 19, 1995, shortly after the bombing in Oklahoma City, McVeigh was pulled over in Noble County, Oklahoma for a traffic violation. The state trooper found that he was armed and took him into custody in Perry, Oklahoma. Based on a police sketch and rental truck records, McVeigh was soon linked to the Oklahoma City bombing. On the day he was to be moved from the Noble County Courthouse to Oklahoma City for his arraignment on charges related to the bombing, McVeigh was dressed in an orange jumpsuit and led out the front door of the courthouse by a team of eight ATF and FBI agents, surrounded by local law enforcement officers, to a convoy of waiting vehicles. Though the FBI denied staging the event, the transfer did not take place until all major news organizations were present to capture the move (Michel & Herbeck, 2001).

Later, the voir dire questionnaire contained a number of inquiries related to media coverage of the case. Many prospective jurors for McVeigh's trial admitted seeing video or still images of the Noble County Courthouse transfer. Defense lawyer Rob Nye said he

was convinced that federal agents created a harsh and lasting image of the defendant during that event (Michel & Herbeck, 2001).

Other media effects were cited by the defense before the McVeigh trial as well. For example, attorney Stephen Jones said that he worried that the American public had been jaded by coverage of the O.J. Simpson trial and was concerned that potential jurors would be biased toward his client as a result. McVeigh and his defense team were also concerned about the 1997 *Dallas Morning News* story in which reporter Pete Slover wrote that a source identified only as a defense team staffer had said that McVeigh had confessed to bombing the building during the day to achieve a maximum body count and “make a point.” Though said to be an accurate account of discussions between McVeigh and his attorneys between July and December of 1995, the timing of the publication of the story one month before the start of the trial was widely criticized. Jones called the paper’s reporting “irresponsible” and “sensational.” Despite the criticism, the story was picked up by several major news outlets (Michel & Herbeck, 2001). McVeigh was also upset about a March 1997 story in *Newsweek* that reported he had failed a polygraph examination. NBC News, ABC News and *Playboy* magazine also reported stories using defense team sources. McVeigh blamed the leaks on his primary lawyer, Stephen Jones (Michel & Herbeck, 2001).

During McVeigh’s trial, the media were seen by the defense as both combatants and allies. At the beginning of the proceedings, defense attorney Stephen Jones vowed to avoid the trappings of a high-profile case and refrain from “self-promotion” and contributing to the “circus” of media coverage surrounding the trial. However, Jones was unable to isolate himself and his client from the press. He later admitted to McVeigh that

he had provided the media with information in order to “get them on our side.” Jones said the tactic was necessary because “Tim always faced two trials, one in the court of public opinion and one in the court of law” (Michel & Herbeck, 2001, p. 284). Jones’ strategy, therefore, was to “consciously cultivate members of the media and be cultivated in return” (Michel & Herbeck, 2001, p. 285). Jones also told Judge Richard P. Matsch that he had “bartered” information with reporters, noting that the press must be “fed” and that he hoped to get whatever information the reporters had on the case (Michel & Herbeck, 2001, p. 292).

Just as the media may have affected the court case, the justice system also influenced the way in which the media reported the case. Judge Matsch issued a gag order during the trial. It prohibited members of the prosecution and defense teams from discussing the trial with the press. This turned out to be beneficial for the prosecution in that it resulted in a large number of victims’ voices being heard on the nightly news. McVeigh believed that the media directly affected his trial when *Playboy* printed an article about the 1994 purchase of racing fuel later used in the bombing. McVeigh contended that the article led the FBI to Texas racing-fuel salesman Tim Chambers, who testified about the purchase at the trial (Michel & Herbeck, 2001).

In his closing argument, Stephen Jones was so convinced that the media had played a substantial role in the case that he asked the jury not to be swayed by McVeigh’s conviction in the media and the court of public opinion, clearly indicating that he felt such a conviction had occurred in those arenas (Michel & Herbeck, 2001).

After his conviction, McVeigh did not deny involvement in the Oklahoma City bombing but did claim that he was “railroaded” by the judge in his trial, his own defense team, biased witnesses, the media and the public (Michel & Herbeck, 2001).

Timothy McVeigh had a keen understanding of how the media may play a role in his crime and its aftermath. After his arrest, police found an envelope in his car filled with antigovernment propaganda. McVeigh later told Michel and Herbeck that he knew the contents of the envelope would be leaked to the press and that, in this fashion, he hoped to get his opinion about the government infringement on people’s rights – specifically gun rights – across to the public. McVeigh also said that he realized that the media would “latch on to” the deaths of the children in the Murrah building and try to paint him as a monster. He used this revelation to reiterate that he did not know about the day care center in the federal building (Michel & Herbeck, 2001).

During his trial, McVeigh tried to convince his attorneys to use the media to convey his message about government misconduct at Waco and Ruby Ridge. Jones and Nye refused. Though *Time* magazine had called him “The Face of Terror,” McVeigh still hoped that he could turn the media to his advantage in getting out the message that he hoped would start a revolution.

At the end of his trial, McVeigh was allowed to make a statement to the court. Even then, the media and how he would be perceived through their lens was on his mind. He would later tell the *Buffalo News* journalists that he knew that whatever he said would be reduced to “sound bites.” For that reason, he made a short statement quoting a portion of a longer speech by U.S. Supreme Court Justice Louis D. Brandeis in reference to a 1928 bootlegging case.

“Our government is the potent, the omnipresent teacher,” McVeigh quoted. “For good or ill, it teaches the whole people by its example” (Michel & Herbeck, 2001, p. 351). McVeigh would later say that he hoped that members of the press would look up the passage in its entirety when reporting on his statement. Many outlets did (Michel & Herbeck, 2001).

After his conviction, McVeigh dabbled in journalism himself, writing a June 1998 article for *Media Bypass* journal, a militia-friendly publication. In it, he used his human-shield comparison to continue his justification of the deaths of the children of the Oklahoma City bombing (Michel & Herbeck, 2001).

McVeigh also wanted to use mainstream media to his advantage one last time. When he found out the bombing victims’ families may want to witness his execution on closed circuit television, he vowed to make the event a national spectacle, contacting several news agencies to inquire about televising his execution. In the end, it was not televised (Michel & Herbeck, 2001).

Perhaps one of the most important products of the communication between the media and perpetrators may be the measure of comfort crime victims and their families may receive from information gleaned through such endeavors. Again, the record of such communication thus far has been haphazard. Some crime stories include the voice of the criminal and, perhaps, his or her remorse for the crime. Some contact with perpetrators does not result in the answers the victims are seeking. Yet other instances reveal that communication with criminals can have unexpected consequences.

The media can have an effect on the family of the accused as well. After Timothy McVeigh was identified as a suspect in the Oklahoma City bombing, news personnel

descended on his Pendleton home and stayed for days (Michel & Herbeck, 2001).

Though he was not involved in the bombing, Timothy McVeigh's father Bill was under media scrutiny for years after the event. Such media attention can backfire for reporters hoping to get close to sources. For example, the media created an unexpected alliance when Oklahoma City bombing co-defendant Terry Nichols' son Josh told his father that the FBI was protecting the family from the media (Michel & Herbeck, 2001).

Many times, families of the accused view the media as adversaries. By the time the trial started, Timothy McVeigh's mother, Mickey McVeigh, was weary of media coverage in which some stories reported that her son had criticized her and her parenting style (Michel & Herbeck, 2001).

Perhaps the most that victims' families can hope for in the wake of a tragedy like Oklahoma City is some measure of remorse from the perpetrator. Sadly, the people of Oklahoma City would not get that from Timothy McVeigh. In a March 12, 2000, interview with *60 Minutes*' Ed Bradley, McVeigh discussed his political views and personal opinions from his federal death-row cell in Terre Haute, Indiana. The important questions were off the table though. Because of conditions set by the prisoner prior to the interview, Bradley was not permitted to ask McVeigh if he bombed the Murrah building or, if he did, why. The stepfather of a victim killed in the bombing expressed dismay that no apology or sign of remorse was forthcoming in the interview (Michel & Herbeck, 2001).

Perhaps more important than the pragmatic applications of communication with criminals is the human factor. In the wake of crime, people just have an innate need to know why it happened. In some cases, the criminal who committed the crime has an

equally strong desire to tell people why he or she committed the act. Beyond that, people want to know about the individual who committed the crime. Sometimes, the criminal wants to share that information as well. Timothy McVeigh proved to be one of these people.

Finally, communication with convicted criminals may answer the ultimate question of incarceration: Can people who commit crimes be rehabilitated? Recent research suggests that unemployment and median age are primary indicators of criminal behavior (Von Drehle, 2010). These are exactly the type of societal factors that can be both identified and addressed through a basis of good communication with potential offenders.

Becoming more engaged in criminal communication is not without barriers. In order to overcome them, the media will have to make a commitment to seeking out sources from the perpetrator side of crime.

Building trust is one way to begin this process. Michel demonstrated this when he cultivated Bill McVeigh as a source for his reporting on the Oklahoma City bombing case. He was patient and thoughtful in this process. He first waited until the other media had subsided before approaching Bill. Then he opened a dialogue with Bill about gardening. He was mindful of the effect the attention had on his source and asked him frequently how he was faring under the stress of it all. In addition, Michel and the elder McVeigh shared a common history in the Buffalo, New York, area and spoke about local issues. In short, Michel spent time, a lot of time, fostering a real relationship with his source. This may seem like either common sense or a lost art, depending on which journalist one may ask.

Often, the law itself is a barrier. Despite a military connection, former Army colonel and *Newsweek* reporter David H. Hackworth could not get the one answer he wanted from Timothy McVeigh. He was the first journalist to ask McVeigh on the record if he bombed the Murrah building. McVeigh answered that “we are going to plead not guilty” (Michel & Herbeck, 2001). Undoubtedly, McVeigh was advised by his attorneys not to answer that question directly. Doing so could have jeopardized his court case.

The defendant’s view of the media is a hurdle as well. After his conviction, Timothy McVeigh was housed at the U.S. Penitentiary Administrative Maximum facility in Florence, Colorado. Better known as “Supermax,” the facility was also home to Unabomber Theodore Kaczynski. The two became friends, sharing the opinion that they had been “demonized by false media reports” (Michel & Herbeck, 2001, p. 362). Because the perpetrator appears in news stories for his or her negative actions, it is unlikely that the coverage will be perceived as favorable. However, if the stories include the voice of the perpetrator, they can perhaps be more fair and certainly be more comprehensive.

Crime news in the modern era is much like it has been since its inception. In a nutshell, it is the reporting of *crime*. The focus of that coverage is often on the act of crime, not the actor of crime. While criminal suspects are frequently named in crime stories, their identity is missing a key component: Voice. Crime reporting seldom includes the criminal voice.

Crime news serves a number of social purposes. For the media, coverage of crime news constitutes a promise fulfilled to its readers under the theory of social responsibility (Ross, 2004). The media have dutifully included crime news in their repertoires for the purposes of informing the public, filling news holes and providing interesting news fare.

The public has long been fascinated by these stories of deviance and expects a measure of crime news coverage from media outlets. For their part, law enforcement officials depend on crime news coverage for the shaping of their image in the community as well as justification of crime suppressant funding (Ruiz & Treadwell, 2002).

There is, however, another dimension to crime news, a perspective largely ignored in both the media product and media research. The criminal represents an underreported view of crime news coverage. Despite the fact that without the criminal there would no crime story, his or her opinion has not been discussed in media literature. This population is disenfranchised in this area of research, albeit by their own hands. Yet, there is, perhaps, no other person who is more affected by the crime story than the criminal himself. Understanding how the subjects of crime news coverage perceive that coverage may lead to a more comprehensive examination of crime news gathering routines. That the criminal is perceived to be deviant is perhaps one reason that crime news gathering procedures often fail to take into account the potentially negative effects the coverage may have on this population. Yet, such effects surely exist. In addition, the criminal, as the focus of the negative story, is poised to offer accounts of how such negative press affects people, both in the short- and long-term. Beyond that, a better understanding of how criminals view the media may help journalists develop strategies for covering this population more effectively, and with more sensitivity. This paper is designed to explore this unique perspective of crime news effects.

In this study, the effects of crime news on the criminal, as told in their own words, will be explored. To that end, I will communicate with several convicted murderers, rapists and burglars in an effort to ascertain their perceptions of how they were affected

by media coverage of their respective crimes. Through these communications, information will be obtained regarding their opinions about the media in general, the media's effect on their court cases and how media coverage of their alleged crimes and subsequent trials affected them personally.

Research questions

In this qualitative study, I will address the following research questions:

- RQ1: How did crime news coverage affect court cases from the perspective of the criminal?
- RQ2: What effects did criminals report crime news coverage of their cases had on them?

Significance of study

This paper may have implications in two academic fields of study. In the arena of journalism, it may serve to illuminate the consequences of reporting on a human "subject" without the input of that source. Unlike most news stories, crime reporting seldom features the main character of the story as the one who has a voice in the narrative. For example, a story about the mayor of a city will almost always have quotes from the man himself. A story about a suspected murderer almost never has a quote from the suspect. Little research has been conducted on what effects this isolation in the media has on the people who become merely "subjects." Mass communications studies would benefit from understanding how disenfranchised populations – such as suspected criminals – are affected by media coverage.

Criminal justice studies are, more and more, oriented toward the push and pull relationships of other entities on the criminal justice system. One institution in particular is of increasing interest to the field – that of the media. Criminal justice scholars recognize that the press has the ability to influence the operations of the police and the courts. Scrutiny of this aspect of reporting will reveal another facet in the matrix of how the criminal justice system is perceived through the media lens.

On a practical level, this study may also be of interest to journalists and the criminal justice community in that it explores crime news beyond the generation of the news itself. Because the participants are post-conviction, their stories have not been told by the media and are not heard in the courts. This study will provide a look back in time to coverage of crime from an angle not presented to either community. The findings may help journalists cover crime stories more comprehensively and with more sensitivity to the involved parties. The criminal justice community may recognize that the media have profound influence on their operations even after a conviction has been secured.

Outline of study

Chapter two will review the literature available on crime news from two academic fields of study. Mass communications and criminal justice studies will be examined to discuss the media's construction of crime news, racial factors in crime coverage, sensational crime news, and pretrial publicity. These are the aspects of crime news that are germane to this study. Understanding the ways in which the media create crime news is essential to assigning meaning to the voices that are found – and not found – in the narratives. Because a disproportionate number of the imprisoned are men of color, it is

important to discuss the role that race plays in crime news. Sensational crime news coverage and coverage of sensational crimes are inescapable in American media. It will be explored with a view to understanding its place in history and in modern crime coverage. Pretrial publicity is a topic of intense scrutiny for both the criminal justice system and the media. It is a battleground for First Amendment rights and a legal consideration frequently addressed by judges. As one may imagine, no one is more concerned with the effects of pretrial publicity than the accused.

Chapter three will explain the research design of the study. The components herein will include the method, the context of the study and procedures for collecting and analyzing data. In addition, this chapter will include the role of the researcher.

Chapter four will consist of the data collected from the participants and an analysis of that data. This chapter will also include the history and context of the media coverage for each participant.

In chapter five, a discussion of the findings will be followed by the implications and limitations of the study. In addition, avenues for further research will be suggested.

Chapter Two

Literature Review

Crime news communication among the media, the audience, the justice system and the criminal is an asymmetrical model. The media communicate with the audience on levels ranging from the mundane coverage of police blotter incidents in newspapers to the extreme coverage of high-profile crimes on television. The audience responds with an often insatiable appetite for the latter. News coverage of such infamous trials as those of O.J. Simpson and Scott Peterson captivates audiences from coast to coast, sometimes for months on end (Lowry, 2005).

Journalists and justice system officials engage in an often uneasy but symbiotic relationship. Each side has a specific interest in crime news coverage, and each, to large degree, serves its own interest (Windhauser, Seiter & Winfree, 1990). Law enforcement officials sometimes view journalists as annoyances and the court system can be uncooperative and, at times, even secretive with the press. For example, in the U.S. District Court system, sealed criminal and civil cases are tagged in the filing system as “no such case.” It is only through searching for gaps in court dockets and requesting the case files by their specific docket numbers that reporters are given access to those cases (Mitchell, 2006). Yet, it behooves members of the media to jump through such hoops. With the success of crime news reporting so heavily dependent on justice system sources, the media may suffer greatly if its agents have strained relationships with law enforcement officials (Windhauser, et al., 1990). In a study of crime news in the

Louisiana press in the 1980s, researchers found that such difficulties resulted in limited access for first-day and follow-up crime news information (Windhauser, et al., 1990).

Likewise, the success of the justice system, in some measure, is dependent on the media. Police departments receive funding in accordance with crime rates in their jurisdictions. Therefore, media coverage of crime has the potential to contribute to their coffers. In addition, coverage of the police succeeding in criminal investigations conveys their effectiveness to the public. The media carry these messages to the citizens the police protect (Ruiz & Treadwell, 2002).

The link between the journalist and the criminal is both obvious and obscure. The reporter tells the story of the criminal. His or her interpretation of the crime and the people involved appears in the pages of the newspaper, on the evening news and, sometimes, in books. The reporter builds routines around the criminal, such as the police beat and the “perp walk.” Journalists also have lesser-known instances of contact with criminals. For example, reporters receiving letters from prisoners who claim to have been falsely convicted is a common occurrence (Weinberg, 2005).

In the end, though, no player has less power in this model of communication than the accused. He or she is bound by a number of restraints that do not apply to the media or the criminal justice community. On the legal side, a person suspected of a crime is often buffered from the media by his or her own attorneys. After all, talking to the press may reveal information that could be useful to the police and prosecutors in obtaining a conviction. In addition, the accused is frequently physically unavailable to reporters due to incarceration. For their part, journalists have become accustomed to writing crime stories in the absence of the suspect’s voice. This type of reporting – with the voiceless

suspect – is institutionalized in the craft of journalism. The accused is disenfranchised in the telling of his or her story.

Much has been written about the dynamics of the relationships that create crime news. For example, a 2007 Canadian study examined the ways in which the media create a public identity for a person accused of a crime (D'Arcy, 2007). These methods of creating identity included language and geographical cues. The study explored the ways in which an immigrant criminal was represented in news coverage and how that constructed image was received by the public (D'Arcy, 2007). It also reviewed common law enforcement models of criminality and how those interpretations were conveyed to the media (D'Arcy, 2007). It did not, however, include the perspective of the criminal himself.

A number of issues arise when approaching crime news from the perspective of the convicted criminal. The first is the idea of inadequate crime news coverage by omission. In the absence of the voices of the accused and the convicted, the stories produced by the media are missing a key perspective. Crime news is one of the few areas of reporting in which the voice of the main character in the story is seldom heard. Criticism of the media on the basis of omission is nothing new. Though often dismissed in court as threats to the First Amendment, some cases of libel have been pursued on the contention that leaving out certain facts may be tantamount to defamation of subjects of media stories (Murphy, 2004). This specific question and others along the same lines stem from the very foundation of the creation of crime news. The ways in which crime news is constructed are crucial to the outcome – in this case, a news product that does not include the criminal voice.

There is no doubt that race plays a role in crime reporting. There have been countless studies on how minorities are represented in this news genre. The reason is clear. A disproportionate number of minorities populate the crime news pages and broadcasts, as well as the prison system. At the same time, white males have dominated the media business. In this chapter, research regarding this phenomenon from both mass communications and criminal justice scholars will be explored.

Another significant issue in criminal reporting is the potential for sensationalism. Save celebrity news, there is perhaps no arena of journalism in which the sensational story is more likely to appear than in crime news. One of the contributing factors in this regard is the nature of the subject matter itself. Crime news is evidence of deviance and represents violations of social norms. Furthermore, crime news is often fraught with emotional cues: Violence, mayhem and sympathetic victims. Another possible precipitator is the media's tendency to pursue entertainment, even in the production of news (Carpenter, Lacy & Fico, 2006). In an effort to entertain audiences, some media critics complain, news producers resort to sensational crime stories (Carpenter, et al., 2006). The consequences of this type of journalism is two fold: In sensational crime news coverage, the distinction between reality and entertainment is somewhat unclear (Carpenter et al., 2006) and by concentrating on violent crime stories and ignoring other aspects of police work, the media may create a distorted image of society in which there are more violent crimes than is the reality (Ruiz & Treadwell, 2002). The victims of this tendency toward sensationalism may well be the subjects of crime stories.

Finally, the topic of pretrial publicity will be examined in this chapter. Pretrial publicity is arguably the most contentious intersection of media and the criminal justice

system. It is here that the First Amendment's freedom of the press and the Sixth Amendment's right to an impartial jury collide. In the interest of comprehensive journalism and compelling narrative, reporters want to reveal as much information as they can glean about a crime story. This often includes information about the defendant that may interfere with his or her ability to face an "impartial" jury in court. Counsel for the defense likely wants the press to refrain from reporting certain facts about the defendant and/or the crime. Ultimately, the judge must decide if coverage of a crime has been prejudicial to a defendant. As one may imagine, with so many players representing such diverse interests, differences of opinion abound.

Media construction of crime news

The majority of people are neither criminals nor victims of crime. Therefore, they rely on mass media for their worldview of crime and criminals (Chermak, 1995a). How that worldview is formed and of what components it consists is a function of the construction of the news genre. For the most part, the public gets a distorted view of crime frequency, criminals in general, victims and criminal justice policy (Chermak, 1995a).

Crime news serves varying functions in different realms of society. For the media, crime news is a daily staple. Easy to gather and guaranteed to sell news content, crime stories are an essential part of the news rotation (Chermak, 1995a). The mass media consumer relies on crime news for information about the state of society as it relates to crime. It reaffirms values and exposes threats (Chermak, 1995a). The police benefit from crime stories in that the public sees law enforcement effectiveness on display and rewards

it with funding (Ruiz & Treadwell, 2002). Even politicians use crime news to their advantage. If the news is good, they are viewed as “tough on crime.” If crime appears, through the media lens, to be rampant, political elites bolster their images by promising to alleviate the problem (Wykes, 2001).

In order to understand how crime news affects society, it is necessary to examine prevailing theories about society’s view on crime in general. Renowned criminologist David Garland (2000, 2001) analyzes crime and punishment in the Western world from a sociologist’s point of view. He notes that there are two disparate strategies that a society will employ in its attempt to control and react to crime. The first is a no-nonsense set of dispassionate checks and balances designed to prevent and oppress crime. These strategies include technical and managerial components that address the issue of crime as a social ill that can be alleviated with proper – and stoic – control. The second strategy found in society’s response to crime is emotion-oriented. More centered on vengeance and punishment, this approach features emotion-laden responses to crime that are retributive in nature. The latter strategy is most commonly associated with Western societies like the U.S. and Britain. Criminologist Aaron Doyle (2003) calls the second strategy a “law and order ideology.” (p. 146)

Garland (2001) does not credit the mass media with creating the vengeance-oriented attitude that Western society displays concerning crime. Rather, he explains, television has merely mirrored an affinity for a specific brand of justice that already existed. He notes that the rise of television as a daily form of entertainment coincides with the rise of crime in Western society – between the 1950s and the 1970s. Though actual victims of crime remained relatively few, the vast majority of mass media

consumers became immersed in narratives of crime, pursuit and punishment that reinforced the values that they held about holding criminals responsible for their actions and seeking amends for innocent victims. Despite most people's lack of first-hand experience with crime, they were united by fear of and anxiety about crime. The collective representation of crime on television resonated with people for that reason and allowed the public to join in an, albeit, fictional battle between good and evil and, ultimately, to come out the winner. Thus, knowledge about crime, criminals and the criminal justice system became a reflection of a culturally-created experience rather than a real-world response to actual events.

One may argue that fictional crime narratives on television are removed from crime news. However, the media work in conjunction with each other to reinforce a worldview of crime. Information gleaned from television crime dramas is often applied by the public to stories about actual crime. The crime reporter enhances a skewed portrait of criminality by institutionalizing a climate of crime in which violent crimes are common, the true nature of the criminal is unknown – and thus, frightening – and severe punishment is applauded. Today's crime story reflects that set of values. According to criminologist Ray Surette (1992), 56 percent of crime stories offer details about the crime while only 1.4 percent explore the personality of the suspect or the victim. The absence of this personal information allows the media consumer to categorize the crime story according to existing notions about the type of crime. In other words, the crime story is impersonal because it lacks information about the criminal or the victim but the crime can easily be compared to previous crimes of the same nature and, in this way, assumptions about the people involved may be made. In addition, the frequency of violent crime is

greatly exaggerated in crime news. The rarest crime – murder – is reported most often (Surette, 1992). Other violent street crimes – like robbery and home invasion – are the next most commonly reported types of crime while common crimes – theft, drug possession – are ignored by the media. One study found that murder and robbery account for about 45 percent of newspaper crime news and 80 percent of television crime news (Sheley & Ashkins, 1981).

One aspect of the socially-created perspective of crime that cannot be ignored is “fear of crime.” Fear of crime is integral to understanding how the public feels about crime and criminals in general. As previously noted, Americans identify the mass media as their primary source of information about crime (Weitzer & Kubrin, 2004). The three major contributors to fear of crime are the media, personal experience and neighborhood crime histories. The reason that fear of crime is associated with local geographic areas as opposed to crime rates in general is that fear of crime develops as a result of resonance. It is strongly associated with crime reports emanating from one’s own city but does not increase noticeably in response to national crime news. Research has found that media exposure to crime may also be the primary predictor of fear of personal victimization (Weitzer & Kubrin, 2004).

While all news outlets appear to be guilty of exaggerating violent crime, some do it with more frequency than others. Media sectors with greater competition demonstrate a greater tendency toward sensational crime news coverage. For example, a town with one television station and one major daily newspaper is less likely to overplay violent crime than media in a city with several local TV stations and more than one daily (Weitzer & Kubrin, 2004). In comparison studies, television news was found to be more likely to

report violent and/or sensational crimes, likely because of their internal competition coupled with their local-news orientation (Weitzer & Kubrin, 2004).

With those ideas in mind, it is no surprise that local television news stories about violent crimes occurring geographically close to the viewer elicit the most fear of crime (Weitzer & Kubrin, 2004). There are a number of reasons for this. Resonance is chief among them. Such stories are “close to home” and TV news crews often broadcast live from crime scenes. The visual element, coupled with the proximity of the crime, work to heighten the effect of fear of victimization. In addition, crime stories are believable (Weitzer & Kubrin, 2004). This too is a function of visual cues and proximity. When the television news viewer sees the commotion of a crime scene and recognizes the neighborhood, fear of crime becomes all too real. Finally, many television newscasts lead with crime stories. This sets them apart as being stories of the utmost importance. When crime stories lead day after day, week after week, the audience comes to believe that crime, particularly violent crime, is the norm for the area.

In addition to resonance, salience matters in crime news. This is achieved in much the same way. By selecting certain crimes, specific neighborhoods and even types of victims, the media create an atmosphere of fear that is relatable to segments of the population. Examples of these populations may include the residents of an area where crime stories often originate, women who frequently see female victims in crime stories and African-Americans whose neighborhoods are targeted for overrepresentation in crime news (Weitzer & Kubrin, 2004).

The result of local crime news coverage is increased fear of crime among the general public and an increased attentiveness to local crime news. In fact, people who list

local TV and newspaper as their primary news sources exhibit the most heightened fear of crime (Weitzer & Kubrin, 2004). This may have a profound effect on the “local” defendant. He or she may be viewed in the context of a larger crime problem and may also be endowed with increased criminality because of his or her association with a high-crime area or a series of previous crimes committed by other offenders.

Today’s crime story is the distillation of one of journalism’s first prominent genres. As early as 1587, detailed accounts of the witchcraft trials of the Northeastern United States that appeared in English newsletters were wildly popular. Like crime news of the modern era, these stories featured a mix of hard facts and compelling narrative. The disseminators of this information realized that cold recitation of the events was not enough to capture the audience’s attention. These early crime stories had entertainment value (Surette in Barak, 1995).

In the 18th and early 19th Centuries, “street literature” was the primary information source for news about murders and scandals – the mainstays of early crime news. By the 1830s, Penny Press reporters in the U.S. began to specialize in this type of news and the crime reporter was born (Surette in Barak, 1995). This new breed of journalist was prominent but not highly regarded by the public or other reporters. He dealt in the “dirt” of the news world, reporting on society’s worst members, recounting its most profound tragedies. It was this early version of the crime reporter who began the construction of crime news. He pioneered news selection for the genre and his product was considered a commodity (Surette in Barak, 1995). Crime news at this time began to incorporate sensationalism in an effort to increase circulation (Chermak, 1995a).

The journalistic needs of the Civil War further honed the craft of crime journalism.

Unlike dispatches from within one's own city, reports on Civil War battles emanated from far-away places and involved quickly-changing stories. In addition, the telegraph was the primary means of communication for the dispatches. These factors created a dire need for reporting efficiency. Civil War reporting led to the standardized paragraph and lede structures that are still employed today. Journalism also placed a higher value on brevity, neutrality and organization. These news standards made for not only more uniform reporting but also for easier editing. News became more factual and descriptive and less analytical (Surette in Barak, 1995). These shifts in reporting were mirrored by crime reporters of the day, as the format was well suited to the subject matter.

Two distinct types of news emerged at the end of the 1800s that persist to this day. The first was informational news. Aimed at the upwardly-mobile middle class and the elite, this brand of journalism presents hard facts, clean construction and traditional values. These are the types of stories that appear today in publications like *The New York Times* and *The Wall Street Journal*. The second type of news coverage that emerged at this time was the entertainment story. Though it still encompasses the news, it does so in a less formal manner, often using engaging storytelling as the crux of the piece. This type of reporting is aimed at the lower-middle and working class audience and may be found in such modern publication as *USA Today* and the *New York Daily News*. Both types of news promote the status quo and present crime as individual acts within larger frames that promote crime control (Surette in Barak, 1995). These types of crime news seldom link crime to larger social or political factors. This is a direct result of the genre's movement away from analytical links to social trends and toward more fact-based reporting within a larger portrait of a more realistic presentation of society.

The evolution of crime news can be seen clearly in the microcosm of journalism of the Old West. Before 1870, newspaper editors of the American West showed little interest in crime news as crime itself was so commonplace on the frontier. What coverage did exist was partisan and, in many cases, supported vigilante justice (Einstadter, 1995). As tent cities morphed into actual towns, crime news coverage evolved into narratives that promoted crime control on a community scale rather than the posse-oriented response to individual incidents. This new trend was vital in the formation and growth of local crime-suppressant entities (Einstadter, 1995). Crime-control framing in Old West journalism ushered in a new era of law and order on the frontier.

There are three commonly-used models in crime news gathering. While not all crime news may fall neatly into a model category, the components of these models govern the gathering of crime news in general. The market model is perhaps the idea most frequently cited by media outlets that are criticized for over-the-top crime news coverage. Under the market model, crime news content is determined by public interest and reporters are essentially reduced to “news collection agents” (Surette, 1992). The market model is most commonly used in highly competitive news environments. The manipulative model is a method of crime news gathering wherein news selection serves as an agenda-setting mechanism. Most often, the manipulative model is the result of news selection by media elite – outlet owners and managers (Surette, 1992). The organizational model involves the selection and presentation of crime facts and stories designed to present a broader reality (Surette, 1992). This model may be seen as a true law and order approach. It is the model most likely to result in accurate crime news and a substantial benefit to society.

A number of controls work to limit the effectiveness of the news-gathering model (Surette, 1992). The crime beat – a staple in most newsrooms – may seem like a crime newsgathering advantage. However, crime beats are based on routines that reporters follow day after day. In the course of checking in with the police department and the courthouse, the journalist may find that he has little time to pursue street-level leads that could result in more comprehensive crime news coverage. The same idea may be applied to the prolific use of elite sources in crime news. Most crime news information comes to the media from law enforcement and other government sources (Chermak, 1995a; Surette, 1992). This routine limits the number of voices represented in crime news coverage and institutionalizes the disenfranchisement of the criminal voice. The periodicity of a crime story is another consideration that diminishes the likelihood of diverse and comprehensive crime news coverage (Surette, 1992). Periodicity is the constant preference afforded crime stories that fit into the daily news cycle. This short news cycle does not allow for complex events that might include diverse voices. Consonance is another newsgathering element that has both advantages and limitations. The idea that stories are selected because they tie into prior news events and/or fit accepted themes is a common consideration (Surette, 1992). The dark side of consonance is that stories are selected in a manner that supports the public's preexisting notions about crime, suspects and explanations for criminal events. Consonance is the cousin of agenda-setting and the close, personal friend of stereotypes. However, crime stories are considered a commodity (Surette, 1992) and the sale of that commodity requires some finesse. For this reason, crime stories with dramatic and even novel narratives are considered valuable to the news industry (Chermak, 1995a). If all other factors are equal,

a more compelling – or sensational – crime story will make a news roster. Gatekeepers play their part in keeping crime news homogenic, as well (Surette, 1992). With decisions made at multiple levels in most news organizations, crime news seldom deviates from the typical. All of these factors work to ensure that a crime newsgathering routine is established in news outlets. Distortion of crime perception becomes systematic (Chermak, 1995a). Seldom does the unfiltered, unexpected crime story make it through the rigors of the newsgathering routine. Lost, too, in these routines is the possibility for the accused to have a voice in the media.

In addition, these barriers diminish the purity of the models. For example, a model based primarily on market factors may, at times, resemble a manipulative model due to newsgathering barriers.

A fascinating development in the construction of crime news has been the emergence of two primary criminal figures. Criminologist Ray Surette (in Barak, 1995) calls these personas the “violent predator” and the “professional businessman.” The appeal of these types of criminals – to both the media and audiences – ensures that stories involving grisly serial murders and high-profile Ponzi schemes will dominate the headlines. Unfortunately, heavy coverage of such events in the absence of more mundane crime news does not present an accurate portrait of crime and criminals.

There exists in crime reporting a notable exception to the newsgathering trends. It comes at the hands of “moral entrepreneurs,” interest groups or individuals who create media interest in certain types of crimes (Wasserman & Stack, 1995). American media history provides a few examples of how the media were swayed by such endeavors. By 1913, for instance, the press was awash with reports condemning commercial

prostitution, largely because of a commission on the subject chaired by John D. Rockefeller, Jr. Prior to his personal campaign against this industry, little appeared in the press about houses of ill repute. In the 1980s, the efforts of First Lady Nancy Reagan led to extensive coverage of the “war on drugs.” While coverage of the topic was congruent with increased government activities in the realm of illicit drug control, the outspoken First Lady was responsible for a great deal of coverage that would otherwise not have occurred. These often-temporary shifts in crime news coverage need not reflect actual changes in crime rates but rather fluctuations in social attitudes and concerns (Wasserman & Stack, 1995). This is yet another function of agenda-setting, albeit from the public sphere.

The manner in which crime news is produced affects other segments of society, specifically the courts and the police. From setting standards in sentencing to shaping law enforcement priorities to encouraging “law and order” political stances, the media have a profound influence on the criminal justice system. This influence is wielded through the use of two media models: Media logic and the institutional perspective.

Pioneered by media sociologists David Altheide and Robert Snow in the late 1970s, the “cultural logic of media” (1979) is more commonly known as media logic. Consisting of several key components, media logic has stood the test of time and been employed by media scholars to explain the functions and outcomes of media influence for more than 40 years. The first assumption in the media logic process is the idea that the media imbue added significance to events by attaching newsworthiness to them (Altheide & Snow, 1979). The effects of this component can be seen today in the example of the increased media attention on sexual assault. Once a seldom-reported crime, rape coverage increased

more than five times in English media between 1951 and 1985 (Reiner, 2007). On February 15, 2011, news anchor Brian Williams of NBC Nightly News reported the brutal sexual assault of a CBS correspondent covering the uprising in Cairo (Williams, 2011). During the same 30-minute broadcast, NBC presented an investigative piece on sexual assault in the military (Williams, 2011). Headline News' Jane Valez Mitchell has gone so far as to coin the term "War on Women" to describe her on-going coverage of sexual assault in America (Valez-Mitchell, 2011). In addition, the ways in which rape are covered have changed in recent decades. Once presented only as a violent crime with an unnamed victim, stories now include such angles as date rape and even first-person narratives (McBride, 2002). Sexual assault stories have become human-interest pieces (Flanders, 1991). One of the effects of this coverage has been a national conversation on sexual assault in society.

The next component of the media logic model is the media's tendency to encourage dramatic or spectacular events within other institutions (Altheide & Snow, 1979). This can be seen in such orchestrated events as the "perp walk" (Ruiz & Treadwell, 2002). There is no legal imperative requiring the public presentation of criminal suspects. Their arrival at detainment facilities and courthouses is not information owed the public for any legal or moral reason. However, the spectacle has become so common as to be considered an audience right. Make no mistake, though, the "perp walk" is not staged for the benefit of the public. It is an organized event designed to demonstrate the effectiveness of law enforcement and to garner media coverage to convey that effectiveness (Ruiz & Treadwell, 2002). The case of Oklahoma bomber Timothy McVeigh demonstrates this symbiosis between law enforcement and the media. His was not only a "perp walk" but a

media event complete with shackles and armed guards (Michel & Herbeck, 2001). It sent a strong message, via the media, that terrorism could be controlled by law enforcement, that those who committed heinous acts of seemingly random violence would be captured and treated appropriately.

Media logic also dictates that institutions interpret information in a specific fashion. Media communication encourages the presentation of stories in simple language and prefers information that adheres to media-constructed story formats (Altheide & Snow, 1979). This promotes the distillation of information to its most comprehensible level. It does not allow for complex storylines that provide broader interpretations of events. This component of media logic is particularly germane to the construction of crime news. Crime news typically is presented in short news cycles and follows prescribed story formats. While many real-life crime scenarios are complicated, many media crime stories are not. The story of the Seaside Slayer is a prime example. In December 2011, four bodies were discovered on a Long Island barrier beach in various stages of decomposition. This discovery was national news. In the months since, New York news outlets have covered the identification of the remains, the revelation of some commonalities among the victims and Suffolk County Police Commissioner Richard Dormer's contention that the homicides are the work of a serial killer (CNN Wire Staff, 2011). However, more complex stories on the crimes have been absent from most national media outlets not headquartered in New York, the state in which the crimes occurred. Such coverage would require extensive background within the frame of the article and more non-standard crime news themes. Furthermore, only dramatic milestones in the case merit press releases, according to a source in the Suffolk County Police

Department. Speaking on the condition of anonymity, the source noted that the press is only updated through press releases and conferences at specific points during the investigation – such as the identification of the victims – but that officials continue to work the case daily and with great fervor (Deputy “Doe,” 2011). The source also speculated that daily press releases would likely cause the media to lose interest in the story.

The final component of the media logic model is the press’ desire to cater to the middle. Often referred to as the “ideal norm,” this involves the presentation of information in its least objectionable incarnation (Comstock & Scharrer, 1999). This tendency serves a number of goals. First of all, by appealing to the middle of society’s value structure, the media have a greater chance of capturing a larger audience. This translates into revenue. In addition, presenting oneself and one’s actions as mainstream allows the media to avoid criticism and eventual alienation from large swaths of society. Finally, the consistent construction of an “ideal norm’ allows the media to categorize crimes and criminals in ways that are conducive to mainstream attitudes (Doyle, 2003). Reports on child abuse most starkly reveal the media’s tendency to adhere to “ideal norms.” Though some Americans believe that spanking and other corporal punishment is acceptable in child rearing, nearly all stories of child abuse – from the heinous to the mundane – are framed using the abuser as the villain. Such stories seldom include details about mitigating factors that may have led to the alleged abuse. This is likely a result of the mainstream attitude that promotes the safety of a child above all else.

The second media model that explains the influence the media have on other segments of society is referred to as the institutional perspective. Constructed by

Canadian scholars Richard Ericson, Patricia Baranek and Janet Chan (1989), it is centered around the use of elite sources. The crux of this model is the idea that the media are so heavily dependent on elite sources for crime news that there is no opportunity for social transformation in the area of crime management. Instead, crime reports support the existing state of affairs (Ericson, Baranek & Chan, 1989). In addition, with their starring role as media sources, the police are in a position to affect media content (Doyle, 2003) and engage in agenda-setting. A stark example of this power can be seen in the release of information in the Casey Anthony case. The Orange County Sheriff's office chose to provide video tapes to the media of police interviews with the Florida mother accused of murdering her toddler, Caylee. One specific encounter between deputies and the suspect revealed Anthony's emotional response upon learning that her daughter's body had been discovered in December of 2008. The *Orlando (Florida) Sentinel* covered the release of the tape and described the images for its readers. Marti Mackenzie, a spokeswoman for Anthony attorney José Baez, denounced the *Sentinel's* decision to report the information, declaring it was a ploy by the police to poison public sentiment against their client.

"It is outrageous and cruel that they were standing by to record her emotions," Mackenzie said. "Let's call this the latest in a 'tape and release' strategy that the Sheriff's Office seems to have used since Casey was first arrested. Even if it's not their primary motive, the release of this kind of information has to have an influence on viewers and readers" (Prieto, 2009).

The media have influences on the police that vary from daily interaction dynamics to procedural tactics designed specifically for the press. The media matter to the police on

several levels. The media are the police departments' primary link to the general public. They have the ability to disseminate information to wide and diverse audiences in ways that the police themselves cannot. Through this communication, the police are able to convey information that helps them both prevent and solve crimes, as well as demonstrate their effectiveness. This function is important for a number of reasons. First of all, crime has been shown to be a topic of great public interest (Chermak & Weiss, 2006). Secondly, few members of the general public have direct contact with crime, criminals or law enforcement (Graber, 1980). It is only through the media that the police can convey to these members of society that they are relevant. In addition, communication with the public through the media provides opportunities for community policing, in which citizens assist the police in identifying crime problems within the community and even assisting the police in solving crimes (Sadd & Grinc, 1996; Skogan, 1989). Finally, exposure to crime news in which the police are portrayed as effective translates into funding for police efforts (Ruiz & Treadwell, 2002).

In effect, the media, the police and the public have become partners in crime control through media communication. An example of this is the creation of such community policing programs as "Take a Bite Out of Crime" and "Crimestoppers." The media seem uniquely positioned to ensure the success of such endeavors. One study examined the effects of the "Take a Bite Out of Crime" advertising campaign. The researchers found that exposure to the campaign increased public awareness about crime and improved public attitudes toward crime prevention (O'Keefe & Reid, 1990). Another study also found that exposure to community newsletters designed to reduce fear of crime in Newark, New Jersey, and Houston, Texas, had no effect on public awareness of crime,

fear of crime, evaluation of police services or satisfaction with the state of crime in an area (Pate, Lavrakas, Wycoff, Skogan, & Sherman, 1985). Even though the community newsletters were more comprehensive – including local crime stats and neighborhood information in addition to crime prevention tips – and more targeted to their respective areas, they were less effective than the “Take a Bite Out of Crime” media campaign.

The police have also found success teaming up with the media in specific programs designed to solve crimes. “Crimestoppers” represents a formalization of this partnership. This program consists of television segments wherein a crime is reenacted and profiles, photos and police sketches are presented to elicit information and leads in unsolved crimes. An evaluation of the program found that it was widely accepted by the media and media executives, wildly successful in terms of identifying felons and recovering property and quite effective in increasing public awareness about crime. The evaluation also revealed that programs like “Crimestoppers,” in which the police and the media have a cooperative relationship, were more successful than traditional means of crime reporting in terms of crime suppression (Rosenbaum, Lurigio, & Lavrakas, 1987).

The media have also allowed the police to elicit the assistance of the public in actually solving crimes. The “video wanted poster” (Doyle, 2003) allows the audience to see the faces and profiles of wanted suspects without ever leaving their homes. Through the use of this device, television viewers become engaged in surveillance of one another and enter into a partnership with the police (Doyle, 2003). Such endeavors have created a new institutional role for the audience. This opportunity is provided by the media but the audience serves the dominant system, the police (Doyle, 2003).

Police officials are the primary sources for information in crime newsgathering.

Long-standing media routines reinforce the use of these elite sources in crime news (Fishman, 1980). Another reason the police remain the primary source for crime news is that these relationships are viewed by both parties as positive and valuable. One study illustrates the attitudes of police and reporters about their relationships, finding that nearly 90 percent of the police public information officers viewed the collaboration positively and more than 70 percent of the combined media personnel sample, including print and broadcast professionals, characterized the relationship as good (Chermak & Weiss, 2006). This supports previous research in which both law enforcement and media professionals describe their relationship as symbiotic (Chermak, 1995a; Grabosky & Wilson, 1989; Fishman, 1980). The survey research done by Steven Chermak and Alexander Weiss in 2006 found that, for the most part, daily interactions between law enforcement and the media is conducted in an atmosphere of accommodation, cooperation and support (Chermak & Weiss, 2006). While this relationship is beneficial to both parties, there is another element to consider. Because of the ease with which the information is shared and accepted, the police – and specifically, the police public information officer – are crucial in the construction of crime news (Chermak & Weiss, 2006). PIOs are highly trained in both law enforcement protocol and media relations. Police departments that employ them have a distinct advantage in managing their public image.

The effects of the media on law enforcement institutions can be seen in such simple scenarios as the traffic stop. Criminologist Aaron Doyle (2003) examined the effects of the television program *COPS* on law enforcement situations. He explained the various ways in which televising the common social situation – the traffic stop – affected all of

the parties involved. The officers, he noted, may be inclined to engage in warning speeches to the drivers intended for the larger audience behind the camera. Sometimes, the officers may feel it necessary to ticket or arrest the drivers because of the now high-profile nature of the stop (Doyle, 2003). Doyle also contended that the policy regarding traffic stops may change on an institutional level. If traffic stops are televised frequently for a long period of time, that aspect of law enforcement comes under greater social scrutiny. This may result in changes in the protocol of the traffic stop (Doyle, 2003). The way in which this comes to be coincides with the tenets of the media logic model. Newsworthiness, in the form of *COPS*, gives this everyday law enforcement scenario added importance. The presence of the camera crew encourages dramatic or spectacular behavior on the part of the officer, the suspect or both. Because the traffic stop is a familiar situation to many viewers, it fits the criteria as an established story format featuring simple language. The media presentation of these events even caters to the “ideal norm,” with some people escaping with a warning and some others being arrested. Typically, the ones who are arrested are those who do not fit the “law-abiding citizen” profile considered mainstream. This is but one example of how that television affects the criminal justice system.

A portrait of how the media have changed day-to-day operations of a law enforcement entity can be found in Phoenix, Arizona. Under the media-savvy Maricopa County Sheriff Joseph M. “Joe” Arpaio, law enforcement in Phoenix has been transformed into a national spectacle. Importantly, however, it is a spectacle that has resulted in the sheriff being re-elected four times by double-digit margins. Billing himself as “America’s Toughest Sheriff,” Arpaio has hosted more than 100 radio programs,

appeared on 38 national television shows and been featured in dozens of national and foreign print media stories. He is famous around the world for his county jail's "tent city," in which convicted offenders bunk outside 24 hours a day on the grounds of the detention center. He has instituted the wearing of pink underwear for male inmates, single-handedly brought back the chain gang and the posse and his jail sports a six-and-a-half-foot neon "vacancy" sign. Even the stars on the sheriff's uniform have been affected by his attention to the media – they were made larger to show up better on camera (Doyle, 2003). The strategy Arpaio is using is called "shaming" by Doyle and "gonzo justice" by Altheide (Doyle, 2003). Its effects are critically diminished without media exposure.

Media effects also spill into the courtroom. This can be seen most clearly in sentencing. Heavy publicity of a criminal case may result in an intensification of punishment, affecting the formal justice process in a profound manner (Doyle, 2003). Studies have found that media attention has an effect on the likelihood of plea-bargains in criminal cases. Cases with extensive media attention are less likely to be plea-bargained and the subsequent punishments in those cases are harsher. In fact, the amount of news coverage was found to be the strongest predictor of whether prosecutors would plea-bargain in homicide cases (Pritchard, 1986; Jones, 1978; Utz, 1976). These effects may translate into broader sentencing policy if there are numerous cases with high levels of media scrutiny in any jurisdiction (Doyle, 2003).

Race and crime news

Among the factors that affect the perception of crime and distinguish crime news is the presence of racial inequality in reporting. Though issues of racial inequity are

found in other news genres, it is perhaps no more devastating to minority communities than when it manifests in crime news coverage.

Media effects scholar Travis L. Dixon has dedicated his career to examining the formation, use and implications of stereotypes in mass communication. His research has found that local television over-represents black criminality on a regular basis (Dixon & Linz, 2000a). In addition, Black suspects are more likely to be cognitively linked to violent criminal behavior as opposed to non-violent crimes (Dixon & Linz, 2000a). This creates a portrait of the Black suspect that has disadvantages far outweighing those of other alleged criminals profiled in the media.

The underpinnings of this phenomenon are both historical and reinforced in modern-day reporting. They are pervasive throughout the industry and span every level within it. These ideas emanate from but are not limited to the media. They are often indicative of larger issues in society. Indeed, they are a reflection of cultural anxieties (Doyle, 2003).

The “war on drugs” is an example of how racism seeps into news coverage and becomes institutionalized. Under a law and order ideology, like that to which U.S. government and American media adhere, large-scale campaigns against crimes like narcotics violations are prime breeding grounds for stereotypes. Coverage of the “war on drugs” has been observed as a “war on Blacks” (Fiske, 1996; Andersen, 1996) and even a “war on the poor” (Doyle, 2003). Coverage of the “war on drugs” has created an “image of the enemy” (Gamson, 1995) that is Black and poor and usually a violent offender. The implications of solidifying this image with long-term, redundant coverage are an

increased fear of crime, an increased fear of strangers and, perhaps most significantly, an increased fear of other social groups (Hale, 1996).

The process of creating criminal stereotypes begins at the top of the food chain, with media management. Traditionally white-owned and managed media create an atmosphere conducive to racially-biased reporting (Heider, 2000). In addition the orientation of journalists affects the ways in which stories are reported (Heider, 2000). Knowing the preference and rituals of media management encourages reporters to produce stories that dovetail with those beliefs. Journalists are also products of their own media environment. As media consumers, reporters are exposed to the same stereotypes that they are guilty of activating.

Crime news is particularly suited to racially-imbalanced reporting. Crime news' primary sources are elite members of society (Barak, 1995). Police and government sources are more likely to disregard diversity in an effort to promote a law and order ideology. By its nature, crime news is highly selective and, thus, biased (Barak, 1995). Not all crime stories fit the criteria for newsworthiness. In fact, a small percentage of crime is considered news at all. This allows for a great deal of stereotyping within the narrow confines of "newsworthy crime." Some tendencies in crime news that support this framework are the over-reporting of violent crime, the under-reporting of routine crimes like larceny and the dismissal of crimes with no clear victims. Instrumental in creating racially-biased crime portraits is the media's lack of interest in reporting crime within ethnic and racial communities and their overzealousness in reporting inter-ethnic and inter-racial crimes (Barak, 1995).

People of color are also the victims of unbalanced coverage on a larger scale. Well-represented in crime news, racial minorities are decidedly under-represented in other types of news stories (Heider, 2000). This further cements the idea in the minds of the audience that minority communities are associated with crime.

Entire communities can fall prey to stereotyping through crime news reporting. For example, one English headline in *The Evening Mail* (now called the *Birmingham UK Mail*) in the 1970s read “Must Harlem come to Birmingham?” (Wykes, 2001, p. 34). The article was about rising crime rates in the city and the comparison was intended to speak to the perceived lawlessness of New York’s apparently infamous borough.

The British media may take their cues from metropolitan American news coverage. Studies have concluded that local television news frequently over-represents African-Americans as suspects in many major metropolitan areas (Dixon & Linz, 2000b; Entman, 1992; Romer, Jamieson & de Coteau, 1998). This over-representation creates a distorted view of Blacks’ involvement with crime. A number of experiments (Dixon, 2006a, 2006b; Gilliam & Iyengar, 2000) suggest that these perverted portrayals “may influence social reality judgments regarding race and crime” (Dixon, 2008, p.106).

The way judgments about race in crime news are formed is primarily through the activation of stereotypes. Stereotypes are cognitive shortcuts that people use to arrive at conclusions about people and situations. These pathways begin with repetitive associations. For example, if the media frequently associate a social group with crime, the audience is more likely to jump to the conclusion that the social group is involved when the crime is mentioned. One of the insidious features of stereotyping is that it is more likely to be employed if it has been either recently or frequently activated (Dixon, 2008,

2006a, 2006b; Dixon & Maddox, 2005). Previous content analysis studies have found that crime news makes the stereotype of Black criminality accessible and causes it to be frequently activated in audiences. Results reveal that this is primarily a function of the association in the press of crime with African-Americans as opposed to whites (Dixon & Linz, 2000a, 2000b; Entman & Rojecki, 2000). The frequent association of Blacks and criminality results in a schema – a mental portrait that represents what the audience member considers social reality. This schema leads people to make judgments about race and crime. It is made more potent by crime news, as opposed to other media, because of the perceived veracity of the news media (Dixon, 2008; Armstrong & Neuendorf, 1992) and the emotional cues found in the narratives. Like all stereotypes, the schema of Black criminality strengthens with redundant exposure. As the media repeatedly link the Black community with crime, stereotype activation increases in both frequency and accessibility (Dixon, 2008). In this way, the Black criminal stereotype becomes, over time, more and more relevant to the audience.

The result of this tendency to link social groups to crime is “racialized crime news” (Dixon, 2008, 2006b). Prior experimental research has found that such representations are associated with negative perceptions of unidentified and Black suspects but not with white suspects (Dixon, 2008, 2006b). In other words, stereotypes are employed to form social judgments about African-American suspects and even suspects whose race is unknown but not in the case of the dominant race suspects. Scholars speculate that these results are the product of over-representation of Black criminality in the news media (Dixon, 2008, 2006b).

Such stereotypes are bolstered by the absence of minority groups in other crime news roles. For example, stories of missing white children like Caylee Anthony grab national headlines for months or even years while stories about missing children of different races or classes barely get noticed on the national media stage (Fuhrman, 2009). This phenomenon can be seen on the continuum of coverage of missing child cases in Florida alone. Caylee Anthony went missing in Florida in 2008. Haleigh Cummings and Adji Desir disappeared the following year. Of the three cases, Caylee's was far and away the most heavily covered. She was a white child from a middle-class family. Haleigh Cummings was from a poor family and her case received far less coverage than Caylee's, even in 2009, the year Haleigh went missing. Adji Desir, who was poor, Black and a boy got virtually no national news coverage when he vanished in January of 2009. As one former law enforcement official noted: "The search for Caylee Anthony played out in the national media for six months, the search for Haleigh Cummings faded out of the national spotlight in a few weeks and Adji (Desir) was barely a blip on the national media screen, gone in days" (Fuhrman, 2009). It is far more common to see a person of color represented in the media as a criminal than as a crime victim.

This type of coverage may involve an element of moral entrepreneurship (Barak, 1995). A number of groups lobby the media for the coverage of missing children, including formal groups like the National Center for Missing and Exploited Children and informal groups, such as the families of the missing. However, the media are not without responsibility for turning a blind eye to the many minority victims of crime and the lack of news coverage of those victims.

Sensational crime news coverage

Aside from celebrity news, there is perhaps no news genre more prone to sensational coverage than the crime beat. The underpinnings of this distinction are many and varied – crime news contains an element of fear; criminals are the ultimate “other” in society; some crime facts are unknown at the time of reporting, leading to speculation and; there is an historical precedence for sensational coverage, to name just a few.

The fact that crime news is a commodity, just like celebrity gossip, also contributes to the tendency to make it entertaining for the audience. This marketing of crime news occurs at all stages during the crime story – from commission of the crime to the trial of the accused. Criminologist Ray Surette notes that a “media trial” is defined as a “regional or national news event in which the media co-op the criminal justice system as a source of high drama and entertainment” (Surette in Barak, 1995, p. 68).

The penchant for covering crime in dramatic and entertaining fashion is deeply rooted in crime news coverage from both the modern age and yesteryear. The evolution of this trend can be seen most clearly in the rise of the “predator criminal.” He is the serial murderer who kills random victims, the quiet neighbor who goes on a shooting spree and the terrorist who attacks the innocent. Though this criminal is rare, his exploits dominate crime news coverage. He speaks to the public’s greatest fears and is afforded its most rapt attention. Surette notes that these figures have become media icons (Surette in Barak, 1995).

The predator criminal is, however, a constructed reality. His persistence in the public consciousness holds because of the lack of first-hand experience that the public has with crime on a regular basis. In the matter of crime, most people fall into a category

called the subjective reality model. Their view of the world – in this case, the world of crime – is comprised of an objective reality based on experience and a symbolic reality based on language and media exposure. In fact, for those who have little knowledge of crime in their own lives, the media may be their only exposure to the phenomena. In the U.S., the media are the single most dominant actor in the subjective reality construction process. They are the creators of a “crime and justice reality” that differs from the true portrait of crime in America (Surette in Barak, 1995).

Crime myths have become a significant part of this constructed reality. These myths linger and indeed become more widely accepted with repeated use of framing devices in crime news. In a socially-constructed world model, the image that appears most frequently becomes truth (Surette in Barak, 1995).

The crime myth of predator crime is the most prevalent and longest standing in American media. The predator criminal has been a part of crime news for more than a century. His rise is related to the creation of the “entertainment criminal” (Barak, 1995). The fictional entertainment criminal began to appear in the 1800s in magazines, serials and dime novels. He was portrayed as an individual who was morally weak, easily recognizable and able to be captured. These early renditions of the predator criminal laid all blame on him as a person and seldom mentioned social conditions that may have contributed to his crimes (Surette in Barak, 1995). In the 1930s and 1940s, the fictional predator criminal began to take shape as a notorious outlaw. He was modeled after Western heroes but, true to the times, became more urban, more violent and ruthless (Surette in Barak, 1995). When the predator criminal was adopted by television in the 1950s, he was the focus of individual acts of violence visited upon victims that were both

more randomly chosen and more helpless. In today's media, crime between strangers is seen as common in entertainment media (Surette in Barak, 1995).

The news media paralleled the entertainment genres in terms of presenting a predator criminal. In the 1890s, Hearst and Pulitzer newspapers began to cover personal violent crimes in great measure (Surette in Barak, 1995). Today, such stories dominate crime news, despite the crime statistics that place personal, random, violent crime at the lower end of the frequency spectrum (Barak, 1995). Indeed, crime and entertainment media have merged at this point, resulting in hour-long true crime stories every bit as dramatic as any *Law & Order* episode. Cable channel Investigation Discovery touts itself as "America's fastest growing network" and features 24-hour programming of true-crime shows like "The FBI Files," "The New Detectives" and "Deadly Women."

The distorted portrait of crime created by crime myths can be examined by considering the misleading example of serial killers in the news. Though the number of serial murderers operating in the United States has increased slightly since the 1970s, research suggests that they account for no more than 300 to 400 victims per year, or about 2 or 3 percent of all homicides (Jenkins, 1988). Serial killers who cross state lines or roam the country in search of victims are an even rarer phenomenon. Media stereotypes suggest that criminals like infamous serial killer Theodore Bundy are far more common than they are. In fact, experts say that serial murder is a regional as opposed to a national issue, with most instances occurring in California, Texas and Florida (Barak, 1995).

The predator icon in the media, however, is an American creation that persists in every region. He is born of the very fabric of American ideology. He is the evil

manifestation of American individualism. The U.S. approaches crime management from a micro-community perspective. This is a direct result of the narrative of the criminal and his crimes expressed in individualistic terms. The person who commits crime in America is viewed as one who has character flaws. Crimes are often depicted as the result of flawed relationships between individual parties. There is seldom an accounting of broader social issues that contribute to criminal activity. In this fashion, suspects are cast as “other,” morally deficient individuals who choose crime as opposed to legitimate activity (Surette in Barak, 1995).

This framing leads to micro-solutions to crime. By casting the criminal as other, society yields its power to affect social change by increased dependence on a complex and punitive legal system. The more incomprehensible the crime, the more the public is dependent on the media to provide explanations for the legal processes that follow. This increased reliance on the media for information and the criminal justice system for law and order results in the strengthening of social barriers between the suspect and the public (Surette in Barak, 1995). In other words, the continued isolation of the criminal from society is perpetuated by the ways in which society responds to crime through the media and the criminal justice system.

Other crime myths serve to bolster the predator icon myth in the media. The idea of “simpler times” in America is one such myth. The belief that heinous crimes were less common in years past causes audiences to pine for a safety that perhaps never existed. In seeking this ideal, the public will accept the language that casts criminals, particularly violent offenders, as separate from society. Another myth is the idea that technology will increase the advantage that society has over crime. This belief perpetuates the support of

a more and more complex law enforcement mechanism that may or may not affect a decrease in crime. Both of these myths are dependent on the presence of the predator icon to persist and both support the continued presentation of the predator icon in the media (Surette in Barak, 1995). All of these notions are driven by fear of crime. In turn, fear of crime is the product of these crime myths. Media content, most especially that content which features the predator icon, has been found to be the single most powerful predictor of fear of crime in the U.S. (Surette in Barak, 1995).

The ubiquity of the predator icon in the media has effects on every level of the law and order process. It justifies the use of excessive measures in the field including expensive investigative endeavors, aggressive apprehension tactics and prolonged media coverage for predator crimes. It affects public policy by promoting punitive increases for all violent crimes. These measures are undertaken despite the fact that predator crimes, even violent crimes in general, make up only a small percentage of crimes committed. Looking only at punitive increases, it could be said that they serve the criminal justice structure more effectively than they meet the true needs of the public. These reforms are, however, the easiest to employ for the criminal justice system and the most visible for the politicians (Surette in Barak, 1995). In this way, the use of the predator icon changes the criminal justice system in ways that do not necessarily benefit society.

In addition, the use of the predator icon informs crime news to the detriment of any individual accused of a violent crime. He or she is cast in the role of “predator” to the exclusion of mitigating circumstances. Once labeled as a person in the company of such people as Ted Bundy and Florida serial killer Aileen Wuornos, it is difficult to maintain any sense of self. In general, the depiction of the predator icon, particularly the serial

killer image, converts the criminal suspect from a rational, socially-affected human being who may be deterred from crime or reformed after crime into a random, evil and pathological monster who will never fit into society. Criminologist Ray Surette notes that the use of this media device means that “crime is transformed into a war being fought by semi-human monsters versus society” (Surette in Barak, 1995, p. 145). This is an easy narrative for the public to embrace. It speaks to the age-old story of good and evil and people’s tendency to categorize people and events as one or the other.

One of the most important devices in placing the criminal suspect in a category separate from others in society is the use of polarizing statements about the accused. A secondary dividend of this process is that unusual elements increase the newsworthiness of a crime story. Evidence of this type of coverage can be seen in the 1991 case of Milwaukee serial killer Jeffrey Dahmer. On July 23, 1991, body parts of as many as 15 young men were found in Dahmer’s Milwaukee apartment. *The New York Times* called it the “grisliest murder case in the city’s history” and noted that the slayings were “related to deviant sexual behavior” (Yang, 1991). Jeffrey Dahmer and at least some of his victims were homosexual. Representatives for the National Gay and Lesbian Task Force (NGLTF) claim that “reports of these kinds of horrible murders reinforce anti-gay sentiments within the community,” noting that “deviant sexual behavior” is a “code word for gay” (Yang, 1991). The problem with this type of statement in crime news, according to social psychologist Greg Herrick, is the connection that is made between the homosexual community and criminal activity. Herrick notes that in communities where homosexual groups are not very visible, exposure to the group through its association with crime is potentially damaging to the group. He also points out that mention of

homosexual behavior in crime news is not unusual, attributing the tendency in part to the assumption that the mainstream audience is heterosexual. “You will never see a headline that reads ‘Heterosexual serial killer apprehended’,” he explained (Yang, 1991). The emphasis on this aspect of a crime story reinforces negative stereotypes about groups of people, in this case, the homosexual community.

It is indisputable that the media single out the extreme criminal and the fantastic crime for coverage. The inverse is also true sometimes. Some criminals and, by their nature, some crimes seek publicity. Terrorists are the most common publicity-seeking criminals. M. Cherif Bassiouni, a leading scholar on international terrorism, has identified four types of publicity-seeking criminals based on motive. Though these categories were devised to explain the media consciousness of terrorists, they are applicable to other types of criminals as well. The first is the common criminal motivated by personal gain (Ghetti, 2008). Serial killer Dennis Rader fits into this category. He sought the attention of the media and law enforcement for apparently no reason other than his own amusement. The second type of publicity-seeking criminal is the person acting as a consequence of a psychopathic condition (Ghetti, 2008). Mark David Chapman, who shot and killed John Lennon in 1980, was one of these criminals. Though found competent to stand trial, it was noted that he was delusional at the time of the crime. He is serving a life sentence in Upstate New York. The third type of publicity-seeking criminal, according to Bassiouni, is the person seeking to publicize a claim or redress a grievance (Ghetti, 2008). Virginia Tech shooter Cho Seung-Hui used his crime to communicate his frustrations about the isolation of his life at college and a perceived snub by another student. The final brand of publicity-seeking criminal is the person who

is ideologically motivated (Ghetti, 2008). While this category is most readily associated with the acts of terrorist groups, it also has value in terms of understanding individual criminals and their publicity-seeking endeavors. Unabomber Theodore Kaczynski used explosives and a 65-page manifesto to convey his fear of a tech-heavy society. Though his ideology was not widely embraced, it was the motivation for both his crimes and his contact with the media.

There is an array of reasons that publicity-seeking criminals choose the media through which to convey their messages. For most of these individuals, more conventional means of communication has proven in the past to be either unavailable to them in some way or, perhaps more importantly, ineffective. Mass media provide a broad audience and the distinct advantage of immediacy. For their part, the media profit by these dramatic and often emotional events (Ghetti, 2008).

The media effects of covering such criminals and their acts are grave. Bassiouni has categorized four primary effects of covering publicity-seeking criminals and their crimes. He labels the first intimidation. Coverage of this nature enhances an environment of fear and coercion among the audience (Ghetti, 2008). This is precisely the effect the criminal hopes to induce. Imitation is the next effect, encouraging others to engage in similar conduct (Ghetti, 2008). This can have devastating consequences for the public. A more common effect is immunization, in which the public experiences a dulled sense of outrage and contempt (Ghetti, 2008). Finally, imperilization occurs when hostages' lives are endangered and law enforcement efforts are hampered (Ghetti, 2008). The siege at the Discovery Channel is an example of this final effect. While environmental protestor James Jay Lee held hostages at Discovery Channel headquarters in Washington, D.C., on

September 1, 2010, he took a phone call from NBC News producer Rob Rivas. They discussed Lee's demands and what types of weapons he had with him. Law enforcement sources later criticized the journalist for inserting himself into the event (Saunders, 2010).

There are justifications, however, for covering publicity-seeking criminals and their acts. One such defense is the very foundation of journalism – the seeking of truth. In an effort to cover all sides of a story, the perspective of the criminal is necessary. It is also in the interest of self-governance to cover publicity-seeking crimes and criminals. In other words, the public must be fully informed of such acts in order to combat them. In addition, the media gain credibility by demonstrating transparency in such coverage. To willfully exclude stories for moral reasons would be make the media appear deceptive (Ghetti, 2008). More specific reasons to become involved in such stories include squashing rumors, providing intelligence to law enforcement and even serving as bargaining tools for negotiators to obtain the release of hostages. In addition, lack of coverage may provoke aggressors, provide a false sense of security and damage the image of a free press (Ghetti, 2008). Such reasoning may be applied to the coverage of the criminal voice in general.

Pretrial publicity

There is perhaps no ground more contested in crime news than pretrial publicity. Coverage of a defendant and his or her crimes prior to a court hearing has a bearing on the defendant, the jury pool and the criminal justice system itself. The effects of pretrial publicity have been argued as far back as the 1807 treason trial of Aaron Burr. Before Chief Justice John Marshall, Burr argued that public sentiment was against him as a

result of inflammatory newspaper coverage (Lieberman & Arndt, 2000). Indeed, prior to the trial, the press had taken sides, with two Federalist papers siding with the defense and Washington's *National Intelligencer* endorsing the prosecution and printing information designed to establish Burr's guilt (Roschwalb, 1994). Chief Justice Marshall ruled on the matter, noting that there is no law stating that jurors need be free of "any prepossessions whatever respecting the guilt or innocence of the accused," only that they cannot serve if they "have deliberately formed and delivered an opinion on the guilt of the prisoner as not being in a state of mind to fairly weigh the testimony" (CVN Law School, 2011). This precedent, however vague, prevails today.

The Supreme Court has devised such ambiguous terms as "fundamentally fair," "huge wave of public passions" and "flagrant" in attempts to distinguish between fair and unfair coverage of crimes and alleged criminals before trial. Yet, the Court has failed to operationally define for the lower courts what qualifies as biased or unbiased coverage (Surette, 1992).

Like any battle waged in the court system, the question of whether pretrial publicity can be categorized is best answered by reviewing legal precedent. One of the most significant cases dealing with this phenomenon was *Sheppard v. Maxwell* (384 U.S. 333 [1966]). After being found guilty for the bludgeoning murder of his pregnant wife, prominent Cleveland doctor Sam Sheppard challenged the conviction based on the assertion that he received an unfair trial due to pretrial publicity. The Supreme Court sided with Sheppard in an 8-1 decision in which it found that trial judges are responsible for recognizing the potential damage pretrial publicity may inflict on the process of a fair trial and act accordingly in alleviating that damage (Surette, 1992). The Supreme Court

finding in the Sheppard was a precedent-setting decision on several levels. First of all, it acknowledged the power of pretrial publicity to affect court trials. Secondly, it recognized that those effects can be so detrimental as to render a fair trial inaccessible. As a fair trial is a constitutional right, this is a significant finding. The decision also effectively shifted the burden of assessing the bias of pretrial publicity to the lower courts. Though not formally barring future defendants from seeking relief at the United States Supreme Court level, the decision clearly assigns responsibility for identifying and even controlling biased media coverage of criminal defendants to trial judges.

This last element of the Sheppard Supreme Court decision can be seen at work in *Murphy v. Florida* (421 U.S. 794 [1975]) (Cornell University Law School, 2011). In this case, Jack Roland Murphy was convicted in a Florida state court for robbery. He claimed that pretrial media coverage of that robbery and his prior conviction for similar crimes tainted the jury pool and resulted in his conviction. The Supreme Court, in another 8-1 decision, found in favor of the state of Florida, citing that the defendant did not meet the burden of proof in showing he was the victim of biased news coverage (Cornell University Law School, 2011). Many legal scholars view this decision as a continued effort to shift the responsibility of proving the bias of coverage from the high court to lower court judges and even defendants themselves. Indeed, in the wake of the Murphy decision, the Supreme Court declined to hear several cases on pretrial publicity, reiterating the 1966 precedent for allowing the lower courts to assess and control pretrial publicity (Surette, 1992).

In order to appropriately examine pretrial publicity and its effects on trial and defendants, it is necessary to deconstruct the coverage into its various types and explore

the potential for damage that is associated with each of those categories. The most common types of potentially damaging pretrial publicity are character information, weak or strong inadmissible statements regarding beliefs in guilt, comments pertaining to socioeconomic status and information about prior criminal records (Lieberman & Arndt, 2000). Character information may include job status or lack thereof, family relationship status or even educational background. An example of weak inadmissible statements about beliefs in guilt may include vague statements made by neighbors about the defendant. On the other hand, strong inadmissible statements about beliefs in guilt may include speculations made by law enforcement officers about the guilt of the defendant. The public may dismiss the words of a neighbor, co-worker or acquaintance but will have a harder time discounting the statements of elite sources. Comments about the defendant's socioeconomic status, residence in a high-crime or poor community or even race may be detrimental to the defendant in court. None of these comments are admissible in court or even pertinent to the defendant's guilt but have been shown in studies to have negative effects. Prior criminal records lead the public to believe that the defendant is more likely to be guilty of the crime of which he or she is currently accused.

Laboratory experiments have found that these types of pretrial publicity have profound effects of potential jurors. In two such studies (Lieberman & Arndt, 2000; Otto, Penrod & Dexler, 1994), each of these types of pretrial publicity was used to measure effects on perceptions of guilt and, importantly, guilty verdicts. Participants were exposed to each type of pretrial publicity – character information, weak or strong inadmissible statements about guilt, comments about the defendant being of low socioeconomic status and prior criminal record information. They were then shown a video of the criminal trial.

The findings were startling. Character information and both weak and strong inadmissible statements about guilt had direct effects on pretrial judgments of the guilt of the defendant. Those pretrial judgments held through the trial and had a direct effect on the perceptions of the defendant, the belief in the strength of the prosecution's case and, significantly, on the verdict. Prior criminal record information was found to have an indirect effect on the verdict and led participants to believe that the defendant was a "typical criminal," a concept that will be explored further later in this section. Prior criminal record information is almost never admissible in court. The studies found that evidence presented at trial reduced the effects of exposure to pretrial publicity, but did not eliminate them (Lieberman & Arndt, 2000; Otto, Penrod & Dexler, 1994).

Another vital distinction to make when assessing pretrial publicity is the difference between factual and emotionally-oriented coverage. Factual pretrial publicity includes the above categories of coverage that are incriminating on their face. For example, coverage of a defendant's prior criminal acts falls into the category of factual pretrial publicity. Emotionally-oriented coverage arouses negative feelings in the audience by way of impassioned appeals to humanity. For example, accounts of the brutality of a crime are emotionally-oriented pieces. Research on the effects of factual versus emotionally-oriented pretrial publicity is mixed. One study found that both types of coverage led to higher conviction rates but that a continuance (a period of time between exposure and trial) mitigated the effects of factual coverage but not emotionally-charged coverage (Kramer, Kerr & Carroll, 1990). A more recent study found no significant difference in the bias cultivated by the two types of coverage (Wilson &

Bornstein, 1998). Both studies concluded that pretrial publicity in general is damaging to defendants at trial (Wilson & Bornstein, 1998; Kramer, Kerr & Carroll, 1990).

One way to look at pretrial publicity is to consider which elements of such coverage tend to persist in the minds of the audience. An excellent portrait of this comes from Canada. A comprehensive study of pretrial publicity in that country found that media representations of crime provide two important distortions on the true picture of crime: Crime in Canada is worse in the press than it actually is and the Canadian courts are more lenient on criminals than they actually are. These findings are nothing new. What is significant, however, is the discovery that what themes are remembered by the audience about crime news coverage are the offense and the sentence (Doob & Roberts, 1984). Most other details about the crime and defendant, including mitigating circumstances, appear to be quickly forgotten by media audiences.

The skewed portrait of crime created by the media in Canada, according to the researchers, is in stark contrast to the reality of crime in that country. A poll of Canadians in 1982 found that almost 70 percent thought that the homicide rate had increased since the abolition of the death penalty in 1976. In fact, the murder rate in Canada declined in the intervening years. Though government statistics showed that only 13 percent of paroled felons in Canada committed a violent offense after their release, the poll indicated that more than 60 percent of participants estimated that the rate of recidivism was 40 percent or more. That is more than three times the reality (Doob & Roberts, 1984).

Sentencing of convicted criminals was another area in which the public appeared to be ill-informed of the actual statistics. A 1984 poll found that about 75 percent of

Canadian respondents thought that fewer than 60 percent of convicted robbers went to prison for their crimes. In reality, at least 80-90 percent are incarcerated (Doob & Roberts, 1984).

Criminologists Anthony Doob and Julian Roberts concluded that the primary reason that the public does not have a clear understanding of criminal sentencing is because they do not receive adequate information about sentencing guidelines and procedures. In a series of four experiments, they put this hypothesis to the test. Using media accounts of court cases and actual court transcripts, they compared the opinions of participants on the appropriateness of sentencing based on their exposure to each type of document. Invariably, the participants who read the court transcripts were most likely to find the sentence appropriate. In no cases were readers of the media accounts more likely to approve of the sentence than readers of the court documents (Doob & Roberts, 1984). In summary, when given complete accounts of a crime and the sentencing options, the public was more satisfied with the final sentencing decision than when only exposed to the media's retelling of the same case.

Significantly, Doob and Roberts also noted that the context in which media accounts of the sentence appear has an effect on the public's perception of its appropriateness (Doob & Roberts, 1984). As mentioned earlier, the tendency to imbue crime news with drama and emotion lends itself to the elicitation of an emotional response in the audience.

One of the ways in which crime news creates an inaccurate portrait of suspects is through the cognitive process that results in the development of schemas. Schemas are mental representations of categories of objects or people or events in the world that are

based on past associations and, frequently, stereotypes. The persistence of schemas is what makes pretrial publicity damaging to defendants of all levels of criminality. For the suspect who has a prior criminal record, the schema of the “typical criminal” is activated. He or she is viewed as perpetually guilty because of past actions and the stereotype in which once a person is a criminal, he or she is always prone to illicit activity. The first-time offender may suffer as well, as schemas relating to race, class or type of crime are activated. For example, a suspect accused of a shooting in a neighborhood with a lot of drug activity may conjure schemas of drug-addled thieves or even gang members.

These schemas may have a profound effect on trial verdicts. Jurors have, for example, pre-existing mental representations of certain types of crimes, particularly murder, robbery, burglary and home invasion. Many times these schemas do not coincide with the legal definitions of these crimes. Yet, these pre-existing prototypes are not discarded by jurors when they receive conflicting judicial instruction, even when they are asked specifically to dismiss preconceptions (Lieberman & Arndt, 2000). These schemas are reinforced by the media’s tendency to categorize and label, and sometimes mislabel, crimes in news stories.

The activation of trial-relevant schemas affects court verdicts due to jurors’ reliance on “common-sense justice” (Lieberman & Arndt, 2000). This concept is a collection of schemas wherein jurors have their own ideas about what is just and appropriate and act on those rather relying on court instructions. An excellent example of this process can be found in the criminal cases involving questions about the defendant’s sanity at the time of his or her crime. Jurors tend to have schemas regarding the insanity defense that include elaborate conceptions of what constitutes legal insanity. These

schemas typically go far beyond the legal definitions of the terms “temporary insane,” “mental defect” and “insanity” (Lieberman & Arndt, 2000). Studies have found that jurors are more likely to render verdicts consistent with these preconceptions as opposed to relying on a legal standard provided by a judge in a trial (Finkel & Handel, 1989, 1988).

The effects of schemas can be seen in sentencing perceptions as well. One of the facets of the creation of schemas is the cognitive process whereby the schema is supported by information that periodically confirms its veracity. People tend to seek out information that serves this purpose and pay less attention to information that contradicts the schema. A study on news coverage of criminal sentencing found that people who thought that courts were too lenient tended to recall news coverage of lenient sentences and did not recall stories about lengthy sentences (Fiske & Taylor, 1984). In this fashion, schemas are self-perpetuating.

Pretrial publicity presents a significant problem for defendants. Survey research suggests that exposure to pretrial publicity, particularly coverage of crimes in one’s area of residence, is highly associated with prosecution bias and increased likelihood of perceived defendant culpability (Lieberman & Arndt, 2000). Perhaps even more dismaying, this prosecution orientation does not prevent potential jurors from claiming impartiality during voir dire proceedings (Lieberman & Arndt, 2000). Coupled with the possibility that pretrial publicity may include information inadmissible in court, such as retracted confessions and prior criminal history, these biases may be very difficult for defendants to overcome.

These social psychological theories – prosecution bias, emotional and factual orientation and schemas – address why jurors have difficulty ignoring inadmissible information they receive through pretrial publicity. However, it has also been suggested that jurors are in fact more likely to consider inadmissible information when they are admonished not to do so by judges (Lieberman & Arndt, 2000). This is a serious issue that can have considerable influence on verdicts. For this reason, judges often intervene in an attempt to procedurally lessen the impact of inadmissible information on jurors. Unfortunately, a large body of research suggests that jurors struggle immensely with forgetting prejudicial evidence once they have heard it (Lieberman & Arndt, 2000).

It is useful to look at the processes by which jurors can or cannot dismiss inadmissible evidence as a parallel to the effect that pretrial publicity has on potential jurors and the public at large. Whether the inadmissible evidence comes from media sources or courtroom sources, the psychological theories that govern the human mind's approach to it are the same.

Social psychologists have identified several theories that explain the difficulty people have in dismissing information once they have been exposed to it. One such theory is belief perseverance. Research in this area demonstrates that once a belief is formed, an individual is highly resistant to change regarding that belief. Furthermore, that belief influences further belief construction and leads to the formation of schemas. This process can be seen in a series of experiments from the 1980s involving perceptions about firefighters. Participants were given narratives about either risk-taking firefighters portrayed as successful and cautious firefighters represented as unsuccessful or narratives of the opposite. They were then asked to write an essay outlining what makes a good or

poor firefighter. The people who read about successful risk-taking firefighters listed risk-taking as a positive quality for the profession. The people who read accounts of successful cautious firefighters wrote that caution was essential to being a good firefighter (Anderson, 1980). When participants were later presented with accounts that contradicted their beliefs, they continued to defend their original stance on risk-taking and caution, dismissing the new narratives (Anderson, 1982). Pretrial publicity encourages the formation of beliefs about the defendant that may influence the interpretation of trial evidence in a similar fashion.

Belief perseverance is not the only explanation for why jurors cannot ignore inadmissible evidence. Hindsight bias is also a theory that applies to the processing of this type of information. Hindsight bias is a cognitive routine wherein once an individual knows the outcome of an event, he or she is more likely to accept facts that support that outcome and ignore those that do not (Lieberman & Arndt, 2000). Pretrial publicity may provide information that should be ignored during trial but will not be for this reason. In addition, the master narrative of the crime story may account for some hindsight bias effects. Because the audience has heard the typical crime story many times before, they may be more inclined to accept facts that fit that common unfolding of events.

The most common explanation for why jurors take into account inadmissible evidence is reactance theory. Jurors often perceive judicial instructions to ignore evidence – and even preconceptions – as a threat to their “free behavior” (Lieberman & Arndt, 2000). They react to this threat by asserting their freedom, in this case, their acceptance of inadmissible evidence. The greater the perceived threat, the more valuable the jurors perceive the freedom to be and the more strong the reaction (Lieberman & Arndt, 2000).

This may result in inadmissible evidence seeming to jurors to be more important than it actually is. However, reactance theory is the one of the rare instances in which pretrial publicity or inadmissible courtroom evidence may result in defendant bias. Regardless of other factors, jurors have shown a strong tendency to consider evidence after having been admonished not to do so.

Finally, the ironic processes of mental control may offer some glimpse into why people have a hard time dismissing inadmissible evidence. This cognitive process involves an individual's inability to shift his or her focus from an idea once it has been presented. For example, if a person is told not to think of a burning car, it is all they do to think of anything other than a burning car. This process is magnified, meaning the thoughts are even more intrusive, when an individual is under a cognitive load (Lieberman & Arndt, 2000). Because crime news evokes emotion and serving on juries is stressful, most people exposed to this type of information find themselves under cognitive loads.

These social psychology theories may work singularly or in tandem. For example, an individual may employ hindsight bias to create an inaccurate narrative of a crime using inadmissible evidence and rely on reactance theory to justify the acceptance of that information in forming conclusions.

There is an array of procedural solutions designed to mitigate the effects of both pretrial publicity and inadmissible courtroom evidence. Some are more effective than others. Intentional voir dire that specifically addresses a potential juror's media exposure is the first line of defense. Voir dire is the process wherein jurors are screened prior to being seated to determine if they are able to render impartial judgments in a criminal

case. Unfortunately, the voir dire process depends on self-reporting to assess jurors' ability to dismiss damaging pretrial publicity effects. Existing research indicates that even when jurors claim to be free of preconceptions about a defendant's guilt, exposure to pretrial publicity still resulted in the jurors being biased against the defendant (Stebly, Besirevic, Fulero & Jimenez-Lorente, 1999; Freedman, Martin & Mota, 1998; Kerr, Kramer, Carroll & Alfini, 1991; Dexler, Cutler & Moran, 1992; Sue, Smith & Pedrozza, 1975).

A second strategy for lessening the effects of pretrial publicity is a trial continuance. This is a delay in the start of a criminal trial in the hopes that media interest in the case will fade and existing pretrial publicity effects will decay. In cases where media coverage does indeed subside, the continuance is somewhat effective. Studies have found that continuances of even seven to twelve days were sufficient to overcome some of the effects of factual pretrial publicity (Kramer, Kerr & Carroll, 1990; Davis, 1986). However, continuances of this duration did not seem to be effective in lessening the impact of emotional crime news coverage (Kramer, Kerr & Carroll, 1990).

Jury deliberations have been considered a remedy for pretrial publicity and inadmissible evidence. The idea is that although jurors may personally want to consider such information, it is difficult to justify doing so to other jurors (Kerwin & Shaffer, 1994). Research suggests that while deliberations do seem to minimize the consideration of inadmissible trial evidence, the process does little to erase the damaging effects of emotional pretrial publicity. The researchers suspect that this has a great deal to do with jurors' schemas of the typical criminal. The employment of these schemas can have a

profound effect on the interpretation of trial evidence and the refusal to dismiss pretrial publicity information (Kramer, Kerr & Carroll, 1990).

Admonitions from the judge in a criminal trial are a common remedy to pretrial publicity and inadmissible evidence. Research in this area has been largely inconclusive yet troubling concerning the effectiveness of such judicial instructions. While in general, such instructions appear to be only slightly effective in some cases, in others they induce a “backfire effect” (Lieberman & Arndt, 2000). This happens when jurors pay more attention to the off-limits information than they would have if the judge had not mentioned it at all.

The American Bar Association has outlined the types of pretrial publicity that they deem most damaging to defendants. Considered by the association to be highly prejudicial, these categories of information are listed in the ABA’s “Model Rules for Professional Conduct” (American Bar Association, 1995). This document suggests that these types of information not be discussed publically by prosecution or defense attorneys. They include: the prior criminal record of the accused; the character or reputation of the accused; the existence of any confession, admission or statement given by the accused, or refusal to make a statement; the results of any examination or test, or the refusal to submit to any examination or test; the possibility of a plea of guilty to the original charge or any lesser charge; and any opinion as to the accused guilt or innocence or as to the merits of the evidence in the case (ABA, 1995).

It would appear that these model rules are clear and would set to rest any question of whether incriminating information about criminal defendants would reach the media. Unfortunately, the interpretation of the mandates for not releasing such information is up

for debate. The “Model Rules for Professional Conduct” reads that a lawyer should not release potentially prejudicial information if he or she “knows or reasonably should know that it will have a substantial likelihood of materially prejudicing an adjudicative proceeding” (ABA, 1995). However, the devil is in the details. What one attorney may view as a devastating blow to a case, another may see as minimal risk. One researcher found that interpretations of the phrase “substantial likelihood” in this instance varied from “reasonably likely to interfere with a fair trial” to “serious and imminent threat to the administration of justice” (Norwood, 1986, p. 175).

A content analysis of pretrial publicity found that more than a quarter of defendants in crime stories in newspapers were described using information that violated the ABA standards for the nondisclosure of prejudicial information (Imrich, Mullin & Linz, 1995).

The most commonly violated ABA standard categories in media coverage are negative statements about defendants, prior arrest and conviction records, opinions about guilt and information about confessions. Almost all of this information comes from elite sources such as law enforcement officers and prosecutors. Research has determined that the most damaging of this information is the confession (Lieberman & Arndt, 2000).

The power of these types of information cannot be overstated. Social scientific research on prejudicial pretrial publicity effects has indicated that such coverage influences evaluations of a defendant’s likability, sympathy for the defendant, perceptions of the defendant as a typical criminal, pretrial judgments of the defendant’s guilt and, ultimately, final verdicts (Studebaker & Penrod, 1997).

The media are also a powerful influence on other social institutions. Mass media shape the social landscape and reshape other social entities. Much like hard science's observer's paradox, in which an event is altered by the presence of the scientist, social institutions are changed by the scrutiny of the media.

This can be explored by reviewing the theory of the cultural logic of media or, more simply, media logic. In simple terms, the media accomplish this feat by the ways in which they organize and present information. Media logic consists of "how the material is organized, the style in which it is presented, the focus or emphasis on particular characteristics of behavior, and the grammar of media communication... when a media logic is employed to present and interpret institutional phenomena, the form and content of those institutions are altered" (Altheide & Snow, 1979, p. 10-11).

The key properties of media logic are those functions of the media that come to bear on the operations of other social institutions. One of these is the media's tendency to create "bigger than life" stories (Doyle, 2003). This function is expressed in the media's routine of featuring events or storylines in ways that imbue them with added importance. Sometimes, this is purely for the benefit of the media. Dramatic stories sell more media product and content is adjusted with that in mind. Yet, these decisions have effects on other institutions. Another key component of media logic is the fact that the media can act to legitimize or delegitimize sources and even social ideas (Doyle, 2003). For example, the media have accepted global warming as a legitimate concern. While there are individuals in society who claim that global warming is a farce, the media have been instrumental in bringing the severity of the problem into widespread acceptance. The frequent use of elite sources imbues those sources with public trust, as transmitted by the

media. The entertainment imperative is another tenet of media logic (Doyle, 2003). The media encourage drama in other institutions as they thrive on dramatic narratives. The “perp walk” is an excellent example of this function of media logic. The perp walk is a staged media event, designed by law enforcement for media consumption (Ruiz & Treadwell, 2002). Media also encourage simplicity and structured storylines (Doyle, 2003). Other institutions comply with this preference by crafting appropriate press releases. Finally, media logic dictates that there exist an ideal norm (Doyle, 2003). Because mass media audiences are immensely large and quite diverse, content is molded to be conventional and appeal to the largest number of people, usually in the middle of the social belief and value spectrum. For this reason, institutions also strive to be noncontroversial.

Media are pervasive and dominating in American culture. Media logic is therefore an influential force. However, it is even more influential within the institutions that rely on the media (Doyle, 2003). Law enforcement is one of those institutions. A case study by Altheide (1993) demonstrated just how symbiotic that relationship can be. The study outlined an Arizona police sting in which state politicians were filmed committing crimes. The footage was then released to the media. Public outrage ensured that the politicians involved were ousted from office and no criminal proceedings were held. It is an example of how law enforcement exploited media logic for its own goal.

Phoenix Sheriff Joe Arpaio has been using the media to his advantage for years. His “tent city” county jail, the pink prison garb and the neon “vacancy” sign are all designed to be visual reminders of his stance on crime. Arpaio has also reintroduced the use of chain gangs, making incarceration visible in the community. These tactics are

designed for public consumption through the media. They are indicative of Arpaio's "tough-on-crime" mentality but they would be useless if there were no cameras to convey the message.

The advent of media items like the video wanted poster also change the relationship the police have with the public. The public can now engage in surveillance of each other in ways that directly benefit the police. Though police remain the "primary definers" (Doyle, 2003, p. 143) of crime, citizens now have to option to be proactive in crime prevention and suppression.

Media logic also shapes the court system. A study of 90 Milwaukee homicide cases found that the amount of news coverage a case received was the strongest predictor of plea bargain likelihood. The more coverage a murder case received, the less likely it would be that prosecutors would negotiate for a lesser penalty (Pritchard, 1986). One possible explanation for this is that District Attorneys in Milwaukee are elected officials. Plea bargaining in high-profile cases makes DAs appear soft on crime and likely will have an impact at the polls.

Other instances of court system deviations created for media consumption fall into the category of "gonzo justice" (Altheide, 1995). These often involve outrageous sentences designed to be media spectacles. A Houston couple was sentenced to one such example in the summer of 2010. Daniel and Eloise Mireles were found guilty in a Houston court of embezzling \$250,000 from the Harris County crime victims' fund. As part of their sentences, each of them is to carry a sign up and down a busy Houston street proclaiming that they are thieves who stole from the fund. In addition, a sign at their residence states that convicted thieves live in the house and outlines the details of their

crimes. Judge Kevin Fine handed down the sentence in conjunction with other, more conventional punishments, including incarceration and restitution (*Daily Mail*, 2011). In Ohio, this type of public shaming has become more institutionalized. Certain convicted drunk drivers in that state are required to sport yellow “DUI plates” on their vehicles. Columbus attorney Jeff Reynard cautions potential clients that these license plates are “a scarlet letter that lets other drivers and the police know of your conviction.” In addition, the plates limit employment opportunities for the clients who are forced to display them, according to the attorney (Reynard, 2011). Such stories of unusual sentencing practices are always of interest to the media.

Orientation to the media tends to make criminal justice proceedings more spectacular per case but overall may promote harsher punishments for convicted criminals (Doyle, 2003). The court system does not benefit from appearing ineffectual to the public. The media are the conduit to the public and the harbingers of court efficiency.

The primary reason that media logic works in terms of shaping the law enforcement and criminal court systems lies in the idea that the media’s master narrative resonates with the public. Through the media, the audience has seen crime develop over the last five decades in ways that are both unrealistic and that do in fact parallel real life. Crime rates have indeed risen over the last half century, though not as sharply as the media might have one believe. The police make mistakes and the courts are flawed. Innocent victims are brutalized by criminals and let down by an uncaring system. Politicians must be tough on crime. In these themes, people see themselves and their beliefs. The media are quick to promote that solidarity by reinforcing schemas that cast individuals in distinct roles of good and evil. Though it may not always be black and

white, it is indeed easier to produce it as such. It is this mix of fiction and reality that causes the law and order institutions to become malleable at the hands of the media.

Trial coverage

As is the case with so many societal functions, what we know about the criminal justice system is based largely on what we see in the media (Bandes, 2004). Law and media enjoy the symbiotic relationship that comes as the result of complex feedback loops. The coverage of criminal trials in the U.S., particularly by television outlets, is a cornerstone in the public's understanding of those procedures of law and order in general. Unfortunately, the media often present a distorted image of the criminal justice system (Bandes, 2004). The media can create unreasonable fears of crime and inaccurate portraits of justice. The implications of these distorted images can affect defendants, victims, the public and the criminal justice system itself.

Crowds gathered daily in the pre-dawn hours outside an Orlando, Florida, courthouse in June and July of 2011 to have a chance at watching testimony in the latest "trial of the century." It was the capital murder trial of Casey Marie Anthony, a Florida mother accused of killing her two-year-old daughter, Caylee. The media called the trial "a summer obsession," (Politan, July 4, 2011; O'Neill, 2011) like it was a new style of sandals or a particularly heated pennant race.

It is in examining this latest high-profile trial that we can explore so many of the issues of the media's coverage of criminal trials in general. More importantly, perhaps, the Anthony trial provides a glimpse into the future of trial coverage.

Criminal trials are conducted almost every day in the U.S. and most of them do not receive gavel to gavel televised coverage. What elements combine to make a trial noteworthy to the media and to the public? The traditional elements of newsworthiness are applied to this type of coverage: Major events, timeliness, drama, conflict, unusual elements, unpredictable elements, famous names and visual appeal (Fox, Van Sickle & Steiger, 2007). In addition, the most basic media theories apply to the coverage of criminal trials. These news events are framed and their selection constitutes agenda-setting. In other words, journalists decide which criminal trials will make the news roster (Fox, Van Sickle & Steiger, 2007).

The Anthony trial illustrates the application of several such news elements, as well as framing and agenda-setting. First of all, the coverage of the case leading up to the trial was extensive. While many missing children never receive national attention, Caylee Anthony was known internationally after her disappearance in the summer of 2008. Secondly, the victim was embraced by the public in a way seldom seen on a national scale. One reporter covering the case summed up the widespread interest in the subsequent trial: "People held out hope for Caylee's return," *In Session* reporter Christie Paul explained. "Perhaps that is why we are so interested in this case... we feel like we know and love Caylee" (Politan, June 9, 2011). Finally, the defendant in this case was a young, attractive woman and not the usual murder suspect. This deviation from the typical male murderer of children can be seen not only in the large amount of coverage but also in the ways in which her case was covered. For example, as a female defendant, Anthony was frequently the subject of coverage focusing on her attire rather than her

proWess as a murderer (Hughes, 2011). The defendant in this case provided at least some of the visual appeal in the coverage.

The Casey Anthony case is what many legal professionals call a “heater case” (Bandes, 2004). “Heater cases” have the potential to affect all three spheres of the crime matrix: The criminal justice system, the media and the public. As these cases are presented in the media, they create a competitive imperative that induces other media to follow them. With increased media coverage comes increased public scrutiny. These highly visible cases thus put pressure on law enforcement and the legal system to rectify wrongs as perceived by the media and the public. It is within such a complex feedback loop that any number of legal scenarios may play out based on the will of the public and aided by the media. This dynamic can be seen in the Scott Peterson case. The decision to charge Peterson with a capital crime in the deaths of his wife, Lacie, and their unborn son, Connor, was, in part, the result of intense media coverage and public outcry.

“This case (Scott Peterson) cries out for the ultimate punishment,” District Attorney Jim Brazelton said. “I owe it to Lacie and Connor.” A DA in a neighboring county responded to the charges, observing that as long as District Attorneys are elected officials, they must do “what the residents want” within the confines of the law (Bandes, 2004).

Public opinion may also be swayed in favor of a defendant and have beneficial results for that defendant at trial. For example, the media portrayal of Andrea Yates, who drowned her five young children in the family bathtub, painted a sympathetic portrait of a woman who suffered post-partum depression and was overwhelmed by her home-schooled brood to the point of murder. Many legal analysts feel that Harris County

(Texas) prosecutor pursued Yates' case "half-heartedly" (Bandes, 2004) as a result of the intense media coverage of both her case and the mental illness that may have precipitated her crime.

No such sympathetic frame existed in the Casey Anthony trial. Fueled in part by photographs of the young mother at nightclubs in the days after her daughter's disappearance, the image of Casey Anthony in the media was, from the beginning, one of decidedly negative connotations. The nightclub pictures were widely distributed on the Internet. This framing made the negative image of Casey Anthony accessible to the public. In addition, the release of these photos and other information during the three years leading up to the trial kept the Casey Anthony case visible in the public eye. Popular crime commentator Nancy Grace even coined a name for Casey Anthony: "Tot Mom." This "naming" of criminals in the media is usually reserved for serial killers like the Zodiac and the Son of Sam. The prolonged interest generated by such commentators as HLN's Nancy Grace and Jane Valez-Mitchell contributed to the presence of a large audience when the long-anticipated trial began in June of 2011.

Yet another factor made the Casey Anthony trial accessible to the public in a way that no other trial has ever been. It took place in the wake of significant advances in public communications. The O.J. Simpson trial was televised. The Casey Anthony trial was televised, streamed online, discussed on Facebook and updated on Twitter. TIME Magazine referred to the proceedings as "the social media trial of the century" (Cloud, 2011). This is perhaps the first nationally followed case in which the public could participate in the coverage.

In addition, the Anthony trial comes in the wake of shifts in the way the public perceives evidence in criminal trials. The general public now has increasingly specific ideas about the sort and strength of evidence that should be presented in a criminal trial. These expectations are the result of media exposure to both real and imagined criminal court proceedings. This new state of public awareness is evident in both the coverage of and the testimony in the Anthony trial.

FBI fingerprint analyst Elizabeth Fontaine testified for the prosecution and compared her work to that done on popular television series: “We use the black powder like you see on *CSI*,” she explained to the jury. Later, during her testimony, she also compared the “superglue” method of searching for prints as the same method one would see on *CSI: Crime Scene Investigation* (Politan, June 13, 2011). Two days later, *In Session* reporter Vinnie Politan called the progression of the trial “CSI: Orlando,” referring to several days of forensic evidence presentation.

More significant than the viewing of the evidence and the processing of the evidence through the lens of a television crime drama is the expectation of the presentation of specific pieces of evidence as the result of exposure to fictionalized crime stories. For example, on the first day of the defense case in the Casey Anthony trial, Vinnie Politan noted that the State of Florida had not presented evidence that meets the new standard of public expectation. “(The prosecution) had a lack of evidence, a lack of DNA” he said. “We watch *CSI*. We watch *Forensic Files*. We expect DNA” (Politan, June 16, 2011).

Media researchers Richard Fox, Robert Van Sickle and Thomas Steiger propose that the rise in the number of legal dramas and their influence is part of a movement they

term the “tabloid justice period” (Fox, Van Sickle & Steiger, 2007). Programs like *CSI*, *Law & Order* and *The Closer* owe some measure of their appeal to the fact that their stories resemble those of real life (Fox, Van Sickle & Steiger, 2007). This “reality” varies in presentation and veracity but is no less intriguing for its fantasy elements. For example, stories featured on the *Law & Order* franchise are frequently “ripped from the headlines.” These episodes may have many plot points in common with real-life crime stories or they may be only loosely based on crimes that have occurred. On the *CSI* franchise, significant portions of the episodes are devoted to the process of collecting and analyzing evidence in criminal cases. Much of the science is based in reality but some of it is pure fiction. Shows like *Criminal Minds* and the now-canceled *Close to Home* even use footage and photographs of real-life criminals in their title sequences. As the name of the show appears on the screen, so too do the faces of such notorious American figures as Charles Manson, John Wayne Gacy and the Menendez Brothers. It is this blending of fact and fiction that creates unrealistic expectations of law and justice in the real world.

Beyond that, the evidence that is presented at a trial covered in the way the Anthony trial was is interpreted for the public by commentators, sometimes to the detriment of the understanding of that evidence. One illustration of this concerns the presentation of scientific evidence involving the presence of chloroform in the trunk of Antony’s car. On June 10, 2011, a research analyst and forensic anthropologist named Arpad Vass testified about what he found in the trunk lining of the vehicle. Vass, employed in the Life Sciences Division of Oak Ridge National Laboratory (ORNL), in Oak Ridge, Tennessee, explained that his tests revealed “shockingly high” levels of the chemical in the sample (In Session, June 10, 2011). Three days later, FBI chemist Dr.

Michael Rickenbach testified that he had found that the level of chloroform in the trunk lining was “high” (In Session, June 13, 2011). *In Session* commentator Ryan Smith noted the discrepancy in the language and reported that this cast the validity of the testimony into question. What Smith did not report was that Rickenbach received the same evidence sample that Vass had tested weeks earlier, after it had been stored and transported in a cardboard container. As chloroform is a volatile chemical subject to accelerated rates of evaporation, the handling of the evidence during the time frame between Vass’ and Rickenbach’s examinations was a critical part of the story. Given the time interval and the nature of the evidence, Vass and Rickenbach had, in fact, delivered testimony that supported one another’s findings.

This provides an interesting facet to the sphere of media coverage of criminal trials: The disparity of information provided to players within and outside of the courtroom. In a sense, the courtroom participants are watching one trial and the media audience is watching another trial. The media audience has access to information and commentary that is not available to people in the courtroom. In addition, some elements of a criminal trial are off-limits to the media and their audiences. For example, in the Casey Anthony trial, Judge Belvin Perry requested that some photographs (primarily those of the victim’s remains) not be televised. These discrepancies between what actually happens in court and what is seen on air and in the papers creates an uneven portrait of the trial (Fox, Van Sickle & Steiger, 2007).

On the other hand, coverage of criminal trials does have some specific benefits, according to media scholars. One such argument is that the presence of the media induces legal professionals to behave in a manner more conducive to protecting the rights of

defendants (Fox, Van Sickle & Steiger, 2007). It has also been proposed that the presence of the media reminds jurors that they are accountable to the public in the decisions they make.

The recent history of modern criminal trial coverage can best be examined through the “tabloid justice” lens. The “tabloid justice” theory, pioneered by Fox, Van Sickle and Steiger (2007), identifies the shift in criminal trial coverage in the last two decades. In addition, this theory accounts for the rise of technology that has so profoundly affected such coverage.

Though high-profile criminal trials have been covered in the media since the 1920s, only in recent decades have the number of those trials increased dramatically. Prior to 1990, the number of nationally followed trials was relatively few. The 1931 trial of Chicago organized-crime figure Alphonse Gabriel "Al" Capone and the 1935 trial of Bruno Richard Hauptmann for the kidnapping and murder of Charles Augustus Lindbergh, Jr., eighteen months, were among the first trials to receive national media attention. In the decades that followed, the trials of Richard Speck, who murdered eight student nurses in Chicago in 1966; David Richard Berkowitz, also known as the Son of Sam and the .44 Caliber Killer; and mass murderer Charles Manson were covered extensively. These trials all had one thing in common: The defendants were all considered high risks to society and their crimes sparked widespread fear in the citizenry.

A shift in criminal trial coverage began around 1990 (Fox, Van Sickle & Steiger, 2007). American media began to focus on a different type of criminal trial. Many of these trials had celebrity defendants, sensational elements and, unlike the trials of earlier decades, involved crimes that were not likely to affect large segments of the population.

Of these, the O.J. Simpson trial is perhaps the most well-known. Accused of murdering his ex-wife Nicole Brown Simpson and her friend Ron Goldman, the former NFL star and actor went on trial in 1995. The case was a national obsession. The acquittal of Simpson sparked outrage among some members of the public and celebration among others. Other trials, like that of patricide defendants, Lyle and Erik Menendez, followed the new trend of extensive media coverage of trials of defendants who did not represent grave threats to society at large. There were, of course, exceptions. The 1997 trial of Oklahoma bombing suspect Timothy McVeigh was of import in that his crimes represented a significant threat to society.

The new era of “tabloid” coverage of criminal trials was driven by several factors. These include a marked decline in newspaper readership, the rise of television cable channels specializing in crime, the emergence of the 24-hour news cycle and the emergence of the Internet. In addition, the relatively stable state of foreign affairs and the generally healthy economy contributed to the news vacuum that would be filled by tabloid trial coverage. According to some scholars, the O.J. Simpson trial ramped up the public’s interest in media trials and contributed to the state of trial coverage today (Fox, Van Sickel & Steiger, 2007).

In the post-O.J. Simpson-trial world, a young Florida mother who may have murdered her toddler commands national attention. Casey Anthony is not likely to be a threat to the public at large. Hers is a story that is, sadly, quite common in the annals of American crime. In 1994, the Centers for Disease Control (CDC) determined that homicide was the fourth-leading cause of death among preschool children in the U.S. (Friedman, Horowitz & Resnick, 2005). Among the children murdered in the last 25

years of the 20th Century, 61 percent were killed by their own parents – 30 percent by their mothers and 31 percent by their fathers (Friedman, Horowitz & Resnick, 2005). In fact, the United States has the highest rate of child homicide of all developed nations: 8/100,000 for infants; 2.5/100,000 for preschool-age children; and 1.5/100,000 for school-age children (ages 5-14 years). By comparison, Canada's rate of child murder for infants was less than half of that of the U.S. (2.9/100,000) for the same period (Friedman, Horowitz & Resnick, 2005). In addition, numerous authorities, including those in law enforcement, have suggested that the rates of child murder by parents is underestimated in epidemiological studies of child death.

Casey Anthony was acquitted of the charges related to the murder of her daughter, Caylee. Yet, her story prior to the day the jury returned was that of a mother who allegedly killed her child. This is a tale that would be considered tragically ordinary were it not for the extensive media coverage her case received. By comparison, another Florida case with a number of similar aspects received far less coverage. In January of 2011, Julie Powers Schenecker was driving her 13-year-old son, Beau, to soccer practice in Tampa. It was during that ride, authorities say, that the 50-year-old military wife shot the boy twice in the head for "talking back" (Lush, 2011). Schenecker then returned to her upscale home on a quiet Tampa cul-de-sac and shot her 16-year-old daughter, Calyx, in the face, killing her instantly. Schenecker's career-Army husband, Parker, was serving in the Middle East at the time. Schenecker was arrested on her back porch covered in her children's blood, after neighbors reported hearing a gunshot. Schenecker is awaiting a court date pending a psychiatric evaluation (Lush, 2011). Many aspects of this case mirrored those of the Casey Anthony case. Yet, despite the heinous nature of the crime,

the underage victims, the location of the crimes and the seemingly relatable defendant, this story received little coverage outside of Northern Florida.

While some news elements have been added or revised in terms of their impact on deciding whether a trial merits extensive media coverage, some basic criteria remain influential in the decision to cover criminal trials. For example, crimes committed by strangers and minority group members are more likely to be deemed newsworthy and, by extension, the subsequent trials are more frequently covered (Bandes, 2004). Like other coverage of crime, media attention devoted to criminal trials is often based on the most uncommon of crimes. This type of approach to trial coverage creates a misrepresentation of the legal system in much the same way that overrepresentation of violent crime in the media distorts the public's understanding of crime rates.

This slanted view may be seen in the microcosm of death-penalty case coverage. In capital trials, discrete occurrences often become the focus of coverage (Bandes, 2004). For example, the first woman to be executed in state, the last meal of the condemned and prisoners exonerated by efforts such as those of the Innocence Project are often stories the media cover. Little coverage is afforded to the state of capital cases in general, the implications of sending innocent people to death row or the staggering number of prisoners that the Innocence Project has had exonerated. According to the Innocence Project's most recent report, 273 prisoners who were sentenced to death in the U.S. have been exonerated, most of them through the introduction of DNA evidence, as of August 13, 2011. (The Innocence Project, 2011). This is a staggering number when one considers that each of the 273 prisoners was sentenced to die for crimes of which they were innocent. Such research-heavy reporting does not, however, read as poignantly as the

story of one person's struggle to prove his innocence. In the news business, human interest trumps numbers.

Whether criminal trial coverage in the U.S. is fair or inappropriate or somewhere in between is not an issue that is argued during the coverage of cases like those of Casey Anthony and O.J. Simpson and Scott Peterson. However, it behooves journalists to understand how such cases become of national import.

The “perp” walk

The perp walk, from the term “perpetrator walk,” is a staple of American crime reporting. It is defined, in simplest terms, as the parading of arrested suspects, usually in handcuffs, by the police in strategic locations so that the media may visually record them (Doyle, 2003). The perp walk, however, is much more than a photo opportunity. It represents a form of media logic wherein the simple act of moving a suspect from one location to another becomes a shaming ritual for the benefit of the authorities and a staged event for the media (Doyle, 2003).

The logistics of the perp walk are simple.

“The press office at police headquarters will notify reporters the time and place the perp walk is going to occur,” explained David Krajicek, a special correspondent for the New York *Daily News*, who has studied how law enforcement agencies use perp walks. “And usually they give us a heads up of about an hour or so, so we can get there with our microphones and our cameras and our video recorders” (Norris, 2011).

Paradoxically, the agency most readily associated with the perp walk – the New York Police Department – has a written policy that seems to denounce the practice.

Krajicek noted that the NYPD rules state that the department shall “neither impede (n)or promote photos.” However, the reporter explained, the police, as well as federal law enforcement agencies use the ritual as “a kind of atta-boy for cops” and that certain defendants, like mob boss John Gotti, lend prestige to the department through perp walks (Norris, 2011).

This is an essential function of the perp walk. The event is a manifestation of the symbiotic, if sometimes precarious, relationship between the police and the press. The perp walk publicizes the effectiveness of law enforcement and provides the media with the dramatic illustrations needed to report crime news (Ruiz & Treadwell, 2002). The success of law enforcement and crime reporters is, to no small degree, dependent on their interactions with each other. The police are the elite sources that the media must mine in order to get information about criminal suspects. The media act as “social control agents” who can have a profound effect on the way that the police and their efforts are perceived by the public. The perp walk, according to legal researchers, is the natural outgrowth of this relationship (Ruiz & Treadwell, 2002).

The perp walk is also a product of the times. In years past, the police and the press had a much closer relationship. Reporters were routinely invited into the police station and allowed to take pictures of suspects. That has not been the case for some time, but the media still have a need to illustrate crime stories. The perp walk is that opportunity (Ruiz & Treadwell, 2002).

Most perp walks occur during the movement of a suspect from one location to another. For example, the suspect may be moved from a point of incarceration to a courthouse or from an apprehension vehicle to an incarceration facility. A great number

of these events are intended for local consumption. Some, however, garner national attention. Timothy McVeigh, John Gotti, David Berkowitz and Lee Harvey Oswald are among the most infamous suspects to endure the perp walk (Ruiz & Treadwell, 2002).

In addition to serving a purpose for police and media, the perp walk also makes a prosecutorial statement. It is within this function that the staged event can be manipulated to portray sentiments that the police and prosecutors wish the public to have. The image of a suspect in handcuffs or an orange jumpsuit casts an aura of guilt over that person. These props are sometimes used for that reason and that reason alone. For example, when Susan McDougal was jailed for refusing to testify in the Whitewater trial, she was put in leg irons for her perp walk outside of an Arkansas courthouse (Cohen, 2011). McDougal had no history of escaping from police and, for law enforcement purposes, was considered a low-risk offender. However, her arrest was intended to send a message. Outfitting her in shackles was conducive to that message. Such costuming is not uncommon.

Perp walks are most closely associated with New York City. When Rudolph Giuliani was the top federal prosecutor in Manhattan, perp walks were a favored tactic in his efforts to show the city – and the world – that his office was tough on crime (Cohen, 2011). Criminal law professor Laurie Levenson said that Giuliani elevated the perp walk to “an art form” (Jones, 2011). During his tenure as a U.S. Attorney, Giuliani paraded drug lords, mobsters and white-collar criminals in front of media cameras. He famously ordered the NYPD to barge onto the trading floor of Kidder, Peabody & Co. and handcuff suspected inside trader Richard Wigton in 1987. The cameras captured the

disgraced broker crying as he was led away by officers (Jones, 2011). Notably, charges against Wigton were dropped three months later.

While perp walks are decidedly American, they are not new. J. Edgar Hoover employed the tactic as early as the 1920s, using the spectacle to bolster the prosecution of defendants as well as the image of the FBI. Hoover orchestrated the photo opportunities of many of his agency's arrests, including those of mobsters Alvin Karpis and Harry Campbell (Jones, 2011). Today, perp walks are a staple of American justice, especially in New York City (Norris, 2011).

The perp walk's primary function is to provide the media with images but its underlying purpose is just as significant.

"I don't need a perp walk or a front page to make my case," the District Attorney told the defense lawyer. "I have actual evidence" (Korsh, 2011).

This exchange was fictional. It was the opening scene of a July 2011 episode of the legal drama "Suits" on USA network. In the real world, the perp walk is increasingly important for the prosecution of criminals in the United States. The idea of whether a perp walk is prejudicial is often countered with the desire of law enforcement to employ this tactic to win criminal prosecutions.

Recently, however, the practice of the perp walk has come under scrutiny, both domestically and abroad. The intense discussions as of late center on the New York City perp walk of former International Monetary Fund Chief Dominique Strauss-Kahn. Suspected of attempting to rape a hotel housekeeper, the French Strauss-Kahn was arrested in May 2011 and paraded, handcuffed and unshaven, in front of cameras in

Manhattan (Cohen, 2011). France and other European countries were outraged by the spectacle.

At issue were not only the fundamental questions of fairness evoked by the perp walk but the cultural differences between countries regarding such public displays. European countries, for the most part, do not engage in perp walks. Other countries even go to great lengths to avoid such rituals. Canada, for example, takes care not to expose suspects in their custody to the media prior to court appearances. When former Canadian Forces Base Commander Colonel David Russell Williams was arrested in 2010 on two counts of murder, the Canadian authorities set up partitions at a back courthouse entrance so that Williams could enter the building without being seen by the press (Rankin, 2010).

Some Latin America law enforcement entities, on the other hand, take the perp walk to the extreme. Called the *presentacion*, the Mexican equivalent of the perp walk is commonly used to demonstrate that country's progress in the war on drug cartel violence. The *presentacion* is no mere perp walk. It is an event that includes suspects rounded up in drug busts and tables containing weapons, drugs and other items seized at the time of arrest. Mexican officials usually combine the presentation of suspects and evidence with press conferences outlining the operations that led to the arrests. On occasion, the police engage in public interrogations of the suspects, while reporters record the frequently self-incriminating exchanges (Ellingwood, 2010). This enhanced version of the perp walk can have a profound effect on the perception of guilt attached to the suspects.

Like the criticisms so often levied on American perp walks, critics of the Latin American version claim that suspects are presented in an unflattering context. Most are displayed with contraband prior to the court's official connection of that evidence to the

suspect. In addition, the suspects often appear at *presentacions* donning whatever they were arrested wearing and bearing signs of the struggles that occurred during their arrests. Beyond that, the images of a *presentacion* may run over and over on Mexican television for several days (Ellingwood, 2010). Once used only to publicize major arrests of high-ranking drug lords, the Mexican authorities now employ the *presentacion* for lesser known suspects of drug violence in the country, including teenage hit men employed by the cartels (Williams, 2011, August 7).

The obvious argument against perp walks, and rituals like them, is that they present suspects as guilty before they have been found so by a court. Human rights advocates call the more elaborate Mexican *presentacions* “appalling” (Ellingwood, 2010). Former French Justice Minister Elizabeth Guigou called the Strauss-Kahn display “absolutely sickening,” while another former French justice minister, Robert Badinter, said the IMF chief had been subjected to “death by media” (Jones, 2011).

In the weeks that followed Strauss-Kahn’s perp walk, the case against him began to unravel. Prosecutors found that the alleged victim in the case had “substantial credibility issues” (Cohen, 2011). The charges against Strauss-Kahn were dropped in August 2011, just four months after the accusations were made (Italiano, 2011). The dismissal of the charges only makes Strauss-Kahn’s perp walk seem more inappropriate and, perhaps, more damaging to his reputation. Like Wigton, Strauss-Kahn is unencumbered by a criminal trial but his image will live on forever in the annals of the perp walk.

Not all jurisdictions agree that perp walks constitute appropriate police activity. Onondaga (New York) County Chief Assistant District Attorney Joe Colligan said the practice is not employed in his Central New York county for several reasons.

“Perp walks are unethical and we do not try suspects in the press,” Colligan explained (Colligan, 2011).

Colligan said that perp walks present another significant problem for law enforcement: “When suspects appear in the media before trial, we can run into issues of identification. Witnesses can get a (false) sense of knowing a perpetrator based on what they see in the media and that can taint the ID process for that criminal instance or others the suspect may be involved in” (Colligan, 2011).

Colligan said that he and his office “feel uncomfortable” manufacturing images for the media and are bound to refrain from staging perp walks not only as a matter of policy but as an issue of ethics (Colligan, 2011).

Even in the perp walk capital of the world, the tide may be turning. Brooklyn Councilman David Greenfield introduced a bill this year that would make it illegal for any New York City employee, including members of the NYPD, to assist in the public showing of anyone who has been arrested or charged with a crime (Blau, 2011).

“Before they (suspects) are convicted, they deserve to be treated with dignity and respect,” Greenfield stated, “and we deserve not to prejudice a potential jury pool, which is everybody who is watching this on TV or reading about it in a newspaper” (NY1 News, 2011).

Not surprising, some members of the press do not agree with the councilman. On the same day that the story of Greenfield’s perp walk bill introduction ran in the New

York *Daily News*, the paper's editorial page called the bill "silly." The editorial noted that images produced during perp walks "capture history" and that criminals, even alleged criminals, have no right to be shielded from the media (*NY Daily News*, 2011).

The Casey Anthony case provided what may be to date the most curious perp walk. On July 17, 2011, several days after her acquittal, Casey Anthony was released from the Orange County (Florida) Jail. She emerged from the building wearing street clothes and flanked by her attorney José Baez and two heavily armed Orange County sheriff's deputies. As she was being hustled into a waiting SUV, video rolled and camera flashes sparked. A crowd outside of the building shouted "baby killer" and "murderer" as the vehicle drove away into the Florida night. National news outlets showed the video and photographs practically nonstop for the next week. It was a sort of reverse perp walk, perhaps one of the first ever witnessed by a national audience.

Whether the perp walk is storied American crime tradition or shameless public spectacle remains a matter of debate.

Crime victims

The term "victimless crime" is an oxymoron. Crime is a violation of societal norms that invariably harms society, thus creating victims. However, there are various degrees to which victims may be affected by crime. There is the shopper who pays more at the register to compensate for shoplifters. For this victim, the perpetrator is unknown. Sometimes the victim is not even conscious of the crime. Then, there is the murder victim. This victim has paid the ultimate price for someone's crime. There are victims that are the target of the crime and there are those who are on the periphery. The victim

of an assault, for example, is joined by family and friends who are also affected by the crime. All victims of crime suffer, on some level, as the result of the criminal acts perpetrated by America's lawless.

There has been a movement in the last two decades to recognize crime victims and treat them with more respect on a number of levels. Unfortunately, there are often barriers to providing crime victims with what they really need. First, the crime victim must be identified as such. Secondly, the crime victim's needs must be assessed. Finally, society, often in the form of the criminal justice system, must address those needs. While this sounds fairly straightforward, pitfalls await at every turn.

Using these simplified steps, one can explore the myriad of problems that can arise in dealing with crime victims. Caylee Anthony was a victim. It is easy to identify her as such. However, not all crime victims are as clearly recognized, even by law enforcement professionals. Seemona Sumasar was a crime victim but it took a long time for anyone to see it. Sumasar, a New York City restaurateur, dated a man named Jerry Ramrattan. Abusive and controlling, Ramrattan was soon Sumasar's ex-boyfriend. About a year later, he broke into her Queens home and sexually assaulted her. He was arrested and Sumasar was clearly his victim (Bilefsky, 2011). Then, things went wrong.

One night, as Sumasar drove home from her restaurant, she was pulled over by police. She was placed in handcuffs, taken to the police station and charged with carrying out a series of armed robberies. The police told her they had amassed credible witness statement that put her and her car at the scenes of several of the crimes (Bilefsky, 2011). Sumasar insisted that her crime-drama obsessed ex-boyfriend was framing her but police

did not believe her or investigate her claims. She spent months in jail awaiting her trial. Her rapist was free on bail while Sumasar was facing 25 years in prison.

Finally, seven months after her arrest, an informant told police that Ramrattan had staged the robberies in an attempt to exact revenge on the woman who had accused him of rape. When police finally investigated those claims and Sumasar's alibis for the crimes, they found that Ramrattan had coerced an illegal immigrant from Trinidad to testify to being robbed by Sumasar in exchange for a visa for victims of violent crimes. Ramrattan was unemployed and had no power to grant any such visa. Ramrattan also employed friends to claim they were robbery victims and identify Sumasar and her vehicle (Bilefsky, 2011).

Sumasar was released and Ramrattan was arrested. While Sumasar was in jail, she lost her restaurant and her house.

"From the beginning I was presumed guilty, not innocent," Sumasar told a *New York Times* reporter. "I felt like I never had a chance. I can never have faith in justice in this county again" (Bilefsky, 2011).

Sumasar went from crime victim to criminal and then back to crime victim. Naifissatou Diallo, the hotel housekeeper in the Dominique Strauss-Kahn case, has experienced a similar journey. The alleged victim of sexual assault has been called a "liar" and worse in the media since the case broke in early 2011. The press delved into Diallo's past and found that she may have falsified statements on an asylum application when she entered the U.S. In addition, prosecutors have said that her account of the attack in May does not seem "credible" (Ellison, 2011). Now that the criminal case against

Strauss-Kahn has been dismissed, largely because of the credibility issues, it seems that Diallo will never be treated, at least by the media, as a crime victim.

Yet, Diallo's is a complex story that speaks to some of the issues that arise when dealing with crime victims. Because of the status of Strauss-Kahn and the high-profile nature of the case, Diallo's statements were suspect from the beginning. If that does not seem fair, well, the justice system is not always fair. Whether Diallo lied about the facts surrounding the alleged sexual assault, it is clear that she is no longer viewed as a victim in the case, primarily as a result of media coverage her past.

"Every sexual assault is complicated and the victims are not perfect, but this woman was put on trial by the press as if she were (on an equal footing) with Dominique Strauss-Kahn," said Taina Bien-Aimé, a former Wall Street lawyer who now runs the non-profit Equality Now (Ellison, 2011).

It can be difficult to identify the victims of crime. Assessing the needs of crime victims proves even more problematic.

The Illinois clemency hearings of 2002-2003 demonstrate the ways in which crime victims can be victimized by society long after the original crime. It is undoubtedly a wrenching emotional process to see the murderer of a loved one get convicted and be sentenced to death. It is a decidedly personal decision that victims' families have to make when considering if the death penalty is what they need to gain closure. However, after those events take place, crime victims have all of their lives to come to terms with them... unless they live in Illinois. In 2002, Governor George Ryan began a series of clemency hearings to overturn the death penalty convictions of 159 offenders. Most of the death-row inmates up for review had murdered their victims (Bandes, 2004).

What followed was a movement by crime victims and their families to bring forth the stories of suffering and death that had, in many ways, defined their lives. The victims were forced, once again, to recount the crimes that had led to the deaths of their loved ones. They had to put themselves in the public eye in an effort to gain the justice that they, in fact, had already been afforded once. In the end, Governor Ryan pardoned six men and commuted the death sentences of all of the others to life imprisonment without the possibility of parole (Bandes, 2004). Predictably, coverage of the story was highly emotional. It could certainly be said that the needs of the crime victims and their families, who are, of course, victims in their own right, were hard to determine. While it is obvious that revisiting the emotional events surrounding the previous crimes was hard for the victims, many felt it would be harder to see the perpetrators skirt their punishment. Ultimately, the victims lost on both counts.

Addressing the needs of crime victims seldom comes first. Ohio provides a startling example of the ways in which compromises must be made by crime victims in order to achieve other goals, primarily justice for the offender. Anthony Sowell was convicted in July 2011 of killing eleven women in Cleveland. The case against him relied, in part, on his access to the victims and victimology. Victimology, as used in this case, refers to the type of victim that an offender targets. If the type is narrow and all of the victims fit into that category, it can be a compelling part of a prosecutor's case (Karmen, 2001). In the Sowell case, there was a tight victimology. This is where it gets uncomfortable for the victims' families. In the Sowell case, all of the victims were poor, crack-addicted African-American women. In order to demonstrate that Sowell preyed on these women, details of their lives had to be exposed in court. It was wrenching for the

families to hear their daughters and sisters being portrayed as crack addicts in open court. It was harrowing to realize that the victims' lifestyles had made them available to Sowell. However, it was these details that resulted in the conviction of the serial killer (Barr, 2011).

The most humane treatment of these victims would have involved letting their murdered loved ones rest in peace without a public airing of their mistakes and missteps. However, the victims' families acknowledged that the testimony was necessary to receive justice for the slain.

"I'm so glad that finally, on July the 21st, that all of our families can rest assured – and all of our loved one can rest assured – that peace has come to our families," said Denise Hunter, whose sister Amelda, was found buried in Sowell's backyard (Barr, 2011).

Determining what victims need in the wake of crime is perhaps the most daunting task of all. The choices are sometimes less than clear and the outcomes are often unexpected to the victim. The three primary goals of the justice system are punishment for the offender, treatment of the offender and restitution to the victim. Sometimes crime victims are not the best advocates for their own needs in terms of understanding the law and the consequences for offenders. For example, the families of some murder victims are pleased with death sentences handed down to the murderers of their loved ones. Some, however, change their minds over time and are less pleased with the outcome the longer the prisoner sits on death row. Many such families are not aware that it can take decades to carry out such a sentence. As the years pass, they realize that the impending

execution is hanging over them and, many times, they are forced to endure countless appeals by the offender. This situation is rarely conducive to closure.

What crime victims need most, according to crime victim expert Andrew Karmen, is empowerment. Empowerment in these cases means inclusion in the decision-making processes that occur at every level of the justice system – from bail to verdict (Karmen, 2001).

The victims' movement of the last twenty years seeks to provide that empowerment for both crime victims and their families. Of course, this issue is complicated. Though the crime victim is the reason for the prosecution of a criminal, he or she is somewhat removed from the process. In the earliest criminal court proceedings in England, victims "prosecuted" offenders. They brought their grievances to the court and were permitted to direct the trial. As criminal trials evolved, the victim was replaced in the prosecutorial role by the "state" (Gewirtz, 1996). To many, this is a great achievement in law and order. The state transforms the prosecution from a private grievance to a public concern. The state removes much of the emotional intensity of the victim and is able to prosecute offenders dispassionately, according to the law. The state also has vast resources and extensive experience that the individual does not. The state is capable of defending the most helpless of crime victims, those murdered by the offender. Perhaps most importantly, prosecutions by the state underscore the public's values concerning law and order (Gewirtz, 1996).

Inevitably though, the state and the victim sometimes have different goals. In the current legal system, the state represents not only the victim but the public in general. The state is also beholden to law enforcement, politicians and the norms established by

the jurisdiction. The accused has an attorney – or a team of attorneys – devoted exclusively to his or her interests. This asymmetry can make it difficult for the crime victim to see his or her goals and needs met (Gewirtz, 1996).

This is not to say that the victim's voice is absent in the judicial process. Even the murder victim has a voice. His or her story is told through evidence and witnesses and comprises the primary narrative of the murder trial. In addition, most courts now allow "victim impact statements." This is the crowning achievement of the victims' movement. These statements allow crime victims to tell courts and juries, in their own words, how the actions of the criminal have affected their lives. They are talking about the "criminal" and not the "defendant" because most victims' impact statements are given at the time of sentencing. While these post-conviction statements may influence sentencing, they do not affect the outcome of the trial (Gewirtz, 1996).

It is likely that the system is arranged in this fashion to mitigate the emotional aspect of victims' impact statements during trial. It remains to be seen if this is truly an appropriate placement for the victim. After all, the victim and the victim's family are the reason for the criminal trial. That their statements are relegated to post-conviction proceedings is a testament to their value – or lack thereof – to the state.

Chapter Three

Methods

Research design

This is a qualitative study using two qualitative methods. The methods employed are the in-depth interview and phenomenology. The first is used to build a comprehensive data set for the latter. The reason for this unusual approach is access or, rather, limited access. The primary participants are incarcerated in state prisons. These institutions have varied regulations for contact with members of their populations. In addition, the participants themselves, due to their circumstances, tend to be guarded in their communications with outsiders. As respecting their privacy is a central goal, I did not attempt to persuade any participant to exceed his or her comfort level in communication for this study. I have communicated with several prisoners in New York and New Jersey for a 2008 class project. I contacted these participants again for the purposes of this study. In addition, I contacted several new participants and also included a few snowball participants.

Method

The interview, in some form, has been used in scientific study for hundreds of years. Socrates used dialogue to gain philosophical knowledge. He realized the value of seeing the world through eyes other than his own (Kvale, 1996). Sociologists and anthropologists have used the informal interview to lay the groundwork for their research since the early days of the disciplines (Kvale, 1996). The interview provides valuable

background information that can be used to guide a scientific study and render the collected data more robust. In fact, without the interview, many studies in the areas of sociology and anthropology would lack the social context needed to make them of any real value.

The in-depth interview became an accepted method of scientific inquiry in mass communications research in the 19th century. Prior to that time, mass communications research more closely mirrored the work being done in the natural sciences, meaning it leaned toward the experimental and other, more rigid scientific methods. The addition of in-depth interviews to the mass communications researcher's repertoire brought this field of study closer to work being done in the humanities and philosophy (Kvale, 1996). This is valuable to the field in that it adds another dimension of inquiry. Through in-depth interviews, mass communications scholars can explore issues that other methods are ill-equipped to examine.

Media affect audiences and practitioners on many and varied levels. The in-depth interview is useful in exploring the nuances of media effects. The primary goal of this study is to examine media effects on convicted criminals. In addition, some theories and other research methods lend themselves to the use of the in-depth interview.

Phenomenological studies benefit greatly from the use of the in-depth interview (Creswell, 2007). Phenomenology is based on the notion that a process must be observed and allowed to unfold in its natural form. Only at that point, and from that perspective, may conclusions be drawn. In-depth interviews are useful in these types of studies because they allow for the intricacies of the process to be revealed without the researcher necessarily having to have prior knowledge of those details.

To a limited extent, this paper resembles an ethnographical study. The ethnographical study is another area in which the employment of in-depth interviews is useful (Creswell, 2007). Ethnography is the study of behavior based on observation, information from participants and the examination of documents and artifacts (Creswell, 2007). However, perhaps more importantly, ethnography is the study of culture. Culture is the set of beliefs and behaviors shared by a social group and often passed down to the next generation of its members (McCurdy, Spradley and Shandy, 2005). The in-depth interview can be an invaluable source of information about culture, particularly cultures of which the researcher is not a member. For example, in my study of convicted home-invasion robbers, drug dealers and murderers, I am not a member of either their pre-prison culture or their incarceration culture. By examining media coverage of their crimes and trials, I hope to gain insight into those cultures. Examining artifacts is not enough, however. Without the in-depth interview, I could have no view into those cultures, save what I see and read in the media. As mentioned earlier, these accounts do not tell the full story. Herein lies one of the most valuable aspects of in-depth interviewing. The method produces the unexpected.

Phenomenology is another area of study that is perfectly suited to the use of the in-depth interview. Phenomenology is the study of the “lived experience” (Moustakas, 1994). There is likely no better way to find out about a person’s experience than to ask them. Observing an individual or group of people go through a process only provides one perspective – the third person perspective – on what is happening. The only ones who can relate how the person or group experienced the process are the people themselves. Because the researcher is on the outside of that experience, he or she may not even be

capable of forming the right questions to ask. The in-depth interview may reveal information that the researcher would not otherwise find.

The researcher may approach the in-depth interview from two different angles, depending on the goal of the researcher. One approach likens the researcher to a “miner,” as the researcher gathers information from an interview in its purest form. This means that the interview does not include any leading questions and the interviewer does not corrupt the data by inferring any meaning not clearly present (Kvale, 1996). The second approach compares the researcher to a “traveler,” a person who is immersed in the world he or she is studying and employs leading questions to bring out more robust data. It is even possible, using this approach, that the scholar may be changed by the act of researching (Kvale, 1996). The “traveler” places his data in the context of the landscape he has found, while the “miner” presents his more empirically. Though I cannot hope to become a part of the prison culture, I can, through the use of these approaches, gain valuable information about how the media are perceived from within that culture.

The limitations of in-depth interviewing as a method include non-rich data (Kvale, 1996). I am personally quite familiar with this limitation, as many of the participants in my previous study refused to answer my questions or answered in “yes/no” format, even after I had carefully constructed questions to avoid just this possibility. Another limitation of in-depth interviewing is the subjectivity of the analysis (Kvale, 1996). It may be said the no one knows the work better than the researcher and that, therefore, his analysis is usually accurate. However, when the researcher is working in cultures that are foreign to him, he may indeed misinterpret data. In addition, there may exist a plurality of interpretations. The best way to avoid pluralities in data analysis

is to be as transparent in the analysis as possible. A final limitation of in-depth interviewing is the potential it has for negatively impacting the participants (Kvale, 1996). In the case of my study, this is a great concern. As I am seeking information about how media coverage of their crimes and court cases affected convicted felons – from their perspective – I have to ask them to relive what was undoubtedly one of the worst times in their lives. These types of interviews can be stressful for the participants.

The steps I took in constructing my study of prisoners and how they believe the media have affected them and their cases is as follows:

Thematize – The purpose of my study is to explore the ways in which prisoners who have been convicted of upper-tier offenses (including home invasion and murder) perceive the effects media may have had on their cases, their lives and even the lives of their family members. My goal was to allow them to tell me how they experienced the media in the days after their crime and incarceration as it pertained to them.

Design – I used in-depth interviews to help me understand the ways in which the men participating in my study view the media and media practitioners. Much of the logistical design of my study centers on access. For this study, I only have access to the participants through the U.S. Postal Service. There is another, separate issue of access as well, having to do with the nature of the participants themselves, which I will discuss at the end of this outline. It pertains to emotional access.

Interviews – The in-depth interviews with the participants in my study come in the form of written correspondence. I have been corresponding with nine men for the last year and a half. I have talked, informally, to one of these men on the telephone. I communicated using this method with six more inmates in New York and New Jersey. These interviews were conducted through a series of letters, including letters with initial questions and follow-up letters with questions tailored to the inmates' previous responses.

Transcribing Data – I have transcribed all of the correspondence I have between myself and the men. This process was useful in identifying patterns in the participants' responses. However, to protect the identities of the participants, the full transcriptions of their letters will not be included in this document.

Analyze – In analyzing the data from the in-depth interviews, I have identified common themes and made thematic connections. I have identified patterns among the participants.

Verify – I had three primary concerns in verifying the data from the in-depth interviews. The first is generalizability. In other words, I tried to find common experiences that may be applied to other inmates in similar circumstances or even to criminals as a whole. The second concern is reliability. I compared the interviews and the themes found within the data to see if they were consistent

with one another, if there are commonalities. The final concern is validity, the question of whether the outcome of the study matched the proposed purpose of the study.

Report – I have reported my findings in an impressionistic narrative (Kvale, 1996) on the ways in which the prisoners perceive that the media have affected their court cases, their lives and, perhaps, those of their families.

Defend – My primary defense for this dissertation is that I feel I have given voice to some of the voiceless members of our society. That, after all, is one of tenets of journalism.

I had a difficult time building rapport with the participants. Which brings me to the other type of access – one even more elusive than a weekend pass to death row – emotional access. I have been writing to most of my current participants for well over two years. Some of them still do not seem interested in discussing some issues, particularly issues of race. I had ten African-American participants, six white participants and one Asian-American participant. I lost one from each of the first two categories to death in late 2009, one of natural causes and one who was executed. They provided two stark examples of the challenges of my communications and, as they are deceased, I will use these examples to illustrate some hurdles:

Arthur killed 11 women and dumped their bodies along the Genesee River. He had been in prison many years when I contacted him. He was never getting out and he knew that. The main challenge with Arthur was what I call “extreme reciprocity,” a concept with which I deal from time to time. Some prisoners ask for \$5 worth of stamps or some snack food items in their commissary accounts. Because correspondence is expensive, I almost always comply with requests for mailing materials. Other requests are more difficult to grant. Arthur wanted me to find and contact his estranged daughter and talk her into writing to him. I had to decline. He was angry and did not write to me for three months. He finally did start writing again, though he never stopped asking me to contact his daughter. He died of surgical complications in late 2009.

Mohammad was on death row for the D.C. sniper murders. He did not trust me. After decades of exposure to institutionalized racism and a violent crime spree, Mohammad felt – and rightly so – that he and I had nothing in common. I worked hard to gain his trust and he was writing back to me. That, to me, is always a promising start. His letters were just becoming less hostile when he was executed in 2009.

The above participants have been excluded from this study’s results. That left a total of 15 participants.

As this is study that centers on the lives of several individuals and how each of them experienced crime news coverage, phenomenology seems a particularly well suited

approach. Phenomenological studies use narrative to describe the experiences of individuals and the meanings that those experiences had for them (Creswell, 2007).

Because no research exists explaining how convicted criminals view media coverage of their crimes, no applicable theory is available. Phenomenology is a vehicle by which such a framework may be unearthed.

Phenomenology is a philosophy, not merely a method (Creswell, 2009). It is a means by which the researcher may explore the lived experience of the participants and reveal qualitative diversity. The purpose of phenomenology is to explicate the essential meaning of a process and articulate what that reflective meaning has for the participant (Kvale, 1996).

There are a number of reasons why this method is well-suited to my dissertation with inmates and their perception of media. First of all, this method relies on the openness of the participant (Kvale, 1996). I realize this may sound counterintuitive, given the difficulties I have with communicating with my participants sometimes. However, this challenge is what will result in excellent data. These men have a common experience to share and have not had a venue in which to voice their opinions about media coverage of their crimes and cases. If it were easy, it would have been done already.

Secondly, phenomenology is designed for the study of individuals (Creswell, 2009). It is somewhat like grounded theory, in that the truth “emerges,” but is specifically aimed at the study of a small group of individuals over a long period of time (Moustakas, 1994).

Another reason this method is suited to my study is because, in phenomenological studies, the literature sets the stage (Creswell, 2009). This is how I envision my

dissertation as working. Because there are not a lot of other studies that are similar to mine, I will have to make parallels to peripheral work. For example, the study about the “perp walk” examines how suspects are treated as objects (Ruiz & Treadwell, 2002). It may not seem like it directly relates to my study, but such references certainly “set the stage.”

During the analysis of my dissertation data, I found common themes and tried to make thematic connections. It is in this way that I was able to see how the prisoners “make sense” of their experience with media. Phenomenology is about how people “make sense of the world,” not about reality as it presents itself or “as it is” (Schutz, 1970) I care about how these men perceive media and how they think the media have affected them. I am less concerned with the actual media protocol relating to the reporting of their cases. Though that may be important background information, such pursuits are not the primary purpose of my study.

The true meaning of these perceptions may best be found using phenomenology. Examination of the *noema* (that which is experienced, the object correlate) and the *noesis* (the act of experiencing, the subject correlate) (Husserl, 1962) in phenomenology reveals meaning about how reality *appears* to the participants. This is what I hoped to find.

The use of this method for my dissertation involved several steps:

Open description – I tried to remain true to the information I received from the participants (Kvale, 1996). Fidelity to their experiences is key to maintaining a true representation of their perceptions.

Investigate the essence – Phenomenologists agree that this is the most crucial step in this research process (Moustakas, 1994). It is essential to find meaning. This may be done by identifying patterns and making complex thematic connections.

Phenomenological reduction – It is vital in this method to “bracket” the foreknowledge of the researcher (Kvale, 1996). The researcher must “set aside” what he or she knows about the topic and the participants and approach the study without preconceived notions about either. This is also the time to *epoche*, a process by which prejudice is dismissed from the mind of the researcher (Moustakas, 1994). Another reason to “bracket” within a phenomenological study is to eliminate the possibility of misunderstanding the participant. By always assuming nothing and clarifying everything with the participant, nothing is missed in the way the participant views the subject (Babbie, 2007)

Imaginative variation – When analyzing phenomenological data, it is important to employ varying frames of references, polarities and reversals (Kvale, 1996) and other alternative scenarios in order to assure that that the *eidos* or true meaning (Moustakas, 1994) has been discovered. Despite this step, however, the possibilities are never really exhausted, as the data exist in the context of time and place and circumstance (Moustakas, 1994).

Finally, I formed a synthesis of the data (Moustakas, 1994), using the themes in the data to create connections and found common ways in which inmates experienced the media as it relates to their cases. By doing so, I hope that I have not only provided for them a voice but, perhaps, suggested protocol for treating this population with more respect in the media.

Context

In order to cover crime effectively, journalists must have an understanding of what social factors precipitate crime. This knowledge is often hard-won, gleaned from many years on a crime beat. I, on the other hand, have the advantage of devoting my time to researching criminal theory. I feel that I would be remiss if I did not offer insight into the prevailing theories of the causes of crime and use those in my evaluation of any data in this study.

The ecology of crime is also known to criminologists as social structure theory. It is the basis for the most significant criminal justice theories of our time. The main idea behind social structure theory is that societal factors encourage individuals' entry and continuation in criminal behavior.

One of the most important societal factors observed in social structure theory is the culture of poverty. More than simply being poor, people who live in a culture of poverty often have few job opportunities and little access to quality education. In addition, a culture of poverty creates an atmosphere of apathy, helplessness, cynicism and, perhaps most significantly in terms of crime management, a mistrust of authority.

Furthermore, these economic difficulties and their accompanying attitudes are often passed down to generation after generation (Siegel, 2008).

Another societal factor considered in social structure theory is what criminologists call the criminal subculture. This subculture has two primary components: The idea that criminal behavior is acceptable, even revered among its members, and the process by which criminal knowledge and skills can be learned and passed to the next generation of perpetrators (Siegel, 2008).

The criminal culture may have within it minority group subcultures. They operate like any other subculture, save an added sense of mistrust for the usually white authorities and an increased burden of racism in terms of economic and educational advancement (Siegel, 2008). These factors are often the result of the culture of poverty from which many members hail.

The reasons for cultural transmission of criminal knowledge and skills under the ecology of crime, or social structure theory, are encompassed in three theories: Strain theory, social disorganization theory and cultural deviance theory (Siegel, 2008). Strain theory is based on the disparity between the financial goals of an individual or group and the opportunities to legally achieve those goals (Siegel, 2008). For example, if a family of four has a goal to eat every day of the month, yet run out of money for food in the third week of the month, members of the family are vulnerable to entering into crime. Critical criminology states that this is exactly the way that crime works all the time – that society “gets the crime it deserves” (Siegel, 2008). However, critical criminology does not explain the man who has a “goal” of having six luxury vehicles to strip for parts and so steals them.

Social disorganization theory states that weakened ties between individuals and their families, schools, churches, communities and other social groups promote criminal behavior (Siegel, 2008). The upside of this theory is that preemptive intervention may come in the form of community centers, youth programs and even just a few teachers who care about their students.

Cultural deviance theory is the idea that both economic strain and social disorganization contribute to crime rates. It is the theory, of the three, that is most widely accepted by criminologists (Siegel, 2008). Though cultural deviance theory concludes that poverty and weakened community ties are integral to high crime rates, it also allows for the most effective means of combating crime. By providing community support through such endeavors as improving schools, crime rates may not only be reduced in the short term but for future generations.

There is also a geographic component to the ecology of crime, though it is often discussed separately. It would seem that criminal activity in crime-ridden neighborhoods is self-perpetuating (Siegel, 2008). People who live in high-crime areas often have a high fear of crime which causes them to withdraw from their communities. This “siege mentality” results in weaker ties to community organizations and contributes to community disorder. Community disorder, in turn, is an indicator of crime. (Siegel, 2008).

The ecology of crime also may be applied to an individual level as opposed to community level study. In this approach to social structure theory, criminologists attempt to explain how people are socialized to crime. The overarching theory in this view is called social process theory. The broad social process theory views all relevant factors of

society when considering criminality, meaning it does not focus on socioeconomic class alone (Siegel, 2008). One of the primary tenets of this theory is the idea that every person is equally predisposed to commit crimes but that the environment determines the activation of his or her criminal behavior (Siegel, 2008). This theory acknowledges that the increased burdens of poverty, racism and weakened community ties contribute greatly to criminality but also recognizes that other environmental factors outside of class and geography, such as abuse, can also activate criminality (Siegel, 2008).

Social process theory also notes that counteractions to crime – like strong family morals, community centers, the D.A.R.E. program and other endeavors – are effective in reducing criminal acts at both the community and the individual levels.

Social process theory is the synthesis of three separate theories. These theories are not entirely foreign to mass media scholars. Social learning theory, as it applies to criminology, states that people's criminal behavior stems from their interactions with other people (Siegel, 2008). This works exactly the way it does in media studies, as well as in a number of other fields. Children emulate adults and other children, people take cues from one another about what is socially acceptable based on outcomes for others and people teach other people skills.

Social control theory is also a familiar theory, used in a number of social science fields. Its focus is on the association individuals have with institutions and other individuals (Siegel, 2008). This is the theory under which all of the intricacies of community interactions are studied. Studies in this area may focus on whether more advanced math programs in high-crime high schools would result in a reduction of those

crime rates or whether a new after-school sports program might reduce shoplifting in a neighborhood.

Social reaction theory, also known as “labeling” theory, is the most pessimistic of the theories under the social process approach. It is based on the notion that sometimes a person who has been labeled a criminal by authority figures accepts that label as his or her personal identity (Siegel, 2008). This promotes continuation in criminal activity for the individual. Criminality becomes a self-fulfilling prophecy (Siegel, 2008). This may also be applied to the community, in my opinion. If a neighborhood is labeled as “bad,” I feel that the people in that neighborhood may be more inclined to withdraw from the community, as discussed above, and allow the streets to be run by the criminals.

Differential association theory is closely tied to all of the above theories. It is activated when an individual or group finds more cultural definitions that favor crime than definitions that oppose crime (Siegel, 2008). The importance of this theory is that it is likely where mass media come into play. By portraying violence as glamorous and misrepresenting the consequences for criminal behavior, the media, in a way, “favor crime.” They do, at the very least, create a cultural conflict, wherein “people” on television and in movies lead criminal lives that do not mirror reality.

Vulnerable population

It is in this context that this study’s goal was to allow the participants to guide the research to facets of media coverage of their cases that are of concern to them. There exists a research precedent for this type of approach. Though it comes from the medical

profession, I believe it can be applied to other types of social scientific research, including this study.

Many clinical trials involving prisoners have been orchestrated over the years. The prison population appeals to medical researchers for an array of reasons. They tend to be sicker than the general population and access, though regulated, is conducive to medical research. Not all of these clinical trials benefit the population. However, it is not only their medical status and their incarceration that make prisoners vulnerable to the detrimental effects of clinical trials. As of 2007, more than two million people were imprisoned in the U.S. This number is four times what it was just 30 years ago. During the last three decades, African-American men were arrested, convicted and incarcerated at rates higher than any other racial or ethnic group. In addition, Latinos made up 20 percent of the prison population in 2000, far outnumbering their per capita ranking in the general population. Women are currently the fastest-growing segment of the prison population. All members of the prison population tend to have lower incomes, less education and higher rates of mental illness and substance abuse than the general population (Perez & Treadwell, 2009).

Sample

I searched the websites of the New York Department of Corrections and the New Jersey Department of Corrections in an attempt to locate incarcerated individuals serving upper-tier sentences. These individuals are male and have been convicted of at least one murder in the second degree or felony crime with an equivalent sentence. Lower-tier sentences, like those for drug-possession and property crimes, were excluded because

they are not typically associated with substantial media coverage. Using the “inmate lookup” function on the DOC websites, I attempted to locate at least 30 upper-tier inmates in New York and New Jersey.

Indeed, few of the inmates contacted chose to participate in my study. However, there were several snowball participants. Because this is a phenomenological study and the experiences of the individual are integral to the story, the process by which each participant came to the study will be told in his narrative.

In an effort to narrow the focus of this study, all of the participants were men. Given that this study is likely the first of its kind, narrowing the focus and limiting participation criteria is acceptable.

For the dissertation, I used the same method to locate participants as I used in the preliminary study. I used the "inmate lookup" function on the New York and New Jersey websites. I searched every letter of the alphabet until I located an inmate who is serving a sentence for an upper-tier offense. In order to ascertain whether a potential participant meets the criterion of experience with media coverage, I did a Google search in an effort to find media coverage corresponding to the inmate's case. The media coverage was used only to screen potential participants at that stage of the process. The media coverage was not be printed out, saved or otherwise referenced at any other stage of the project.

Participants who have been convicted and sentenced to prison for crimes that garnered media attention met the criteria for the project. The justification for this purposive sample is simple: The nature of upper-tier crime frequently corresponds to a high amount of media coverage.

Individuals who have been convicted of crimes that the media have covered, either locally or nationally; and who are incarcerated within the states mentioned above were considered. The researcher is located in New York State.

Individuals who did not wish to participate or who are incarcerated in facilities outside of New York and New Jersey were not considered potential participants. In addition, inmates who demonstrated an inability to comprehend the initial contact letter, perhaps due to literacy level, were excluded from the study. Women and juvenile inmates were excluded.

Because several participants are in the appeals process, it was important not to disclose any details they provide involving those appeals cases. For that reason, any discussions of those details are not part of the dissertation. In addition, discussions of parole details were discouraged by the researcher. As the means of communication is personal correspondence, it was impossible to predict whether inmates would write to the researcher regarding details of appeals and parole. Several did write at length about their efforts to appeal the verdicts in their cases. However, all references to appeals, parole proceedings, legal strategies and other details in the letters received by the researcher were redacted upon receipt. The inmate's name was also redacted upon receipt of all letters. The letters were numerically coded until the data analysis phase and then assigned pseudonyms during the data compilation phase. The letters were kept in a locked desk accessible only to the researcher and computerized data was kept on an offline laptop, password-protected and available only to the researcher.

To further protect the rights and welfare of the participants, it was made clear in the recruitment letter that no consideration regarding parole or any other advantages

would be made as a result of participation in this project. In addition, it was made clear in the recruitment letter that participation in this study is entirely voluntary and that no penalty for refusal to participate in any way would affect the inmate's status. The recruitment letter explained the purpose of the study and the rights of the participant. Consent forms were included in all first-contact letters. By explaining in the recruitment letter that participation is voluntary and that participation will result in no special consideration by the institution, I made it clear that participation has no effect on the inmate's status within the institution. The recruitment letter clearly stated that the researcher was seeking information on the inmate's perception of media coverage of his case. It further stated that no personal information about the inmate's crimes, legal status, personal relationships or other private information would be sought by the researcher or used in the study. If the recruitment letter had been deemed unclear by a potential participant and that participant had asked for clarification, I was prepared to individually address his concerns in a follow-up letter. No participant asked for such clarification. No inmate was encouraged to sign the consent if he indicated in any way that he did not understand its contents.

Because the consent was sought through letters, the participants could take as long as they liked to consider the matter. In addition, any letters sent to researcher regarding confusion about the consent letter or the consent process were to be addressed individually by mail. No such inquiries were received. Every effort was made to answer all questions the potential participants had about the consent process. The potential participant could have chosen not to answer the letter at all. This was the case with a number of participants. It was considered refusal to consent.

By choosing to include only those participants who were volunteers, the possibility of coercion was minimized. The recruitment letter stated that the only benefit the inmate may expect from participation in this study is the opportunity to tell his story to the researcher. No discussion of an inmate's legal status was encouraged. Participants did spontaneously offer details about their legal status, but those details were redacted from all letters and not disclosed to any outside party. In addition, the recruitment letter stated that participation in this study would in no way influence parole decisions and that participation did not exempt the inmate from scheduled appointments, court appearances, regularly scheduled work duties or any other obligation of the inmate. The recruitment letter further stated that interviews (in the form of written correspondence) were expected to be completed during the inmate's free time.

All consent forms and all discussion of the process of consent occurred through letters to the inmates. No means of communication other than letters to and from the participants were employed. All data for this project was the result of correspondence through the U.S. Mail. Participants were offered no compensation, save stamps to cover the cost of corresponding with the researcher.

Collection and analysis of data

After inmates were located and respective prison websites had been consulted regarding regulations for contact, I wrote introduction letters to each inmate asking him if he would be interested in participating in this study (a copy of the text of that letter may be found in Appendix A). No incentive was offered for participation. However,

reimbursement for mailing costs was provided to those inmates who needed such assistance, particularly, inmates on death row.

The initial contact letter was written to the individual and included a list of basic questions about his feelings about the media in general. In accordance with the phenomenological approach, subsequent letters were tailored to fit the circumstances of the emerging discussions of those feelings and impressions.

This study relied primarily on a set of “initial questions” (found in Appendix A) that have been developed with the assistance of my advisor, Joan Deppa, Ph.D. These questions were submitted to all participants. They were designed to reveal issues that are germane to this research.

In addition, all participants were provided with a letter outlining their rights as study participants (this letter may be found in Appendix B), as well as a consent form for participation (Appendix C).

This is a research project whose focus is the disenfranchisement of the inmate. It would be counter to the spirit of this research limit the inmates’ agency during the course of this study. For this reason, all communication was at the discretion of the inmate. No follow-up attempts were made to contact inmates who do not respond to the initial letter.

The analysis of the data followed Creswell’s (2007) format for developing categories using a phenomenological approach. Each letter was carefully read, transcribed and reread for not only its content in relation to previous letters from the individual but also with a view to making connections and identifying patterns found in the letters of other individuals. Themes that emerged simultaneously in the letters of

separate individuals were explored through subsequent letters. Gaps in the narratives identified by the researcher were addressed by specific questions asked of the inmates.

Each participant's story will be told with as much detail as is possible given the need to protect the participants' identities. These narratives include the participant's experience of various phases in the criminal justice process, as follows:

- a. Experience before the alleged crime
- b. Experience after the crime but before the arrest
- c. Experiences at the time of arrest, including
 - a. "Perp walk"
 - b. Exposure to media at time of arrest
- d. Pretrial publicity
- e. Trial coverage
- f. Sentencing
- g. Reflections from prison

This format preserved the integrity of the inmates' experiences with the media.

The narrative represented the manner in which the participant lived the media experience. Again, due to the need to protect the participants' identities, some gaps in the narratives exist. These missing data represent information that would have made it possible to discern the identity of the inmate.

The results sections begins by identifying overarching themes that define the experience of being the subject of crime news coverage, as perceived by the participants

of this study. By first understanding the commonalities of the experience, the phenomenon can be then placed in the context of the individual's life (Moustakas, 1994).

All inmates were assigned a pseudonym. All letters received from inmates were assigned a number upon receipt and all identifying information was redacted immediately. During the compilation of data, the numbers were assigned pseudonyms. The key to the numbers and corresponding pseudonyms did not contain any identifying information about the inmates. In addition, the key was maintained on an off-line laptop and was password protected. No person other than Marti Collins had access to the letters or the pseudonym key. Letters were stored in a locked desk.

Only information pertaining to the inmates' feelings and perceptions about media coverage of their cases was sought by the researcher. This goal was clearly conveyed in the recruitment letter and no subsequent correspondence alluded to the inmates' personal lives outside of their reactions to the media coverage of their cases. In the event that the inmate spontaneously offered such information in a letter, that information was redacted upon receipt of the letter and no such personal information was used in the study.

Both the student and the advisor worked diligently to ensure the privacy of the participants. This entailed concealment of all identifying information pertaining to the inmate. The inmates' locations are noted as "New York" or "New Jersey" prisons. New York has dozens of operating prisons, not including federal facilities and county jails. New Jersey has 14 open prisons, not including federal and county facilities. Identification of the state in which the inmate is incarcerated did not constitute a breach of confidentiality.

To further ensure the confidentiality of the inmates, no reference to any specific media coverage was made. Media coverage of the inmates' alleged crimes, trials or any other identifying aspect of the inmates' cases or lives was not used in this study. In addition, the specific convictions for which the inmate is serving his sentence was not revealed in the data or the dissertation, except in the most general sense. The convictions were used as a watermark during the "inmate lookup" search to determine if inmates met the criteria for recruitment. Minimal details are provided about the crimes that led to those convictions. However, the dates and details of those convictions are not associated with any inmate.

The efficacy of this method was tested by searching the Internet, using several search engines, for connections to the inmates' identities using text found in the results section. If a search revealed an inmate's identity, the text was removed. If, using only the information found in this document, the inmate could not be identified by diligently searching the Internet, the details were included in the study.

If an inmate spontaneously revealed any private information during the course of correspondence with the researcher, such information was redacted from the letter immediately and no reference of such information was made in either the data or the dissertation. It was very likely that such information may be revealed in the course of correspondence. In fact, several inmates offered details about their crimes and victims, intentions and strategies for appeal and information about parole hearings. This method of eliminating such references from the original data served to maintain the inmates' confidentiality. It also served as a guide to the researcher during data compilation. If the personal and private information of the inmate was redacted prior to data analysis, there

was less chance of inadvertent revelation of private information. In addition, by examining the data twice, once upon receipt of the letters and again during data analysis, the possibility that personal information was missed and remained in the original data is greatly diminished.

If personal or private information was revealed through the course of correspondence, no further discussion of such matters were referenced or encouraged in subsequent correspondence between the researcher and the inmate.

Through an explanation of the study provided to participants, they were aware of the focus of the study. The focus of the study is the inmates' feelings and perceptions of the media coverage of their cases. No other information was gathered or, if spontaneously offered, was used in the dissertation.

The participants set the pace for the by-mail interviews. For example, once the researcher sent the inmate a piece of written correspondence, the inmate could take as long as he wanted to respond. No attempt was made to re-contact the inmate until he responded. Correspondence sent to incarcerated individuals typically takes longer to reach them than correspondence sent to non-imprisoned individuals. The patience of the researcher in consideration of this fact dictated that no follow-up letters were sent for the purpose of influencing the timing of the interview.

If, at any time, the inmate indicated that he did not want to have any further interaction with the researcher, that request would have been honored immediately. No attempt to persuade an inmate to continue corresponding with the researcher was made.

Because the interviews were conducted by mailed correspondence only, there was no use of a public space during interviews. However, because the correspondence

occurred within a prison setting, there was the possibility that prison personnel may have reviewed the letters. This is common knowledge among the incarcerated and a reminder of this was included in the recruitment letter.

As the interviews questions were answered in written form, redaction was used to eliminate all indentifying information from the letters (original data) received by the researcher.

The recruitment process will begin with the DOC website searches. This information is public and accessible to anyone with a computer. The recruitment letter clearly explained the focus of the study and outlined the type of information being sought for this project. That information included, and was limited to, feelings, perceptions and opinions about the media coverage of the inmate's case. The recruitment letter also noted that information outside of the scope of this study would not be elicited and, should such information be offered, would not be maintained in the data or used in the dissertation.

The cultural norm that exists with the prison setting had to be considered when constructing questions and follow-up discussions for this population. For this reason, no information other than the inmates' feelings and perceptions about the media coverage of their cases was explored. No inmate was ever asked to express opinions about the prison or its staff. Nor was any inmate asked about his crime or crimes, his parole status or any other personal information. Such questions are not only outside of the scope of this study but could be considered detrimental to the inmate in the prison setting.

Risks to participants

This focus of this study is the effects of media coverage of the crimes, arrests and subsequent trials of individuals. By all accounts, these are negative elements of their

lives. The inmates recalled some of their darkest days and answered questions about how they felt during those times. There was a risk that participation in this study would be difficult psychologically.

It was also possible that the participants may reveal to the researcher information that would be harmful to them. Examples of this type of information would include admission of involvement in crimes for which they have not been charged. It was possible that participants would then be at risk of investigation and even prosecution for such crimes. No such admissions were made to the researcher during the course of this study.

Furthermore, participants may have revealed their intentions to harm themselves or others or engage in other illegal actions. No such intentions were revealed to the researcher during the course of this study.

Finally, there may have existed the idea that the inmates may receive undue benefits as a result of participation in the study. No such belief was conveyed to the researcher during the course of this study.

The risk of psychological discomfort was another reason for choosing to include only inmates who volunteered to participate. It was my sincere hope that being given an opportunity to tell their stories would be a cathartic experience. Several inmates referred to their desire to “be heard” during the course of this study.

In addition, no effort was made to rephrase questions or pursue topics that the inmates did not want to discuss.

To minimize the risk of disclosure of inmates' involvement in crimes for which they are not currently incarcerated, the consent form clearly stated that no discussion of

such crimes would be a part of the data collection. Participants were discouraged from discussing their crimes -- both those for which they are incarcerated and any others. This study is based on the inmates' perceptions of media coverage of their cases. Their crimes have no bearing on the central questions of this study and therefore need not have been explored in any way.

Had any participant revealed ideas about harming himself or other people or committing any illegal action, the researcher would have been obligated to report such information to the appropriate authorities. This procedure was clearly explained in the consent form.

The consent form also included statements that minimized the risk of the participants' expectations of undue benefits as a result of participation in this study.

The participants had the opportunity to tell their stories to the researcher. This was the only direct benefit of this study and that was stated in the consent form.

By better understanding the effects that media coverage has on this disenfranchised population, the media have an opportunity to improve the way they cover not only crime news but the people behind those stories.

It is patently unjust to allow a group of individuals to be silenced because of their perceived wrongs against society. Every person has the right to be recognized as an individual with a story worth telling. The First Amendment is not only the purview of the media -- it applies to every American. I believe that the individuals in my study have voices that are seeking to be heard. This study allowed them to tell their stories to the researcher.

Study timeline

I corresponded with inmates via the U.S. Mail. All inmates were informed that they could choose not to answer any question at any time for any reason. In addition, all inmates were informed that they could choose to terminate our communication at any time for any reason. As the questions were answered, conversations tailored to each individual emerged. Subsequent questions took form from those exchanges.

I have contacted inmates by mail, sending the initial questions and the consent form in the first letter. No other interview methods (telephone, face-to-face) were used in this study. Only inmates were interviewed (by mail) in connection with this paper. No family members or members of the press or any other persons connected to the inmate were contacted. No photographs were collected during this process. No media coverage of the inmate or his alleged crimes was examined, referenced or alluded to for this study. Use of media coverage would have compromised the inmates' confidentiality. This study is about how the inmates perceive media coverage has affected their lives. It is not a study of media coverage.

The study sample was limited to adult male individuals. Participants were included if their offense and conviction occurred after the age of 18.

The following is a sequence of the order of study procedures:

Timeline:

Month One – Follow up with seven inmates from previous study and sent updated question list and consent forms

Month One – Searched DOC databases for new participants

Month Two – All initial contact letters were sent to new participants

Month Three – Expected to have received all signed consent forms and answers to initial questions (Most had responded by this point, one responded the following month)

Month Three – Responded to all letters and crafted follow-up questions based on responses

Month Four - Five – Continued conversations with inmates via U.S. Mail

Month Six – Compiled data

Month Seven – Conclusion of study

Role of researcher

The researcher's role in this type of study is crucial. My professional, research and personal experience in this area are closely related. I have studied crime news for several years, making it the central focus of my attention in graduate school. I feel it would be unfair to approach any convicted criminal without knowing as much as possible about both his crime and his life prior to that crime. I accomplished this by reading media accounts of various crimes and watching documentaries as well as searching the Internet. Being immersed in crime news is the best way to begin to understand the position that the individuals of this study find themselves in after committing a crime and becoming the focus of the media.

Within phenomenology, the role of the researcher is both recognized and controlled. Called the *epoche process* (Moustakas, 1994), this is the means by which the researcher realizes that he or she can only view the phenomenon through the lens of his or her experience yet attempts to remove any preconceived bias from the analysis. The

first step in so doing is to “set aside” one’s experience with the phenomenon. As a newspaper photographer and reporter, I have covered crime beats and crime stories. I have stood in the lobby of the sheriff’s office, waiting for a mug shot to run with the next day’s copy. I have wondered if the image I held in my hand of a disheveled young man was really the same person who someone called their son, their brother, their friend. I also wondered what the readers would think about the image when it appeared in black and white on the front page. I knew that it was only one side of the story.

Summary of preliminary study

In the spring of 2008, I did a preliminary study of the effects of media coverage on convicted individuals in New York and New Jersey prisons. I gathered the data from personal correspondence with several individuals convicted of crimes ranging from home invasion to first-degree murder. It is as a result of this research that I was compelled to make this work the focus of my dissertation.

The men in the original study did indeed feel that there were dramatic effects in the wake of the media coverage of their cases on both their trials and their lives, including tainted jury pools, prosecutorial bias and sensational coverage.

They reported that they felt their jury pools were tainted by the media and their trials negatively affected as a result. They felt that the prosecutors and judges in their cases were also persuaded by the media, and that those officials also held sway over the press. The inmates said, in many cases, that they thought their cases were sensationalized in the media and that public opinion was turned against them by such coverage.

One inmate in New Jersey State Prison for a series of home invasions stated that he felt his life sentence was the “direct result of (media) coverage” of his case. An inmate in Attica prison in New York agreed that “the media plays (sic) a major role” in the outcome of criminal cases.

The inmates experienced profound personal effects as a result of media coverage of their alleged crimes and subsequent trials. On occasion, the men expressed feelings of helplessness and frustration. These sentiments were more pronounced in cases where the inmate felt his guilt was in question. For example, the inmate serving life in New Jersey for home invasion called coverage of his case “traumatic” and noted that the trauma was exacerbated by the fact that he knew he was innocent of the crimes the media had reported that he had committed.

Another issue that deeply affected the personal lives of the men in this study was the attachment of labels to both their crimes and to the men themselves in media stories. The inmates reported that they felt powerless to combat these misconceptions and resentful about the connotations that the labels invoked. This aspect of the media coverage, coupled with the sensationalism of many of the stories, seemed to disturb many of the men deeply.

The inmates said that in addition to the personal effects they endured as a result of media exposure, their families suffered in the wake of press coverage of their arrests and trials as well. The inmates also wrote often that they did not believe that the media did a good job of telling their stories – who they really were, who their families were.

Overall, the inmates reported that media coverage of their cases had profound and long-lasting effects on their lives. The men reported that they felt disenfranchised in the

newsgathering process, unable to control how the media presented stories about them.

The inmates said that the media coverage of their arrests and trials humiliated them and their families, creating feelings of deeper resentment toward the press in general.

None of the men in the preliminary study felt that his voice was heard by the media or the public in coverage of his criminal case. This, the inmates perceived, reduced them to mere “subjects” of crime news. It is this last sentiment that illustrated to me the importance of continuing to pursue this line of inquiry. One of the primary goals of the press is to give voice to the voiceless. In the case of convicted criminals, this promise is not being kept.

Chapter Four

Research Findings

Fifteen inmates from New York and New Jersey state prisons participated in this study. The majority (n=11) were contacted directly by the researcher. These men were located using the “inmate lookup” method described in chapter three. The remaining three inmates were snowball participants. One learned of the study from his cellmate and two others learned of the study from other inmates. It is interesting, though perhaps not surprising, that the snowball participants were among the most active participants in terms of the number of letters written to the researcher. Each of these three inmates sent at least five letters and two of them sent more than six letters. One of those two actually wrote dozens of letters.

As may be expected in a study of this type, some participants provided more data than others. For example, one inmate who was contacted directly by the researcher sent more than ten letters and spoke in great detail of his experiences with the media. Other participants wrote fewer letters but were diligent in their descriptions and assessments of their media experiences. Still other participants sent relatively few letters but offered detailed answers to the questions provided by the researcher. One inmate sent only a couple of letters and provided only brief descriptions of his media experiences.

Almost all of the participants clearly conveyed their feelings about and experiences with the media. Indeed, all of the inmates tried to articulate what role the media played in their cases and how that coverage affected them.

The following reference guide includes the inmates' participation levels in terms of volume of letters. Obviously, it cannot express the effort that many of the inmates expended during the course of this study.

Participant Quick Reference

The following shows participation of inmates by the number of letters received by the researcher. The way in which each participant came to the study is noted next to the pseudonym assigned to him. "Original" refers to participants who were contacted directly by the researcher. "Snowball" indicates that the participant initiated contact with the researcher after hearing about the study from another inmate. The "offense" is a brief description of the crime or crimes for which the individual is incarcerated. These offenses are described in general terms and do not include the specific charges for which the inmate was convicted. Detailed information on those charges would compromise the privacy of the participants. All inmates are located in New York or New Jersey State Prisons.

Name/Type	Offense	Letters: 1-2	Letters: 3-4	Letters: 5-6	Letters: More than 6
Jack/Snowball	Home Invasion/Attempted Murder				X
Sawyer/Original	Murder				X
Hugo/Snowball	Murder			X	
Jacob/Original	Rape/Murder			X	
Ethan/Snowball	Home Invasion/Murder				X
Desmond/ Original	Murder				X
Michael/ Original	Spree Murder	X			
John/ Original	Murder		X		
Benjamin/ Original	Serial Murder			X	
Boone/ Original	Murder				X
Sayid/ Original	Drug Trafficking/Weapons Charges				X
Charlie/ Original	Murder			X	
Jin-Soo/Snowball	Murder				X
Richard/ Original	Murder	X			
Miles/ Original	Spree Murder		X		

The participants

What follows are the stories of fifteen men incarcerated in New York and New Jersey prisons for crimes ranging from home invasion to serial murder. The sample consists of nine African-American inmates, five white inmates and one Asian-American inmate.

Obviously, the participants have complex legal and personal histories. While it would add richness to the study, revealing many of these details would compromise the privacy of the participants. For that reason, only general descriptions of their backgrounds and brief explanations for their incarcerations will be provided in this study. Each inmate was assigned a pseudonym.

Jack is serving a life sentence in a New Jersey prison for a series of burglaries and home invasions. Jack was a snowball participant in this study. He wrote to me after reading the initial letter I wrote to another inmate, who occupies the cell next to his.

Jack was arrested after evidence at the scenes of two home invasions led police to his apartment. The crimes for which he is incarcerated include burglary, robbery, kidnapping and attempted murder.

An admitted drug dealer in his younger days, Jack professes he is innocent of the crimes for which he is now serving time. In fact, Jack is currently awaiting a hearing at which he states that he has a good chance of being granted a new trial due to a faulty arrest warrant.

Sawyer, along with four co-defendants, was indicted in the beating death of a man on a city street. Sawyer and his co-defendants did not know the victim. The press called the murder a “torture slaying.” Sawyer was convicted of second-degree murder and

sentenced to 25 years to life in prison. He is currently incarcerated at Attica Correctional Facility in Attica, New York.

Hugo is serving a life sentence in Attica for second-degree murder. He is a snowball participant. Eager to tell of his experiences with the media, Hugo contacted me after his cellmate shared my address with him.

Hugo was a “business man,” he said. His business was drug trafficking. When a drug dealer in his employ failed to pay a debt, Hugo dispatched the dealer by throwing him into a canal. The man could not swim and drowned. Hugo later bragged of the incident to other drug dealers in an apparent effort to keep them from defaulting on drug debts. Police arrested Hugo and he promptly confessed, stating that “it was just business.”

Jacob was one of the inmates on the original contact list for this study. Jacob was sentenced to death and is now serving a life sentence in the New Jersey State Prison in Trenton for the rape and murder of a college student.

Both New York and New Jersey abolished the death penalty in 2007. All inmates on death row in both states had their sentences commuted to life. In the case of some New Jersey prisons, including the one in Trenton, inmates originally sentenced to death remain incarcerated on “death row.” This is important in terms of the environment in which some of the participants live and in the context of their experiences with the media. In these cases, most of those experiences occurred when the men were suspects in capital crimes and had been condemned to die, as opposed to the inmates who did not have the possibility of the death penalty as a part of their narrative.

Ethan is a native New Yorker. Born in New York City in the late 1950s, Ethan grew up in the Bronx and “did all the things any young kid does – played sports, went to

school, had lots of friends.” Ethan got my name and college affiliation from another inmate at Attica Correctional Facility. The inmate would not, however, allow Ethan to see the letter I had written to him. So Ethan wrote to six locations on the Syracuse University campus. In February, one of his letters found its way to the Dean’s office of the Newhouse School. Though he was a latecomer to the study, his tenacity in trying to find me indicated a sincere desire to participate so I made every effort to include him.

In the early 1980s, Ethan was arrested, along with his girlfriend and his brother, and charged with murdering an elderly woman in her home in Queens during the commission of a burglary. The woman was related to Ethan’s girlfriend. Ethan was convicted of second-degree murder and burglary and sentenced to 25 years to life in prison. He is serving his time at Attica Correctional Facility in New York State.

Desmond is serving a 20-year sentence in New Jersey Northern State Prison in Newark for manslaughter. Desmond was on the original list of inmates contacted for this study.

Desmond, a native of Antigua, claimed he was attending college in the U.S. and studying chemical engineering when he began selling drugs to pay his tuition. After a series of altercations with a group of young men in his neighborhood over drug sales territory, Desmond ended the feud by shooting two of them. One of the men died.

“When you are young you cannot really see how certain actions would or will cause certain reactions,” Desmond wrote. “I never thought selling drugs would lead to killing.” Desmond said he just wanted a “quick short-cut” to the American dream.

Michael is a spree killer. His story was widely reported by every major American media outlet. Prior to his identification, the media gave him a moniker. This label was

used throughout coverage of his case. Michael said he found it difficult to shed this “name” after it was associated with him.

Michael seemed to be enraged by media coverage of his case and much of his correspondence was strewn with obscenities. Most of the rest of it was devoted to pleas for financial compensation.

John, along with a co-defendant, was convicted of the rape and murder of two sisters. John grew up in a single-parent home and dropped out of school when he was 13. His mother did not attend his trial. The press did.

John was convicted of the crimes for which he was charged and sentenced to death. His sentence was commuted when the state in which he is incarcerated abolished the death penalty. The reduction of his sentence occurred just days before his scheduled execution.

Benjamin is a serial killer. He killed more than a dozen women and was sentenced to life in a New York prison. Like Michael, he was also given a “name” by the media. Benjamin was named after a waterway where he left many of his victims’ bodies.

Boone was convicted of second-degree murder in the strangulation and beating death of a child who lived in his neighborhood. Boone was a juvenile at the time. The case was national news due, in large part, to the age of the victim and the age of the offender. Boone was sentenced to the maximum term allowable for a juvenile offender convicted of murder in the state at the time – nine years to life in prison. He has since been denied parole twice.

Boone was on the original contact list for this study.

Sayid has been involved with the drug trade for more than twenty years. His last arrest resulted in a fifteen-year sentence for drug trafficking and weapons possession. While Sayid maintains that he was never a violent man, his continued involvement in illicit drug sales has netted him a shocking array of arrests dating back to when he was just 14 years old. Sayid explained that when a person embarks upon a career in narcotics, a certain number of “bad things” happen. He said that his ascent from corner drug sales to drug trafficking was the natural progression of his life, given the employment opportunities available to him in his urban home city. Sayid dropped out of school at a young age and said that jobs in the city were scarce, particularly for a young man with few skills.

Charlie was one of the inmates contacted for this study based on the search of the New Jersey Department of Corrections website.

In 2006, Charlie, then in his twenties, was drinking with friends in a Newark, New Jersey, bar. Days earlier he had celebrated his birthday. Police say that Charlie left the bar, crossed the street and shot a man he did not know once in the head. The man died. Charlie was convicted of first-degree murder and weapons charges and sentenced to life in prison. He is incarcerated at the New Jersey State Prison in Trenton, New Jersey.

Jin-Soo was born in Buffalo, New York, in the early 1980s. He is serving a life sentence in New Jersey State Prison in Trenton on one count of first-degree murder, one count of robbery and several weapons charges. The victim in Jin-Soo’s murder case was a police officer. Prior to Jin-Soo’s arrest, several other suspects were arrested for the crimes he is accused of committing. One of those suspects died in police custody. His was a complex criminal case.

Richard professes an affinity for guns. Convicted of second-degree murder, Richard has an arrest record brimming with weapons charges. In addition to his penchant for firearms, Richard has been a member of a gang since he was 11 years old. In fact, several members of his family and many young men in his community belong to the same gang. Many other members of his community belong to rival gangs.

In a gang dispute, Richard shot a tourist while trying to murder a member of a rival gang. His victim was a female graduate student visiting Richard's city on a break from school. Richard was charged with second-degree murder, meaning he did not necessarily intend to kill the victim but was indifferent to the danger posed by discharging a weapon on a city street.

Miles is serving a life sentence for stabbing several people in a crime spree fueled by crack cocaine. He was originally sentenced to death, but the state where he resides abolished the death penalty in 2007.

Miles grew up in poverty. His father was illiterate and frequently absent from the home. Miles' mother was addicted to heroin and often spent days in search of the drug, leaving Miles and his siblings to fend for themselves. Miles claimed he began using crack cocaine because he "did not want to be like his (mother)."

The crimes for which Miles has been sentenced began one night after several days of binging on drugs and alcohol. He went to a convenience store with the intention of robbing the clerk at knifepoint. Before it was over, the clerk, a customer and two other people had been stabbed to death.

Media terms

Many of the participants use media terms with which media scholars are familiar. In many cases, however, they use these terms to express opinions that may not mesh with the ways in which the terms are traditionally defined. For example, media scholars typically define “sensationalism” in journalism, in general, as editorial bias and/or the highlighting of insignificant stories for the purposes of attracting and exciting audiences. Some of the participants in this study, however, use the term to describe media coverage that they feel casts them in a negative light. Several of the participants do cite what they consider prosecutorial bias in reporting on their cases but they generally do not associate that bias with sensationalism. Instead, they use the term “sensational” to refer to reporting that they feel was hurtful to them personally. The use of this term does not necessarily mean the same to the inmates as it does to media researchers.

This may be a function not only of lack of familiarity with the way news professional and communications researchers use this term but also may reflect the fact that most participants consumed little or no crime news prior to their arrests. While several cited the O.J. Simpson trial as the one crime story they followed, five others said that they had never read or watched news before they became news themselves.

On the other hand, several responses allude to media terms in exactly the way that media scholars understand them. Seven of the participants were quite well versed in the functions of the press based, in large part, on their personal experiences as story subjects.

It is important to remember that the use of media terms by the participants is in the context of their experiences with and their understanding of the media.

“In their own words...”

The participants' feelings about the media and the effects that media coverage of their crimes had on them, their cases and their families are expressed in their own words.

As this is a phenomenological study, the words of the inmates are used in as true a form as possible. Some minor edits were made for clarity and are indicated by the use of parentheses within quotes. In addition, some punctuation was added in order to make some quotes more readable. However, it is important in studies of this kind for the personality of the participants to be expressed. Much can be gleaned by reading their exact words.

Sometimes, though, this can require patience for the personal shorthand used by the participants. For example, one frequently links words together using two hyphens and an “n,” as in “information-n-accuracy.” What he means by this, obviously, is “information ‘and’ accuracy.” Such personal language preferences have been left intact in order to convey the essence of the communication.

What cannot be included are the representations of the letters in their original, usually hand-written, form. This is unfortunate, as much can be conveyed by the way in which someone puts words to paper. For example, the same person who uses the unusual dash/”n” device has neat and precise penmanship. In another case, an inmate embarked upon an obscenity-laden tirade about a perceived injustice that he felt had been perpetrated upon him by the prison system. As he related that story, his writing became larger and more disorganized. Subsequent letters from the same man showed a more consistent form of writing.

The data

Far and away the most common expression of the phenomenon of crime news coverage as seen by the inmates in this study was the idea of “trial by media.” The men wrote about the tainting of jury pools, the ubiquitous presence of cameras outside the courtroom and the extensive, often sensational and sometimes inaccurate coverage of their crimes. Several discussed the sway they felt the media had over prosecutors and judges and how the prosecutors, in turn, used the media to paint the accused as “monsters.” Several noted that the media, unlike the judicial system, were permitted to refer to past criminal records and often used mug shots when other photos may have been available.

The second prevailing theme was what the inmates described as the frequently devastating personal toll the media coverage had on the individual and his family. The inmates talked about the ways in which the media portrayed them and their crimes. They wrote about the shame and humiliation of the “perp walk.” They told stories of family members suffering prejudice in their communities after the arrests of their loved ones.

A less common but very significant issue raised among the inmates was the idea of labeling by the media. In some cases, the “labels” were non-specific and conveyed by the language used and details provided by the media. For example, one inmate stated that the coverage of his case made him out to be a monster, even though the word “monster” was not used in the coverage. Other labels were actually “names” the media attached to the offender, a common practice when detailing infamous crimes such as those of the Green River Killer (Seattle serial murderer Gary Ridgway) and the Shootist (California bank robber Johnny Madison Williams, Jr.).

“Trial by media”

The participants had strong feelings about the role media played in their trial.

Some of the evidence presented at Jack’s trial cast doubt on his guilt, including the physical description of the man who bound and robbed two New Jersey women in their homes. One witness, for example, described the perpetrator as a man of “medium build.” The other said the suspect was about 5’10” and around 175 pounds. Jack is 6’3” and weighs 250 pounds.

Jack said that the media had a lot to do with the squashing of that reasonable doubt in the minds of the public.

“The (local newspaper) covered my trial,” Jack wrote, “and the (local news station) did a segment on it as well. The (newspaper) basically offered what the State alleged, highlighting the heck out of the State’s witnesses, and downplayed my attorney’s efforts. (The television news station) simply showed me coming into the court in an orange jumpsuit while restating and offering the State’s case and position... and the newspaper took this large photo of myself coming into court on day one in handcuffs.”

Jack said that the coverage had to have had an effect on his trial.

“Once a jury pool hears and sees something like that, it’s hard to forget,” he wrote. “I believe that my conviction stemmed from media coverage more so than from any evidence presented during the actual trial. After speaking with my attorney, she is at a loss to explain how I was even convicted in light of all the controversial evidence and testimony offered. I think that jurors, in spite of the judge’s instruction not to read the papers or watch the news, do just the opposite.

“So, in essence, I have come to the conclusion that the media’s one-sided presentation of the State’s case against me was the bullet that killed me prior to my trial ensuing. I didn’t stand a chance.”

Jack pointed out that attorneys on both sides of a case make use of the media.

“I do firmly believe that lawyers are apt to make out better than judges regarding the media,” he wrote. “Lawyers use the media a lot in their efforts to minimize or control damage that law enforcement may be responsible for creating.”

Richard felt that media coverage of his case was highly sensationalized.

“Crime news should be censored before being broadcast,” Richard wrote. “It should be telling the truth, not telling what (it) assumes to be true. They (the media) tend to tell half the truth, the other half were (sic) built on speculation, and what ‘could’ draw attention. The primary motive is to ‘scare’ and grasping people’s emotion through crime involving violence.”

Richard estimates that “only 75 percent (of crime news) is accurate.”

Charlie said that he feels media coverage of his case was unfair and influenced the outcome of his trial.

“Media coverage of a suspect is the first stage of solicitation, of a publicly endorsed ‘lynching’ prosecution,” he wrote. “From the onset of coverage it immediately, permanently denies a person fairness and impartiality.

“It is the first and last judgmental shot fired. It is both lynch mob, torch and pitchfork too.”

Sensationalism

Though Desmond does not deny his role in the crime for which he was convicted, he said that he feels the media played an important role not only in his conviction but also in his sentencing.

“All too many times people are found guilty in the eyes of the media first and then the judges and prosecutors feel obligated to convict,” he wrote. “Also, the way the media covers a case/stories can cause an individual to receive more time in jail. You know like if it’s a slow news day and them (sic) networks got to drum up some ratings they just might take a local story from one of their affiliates and make it national.

“You hear a lot now-a-days about change of venue because someone cannot get a fair trial in the city or county where the crime was committed. Of course ‘round the clock news coverage has a lot to do with that... too many people just accept what they are told – how that saying goes, ‘the media can make or break you.’

“More times than not only one side of them stories is being told,” he added.

Desmond speculated on why the media chose to portray his crime as a gang-related offense.

“I think it’s a business that shows and report(s) what people pay attention to or what grabs attention,” he wrote. “Gang crime usually does that.”

Desmond admitted that he did not really consume much crime news before his arrest.

“I thought media was mainly entertainment,” he wrote. “I never really watch(ed) news before I got locked up.

“I watched the O.J. Simpson case.”

Ethan was one of several inmates who felt his story was sensationalized in the press: “What sells is sensationalism, violence, and drama. It’s about money, and the volume of their paper sales.

“I thought my coverage was entirely slanted in order to dramatize the situation and sell more papers, period.”

Several of the inmates reported that they felt the coverage of their cases was sensationalized.

Boone offered a possible motive for sensational crime news coverage: “The media industry wants only to create long term public viewers. And they do that by headlining stories that are SENSATIONAL!! When something as sensational as a school shooting happens, such as Columbine they (the news media) play over, and over, and over the same damn story. Fifty to one hundred times in one day.”

Desmond was somewhat more sympathetic, if not somewhat jaded, about the motives of journalists covering crime news.

“They were just doing their jobs,” he said of reporters covering his case. “Crime sells and the media/news companies are in the business of making money.”

Jin-Soo said that he feels that in addition to the sensational nature of reporting of his case, there was also an effect that stemmed from the sheer volume of reporting.

“It was on every news channel,” he explained. “All the stations in N(ew) Y(ork) and N(ew) J(ersey). (They) covered it to the fullest extent, every channel, every night. I was in every newspaper and TV channel, even after my arrest.

“With my case, I knew it was going to be excessive since it was a cop killing.”

Jin-Soo also pointed out that the media can drop a story as quickly as they pick one up, with no regard to those affected by the coverage.

“Once the case loose (sic) its newness they don’t care about what happens afterward,” he wrote.

John repeatedly wrote about what he considers the media’s preference for high ratings over accurate reporting.

“Today media coverage is very out of balance with the reality of how things take place,” he wrote. “An attempt to please the public eye. The public deserve proper information-n-accuracy concerning a serious matter. It is a civil offense in reality to manipulate the conscience of the people with a coverage that is not sitted (sic) in the truth (and) can do harm.

“Keep it professional-n-honest, I say.”

The “perp walk”

The “perp walk” was an experience that still haunts some of the inmates, they reported.

Ethan summed up his experience:

“The night I got arrested someone in the station, or the D.A. office called the media. The murder happened in (New York City borough) – a middle to upper class white neighborhood. They had all the papers outside the station house – the *Post*, *The Daily News*, all of them... and they walked me out for a photo shoot. They did the same at Central Booking. Usually, you have to wait 24 hours for processing. They processed me in one hour and walked me out for the cameras again. Have you ever noticed that most individuals

who are paraded for the media cover their faces with a paper, a jacket, their hands, whatever they have available? It's an automatic response to embarrassment whether you're guilty or not. No person wants their loved ones to see them being paraded like some common criminal, for all their friends and neighbors to see and be talked about. You feel attacked by all these screaming reporters, high intensity lights in your face, and people pushing and shoving for position. It's a very dehumanizing experience. Furthermore, it carries with it the connotations of guilt, oddity, ostracized pariah. In short, it's a freak show with the bizarre quality of a circus. It made me feel belittled, disgraced and a little angry."

Charlie compared the "perp walk" to the experiences of slaves in early America:

"There are many harmful and long lasting underlying implications, which are collateral to the process where the suspect is a non-white minority; A non-white suspect is portrayed in the same light typical of slave trade/sale or their capture. When the individual is carefully stripped of his human quality/dignity, by criminal accusation and bound in a way that causes him to "lumber" – cuffed and chained at the waist and ankles closely shackled together. On the perp-walk he is less than human. He then appears more so like an ape than man. A 'savage' animal that has been hunted down, captured and now paraded in a celebratory fashion."

Jack referred again to the idea that defendants are presented in handcuffs and surrounded by law enforcement officers:

"It (the perp walk) is a very inhumane practice indeed. Judges ignore this practice and often refuse to entertain a defendant's motion for change of venue arguing the adverse publicity. So in essence, judges are sanctioning this practice by doing nothing

about it. It is frustrating to see this done over and over, and yet nobody steps up to the plate and say (sic), hey you guys – the media – this is wrong. Why not wait until the arrested individual is properly represented by counsel and then address his attorney in a respectful fashion? But we both know that won't ever happen. Ego's number (one), ratings. Life isn't fair of its own accord, it is something we as a society have to work at in an effort to just keep things in balance. I am not crying foul, I am only trying to be heard.”

Jacob echoed Jack's sentiments about the “perp walk” casting an aura of guilt around a suspect:

“Can you look at Lee Harvey Oswald and say that was an innocent man? Can you look at Timothy McVeigh walking out of the Federal Court Building two days after the Oklahoma City bombing with 500 highly trained FBI agents escorting him and say that is an innocent man? When the news media interrupted the NBA Finals to show video of O.J. Simpson squatting down in a white-bronco (sic) driving through the streets of LA can you look at him and say that's an innocent man? When Collin Farrel (Colin Ferguson) arrested in New York in 1993 and accused of gunning down several people on that Amtrax Train (Long Island Rail Road commuter train) in New York then walked through dozens of media camera(s), can you look at him and say there's an innocent man? Yes, I was a victim of the famous ‘perp walk.’ In my case the media was drawn to the fact that I stand over six feet tall and weigh over 250 pounds. The ‘perp walk’ was one of the things that sealed my fate.”

Jacob demonstrated keen insight into the reason the ‘perp walk’ is employed in high-profile cases.

“New York State is probably the worse (sic) state when it comes to ‘perp walking,’” he noted. “The city actually constructed an area for ‘perp walks.’ Former Mayor Giuliani commented that it’s a good way for the citizens of New York to know that the police are doing there (sic) jobs.”

“Naming” the suspect

Serial murderers and serial bank robbers are the perpetrators most frequently “named” by the press. From the Zodiac to the Long Island Serial Killer, attaching monikers to serial offenders serves a number of purposes. When reporting on a series of crimes in which a suspect has not been identified, using a “name” makes crime stories cohesive over a period of time. In addition, the practice makes the crimes memorable to the media audience. In fact, the FBI often uses this fact to its advantage when pursuing serial bank robbers by attaching monikers in the hopes that media coverage of the “named” suspect will result in information from the public (AP, 2012). More often, the monikers emanate from the media. Rarely, as in the case of Kansas serial Killer BTK, the label comes from the suspect himself. Often the labels are related to the location of the crimes, though sometimes they refer instead to criminal modes of operation. For example, the “Stopwatch Gang” of Canada was so named because all of their bank robberies were orchestrated using a stopwatch.

These suspects said they found it extremely difficult to shed the moniker once it has been widely used in the press.

Michael, convicted of a shooting spree, was “named” by the media early in the investigation into his crimes. Michael said that the attachment of the moniker reduced him to an object.

“That’s all I am to you people, the (moniker),” he wrote.

Much of Michael’s disdain for the media seems to stem from the attachment of this label.

Benjamin said the media “exploited” him and that private information about him was released in the media prior to his trial.

“The psychologist for the defense turned traitor and tried to sell his interview with me while the trial was in progress,” Benjamin explained. “He tried to sell it in Monroe County and he was to testify in Wayne County.

“Now picture me when I came back to court,” he implored. “Where would I get myself heard if the court system is contaminated from the start?”

Charlie was “named” by the media as well. They dubbed him the “(Date of the crime) Killer.” Charlie said he believes that this practice is a way for the media and the prosecutors to stack the deck against him.

“Their (media outlets that covered Charlie’s story) common goal was furthering the ‘hype’ of the state’s case,” he wrote. “I was never given the benefit of the doubt.”

Labels

The participants were particularly disturbed by the use of names and labels in media coverage of their cases. In this context, “names” refer to monikers given to the men at some stage of the investigation and used thereafter in media coverage. For

example, the “Zodiac” was a “name” given to the Bay-area murderer who operated in the 1960s and 1970s. “Labels,” on the other hand, refers to descriptive words and phrases used to explain aspects of the crimes as well as categorize the participants. For example, a “label” may be the description of a crime as a “torture killing” or the categorization of a suspect as “homeless” or a “high-school dropout.”

Sawyer said he was profoundly affected by the labels the media used in covering his case. The use of the word “torture” bothered him the most.

“The word murder wasn’t shocking enough I guess,” he speculated.

Sawyer was also dismayed at other language used in media coverage of his case.

“About two days after I was arrested I saw the newspaper and was overwhelmed at how much of the paper our case took up,” Sawyer wrote. “I was extremely humiliated by the story because I was labeled a homeless teen and slow. Also, a reporter for the paper referred to me as a U.S. Navy drop-out, for one he had no idea I was in the military because he didn’t bother to do any research into my past, this only came out when I went to trial. Second, I received a General Discharge w/ Honorable Conditions, that’s far from being a drop-out.

“I guess what bothered me the most was that some of the headlines and some reporters referred to the case as a sex-torture murder. I was found not guilty of any sexual assault but the paper did not put that in the headline. This crime happened when I was (under 20 years old), and I was no angel and I could have stopped this and I feel that I have served the amount of time I’m rightly entitled to. But the D.A., prosecutor and media turned me into a monster and made me more guilty than what I was. The media convicted me before the judge and jury did.”

Desmond also expressed resentment about how the media labeled his crime and excluded the positive details of his life.

“I remember thinking when the lawyer showed me the article that ‘they did not say I was in college.’ It basically painted me as a gang member, which I am not. One of the articles was ‘gangland slayings.’ The news called my case a ‘gangland slaying’ and I’m sure when this person comes in front of the judge and the prosecutor, they are going to look at him as a gang member even when he is not,” Desmond explained. “I don’t feel like my background as a student, first offense or good family background (was covered). They just went off of what, I feel, they felt I was a menace to society.

“I believe the gang-related angle in my case came from the way I carried out the crime. I had a face mask on and I shot more than one person. Again I was wrong. I actually felt I could get these guys I was having trouble with and not get in trouble for it. If I were a reporter on my case I would have contacted ‘me’ or my family and try to find out what would make someone mask up and go after some guys.”

Miles also said that he felt the media portrayed him as a “monster.”

“The coverage made me look like a monster,” he wrote, “and it assassinate (sic) my character.”

In one case, the effects of the media coverage seem to have followed the man into the prison. Ethan said stories of his case have made his time behind bars difficult and, at times, dangerous.

He spoke about how being labeled in the media has affected his experience in prison.

“(There) is the turmoil on the outside, then you have to deal with the attacks on the inside,” Ethan wrote. “Prisoners hate anyone who hurts elderly people, especially ones that sexually abuse them and kills (sic) them. The papers are delivered everyday to the county jails, and I was branded a sex offender and killer of old people. I was attacked on many occasions, stabbed once, and had to fight all the time just to survive for awhile, all because of wrongful reporting.”

Desmond also pointed out the possible effects that media coverage may have on a convicted criminal after he is incarcerated.

“Media coverage just made it so people knew – thought they did – who I was before they met me, especially in a small city,” he explained. “More so in jail or prison, people try to get you if you did something really crazy.

“The media had people thinking I was in a gang, which I wasn’t and still am not.”

In fact, Desmond was remanded to protective custody soon after his arrest. He believes this was the product of intense media coverage of his case. He said that he was surprised that his case had garnered so much attention, as he felt that his story was not much different than many others.

“They put me on protective custody because it was surprisingly high profile,” he wrote. “I didn’t think so.”

Desmond admitted that the media coverage his case caused him some discomfort in prison and blamed what he calls the media’s desire to make money for many of those problems.

He explained:

“I think the media does a good job when they want to such as like telling you what Brittany Spears had for lunch. The news is about business they

sell ads so they got to get people to watch or read newspapers, so if that means as in my case making it gang related then that's what they'll do. So to answer your question about my opinion of the media I think they lie to make money. In my case I think both the (local newspaper) and the (other local newspaper) might have ran a story and maybe the (yet another local newspaper). I was placed in protective custody because of the publicity my case was getting. After they took me out of P.C. (protective custody), they moved me to the max custody wing in a cell by myself and guys were coming to the cell door like 'Yeah that's him!' so the media has that power of putting people on blast."

Credibility of law enforcement sources and the media

As the literature suggests, law enforcement and other elite sources have an implied credibility in crime news stories. This aspect of the media coverage of the participants' cases was not lost on them.

Jin-Soo, who murdered a police officer, agreed that the media have a credibility that is difficult to overcome in the public arena.

"To me the media shows no type of responsibility when putting things out to the public," he wrote. "And the reason for that, there is no repercussions if they put out there the wrong information or something they shouldn't have put out there. They can also print a retract(ion) or something. But when you say something through the media it's heard and believed because the American public thinks the media is always right. So putting something out there and then a time later retracting it is like a fake cover up. People don't remember the retract(ion) – they remember the full length detailed story you told them in the beginning. And let's say that person get called for jury duty. You

done, they think you guilty walking in the court room. So the media influence people's thoughts dramatically."

Jack commented at length on source credibility. He expressed a concern about the relationships between law enforcement and the media, noting that he often felt as though the media and law enforcement had the same goals and that those goals were counter to his best interest.

"The subject of lawyers, judges and the media, the implications are non-ending," Jack wrote. "We are alluding to individuals who can be swayed by mere words and ironically are in a profession that they benefit from by using the very system that the media exploits, it's a very scary proposition.

"Lawyers and judges tug at societies (sic) heartstrings and the media does the same."

Jack examined the ways in which he feels the symbiotic relationship between the media and law enforcement works:

"I do believe that the media has more of a direct effect on lawyers (and) judges then (sic) they have on the media – let's face it. Nobody wants to taste the poisonous ink from the media's pen. So the courts tolerate them and oftentimes, cater to them. Judges frequently open the doors of their courtroom to the media and lawyers enjoy the notoriety and best of all – the free advertisement. After all, nobody quickly forgets the name of a winner."

Jack also had some ideas about the motives of the media:

"Ego is more so affluent than not and prestige is the ultimate goal for all involved. Everyone wants to be noted as the best, number (one) but it is all short lived if it's obtained at all. Just like life, it

has to end eventually. I think that individuals involved with the media who recognize their mortality intentionally set out to screw up as many lives as they can before passing on. I know, far fetched, right? I would believe so too if I hadn't witnessed first hand their propensity for ignoring salient facts surrounding stories they report on. When the media portrayed a judge as being prosecutor oriented, do you believe that judge will re-evaluate his attitude toward defendants? If the media can cause one to stop doing something that for years have (sic) been the norm for them, then they have an effect on that individual's psyche. To be blunt, the human mind is very fragile and we as individuals are prone to react defensively to fear. The origin of our fears are (sic) an instinctive evil to us when we can define and/or locate its source. But with a smooth cultivated running machine like the media injecting fear in us and calling it news with a source or from a source, well, the probability of having the media exposed as a part-time evil doer is nil."

Miles agreed that the credibility of the sources in coverage of his case resulted in unbalanced coverage.

"The (coverage) was inaccurate (because) the reporters only went by what the D.A. and police inform them, I believe," Miles wrote. "In many ways everything in the news is not 100 percent accurate and as the saying goes 'there's two sides to every story'."

Miles reiterated his impression that many facts of his case were distorted in the media.

“Many was surprise (sic) about many things that was said that was actually false,” Miles said. “There was many lies being told and if you continue to tell people the lies they start believing it.”

Jin-Soo repeated his belief that crime news coverage is one-sided.

“They only reported the prosecutor’s side,” he wrote.

Jin-Soo said the law enforcement sources in the coverage of his case used the media to demonstrate their effectiveness in the wake of the police officer’s murder.

“They pumped fist and slapped each other’s back showing everyone they got the guy that did the crime and they wasn’t even sure,” he explained. “That’s how they show the public your (sic) are guilty before any trials.”

Jin-Soo said that the journalists who covered his case also had an agenda.

“They (reporters) only want the strongest story to uplift their careers,” he wrote.

Jin-Soo added that no reporter has ever contacted him to ask him about his version of events.

Desmond pointed out that the elite sources often relied upon by the media for crime news are crime news consumers as well. He also felt that the manner in which crime news is reported has an effect on those consumers.

Desmond explained his theory:

“In regards to the way that the media covers crime stories, you and I both know that everything these days are about making money. So the news sensationalize things to make them seem more than what they really are. In my case I think they tried to make it gang –related when it couldn’t have been further from the truth. Also more times than not, they only interview the victim’s friends and family so most of their stories are one side. They make it look like someone just up and started killing for no

reason. Of course that is the case at times but rarely, people usually push(ed) to the breaking point long before they commit a crime. So I feel like the news/media should cover stories a little more in depth especially because a lot of times the judges and prosecutors are watching and reading newspapers too. All too many times people are found guilty in the eyes of the media first and then judges and prosecutors feel obligated to convict. Also the way the media covers a case/stories can cause an individual to receive more time in jail. You know like if it's a slow news day and them networks got to drum up some ratings they might just take a local story and make it national.

Ethan had an even darker assessment of the relationship between reporters and elite law enforcement sources.

“I thought how lousy it was to sit there and listen to or read such unfounded lies and distorted facts about (my) case,” he wrote. “The media has certain police officers and detectives on their payroll as sources. They are fed whatever information these officers have regardless of the truth, and rather than do the most fundamental of investigation on their own, they run with what they are given.

“The reporters are not held to any standard so long as they use ‘sources close to the case said.’ There is no accountability, and they certainly don’t have any stake in the damage they cause to the arrested individual.”

Ethan reiterated his feeling that the media and law enforcement have a conspiratorial relationship and explained how he believes the arrangement works:

“First, you have to understand the system within the police department, the way careers are made, and promotions. The police have a relationship with the media, sort of an understanding of ‘you scratch my back by mentioning my name and reporting

favorably towards the (police) unit, I contact you first for exclusives on the heavy cases.’ Cases get made, detectives’ names are mentioned and promotions are made. The same goes for the D.A. office. All these branches have a public relations office that takes part in this dance of the macabre. I mean, let’s face it, the victim in my case was no one famous or in the public’s eye. I certainly was not famous. The story was only important enough for a front page grab because it was a lily-white neighborhood and it was investigated by a special detective unit. It was so-called ‘solved’ in 72 hours.”

Sawyer agreed that the law enforcement sources who contributed to media coverage of his case had an advantage over him. He, too, believed that law enforcement and the media worked together to convict him and his co-defendants.

“The media coverage was like free advertisement for the prosecution to let potential jurors know that a ‘guilty murder’ is going to trial soon,” Sawyer wrote. “The media did all the dirty work for the prosecution.

“The media coverage did not represent me as a whole. Rather, it reduced me from a human being to a ‘torture killer.’”

Sawyer also mentioned that he thought the pathologist in his case was working with the media to make the details of his crime seem more gruesome than they actually were.

Access to media

Lack of access to media personnel was a source of frustration for some of the inmates. Jin-Soo, for example, tried to contact reporters with his own story, but to no avail, he said.

“I even tried writing to...the (New Jersey newspaper), got no answer or response,” Jin-Soo said.

Jacob said that he also never had a chance to tell his story, noting that the restricted access of inmates to the media continues to silence the voices of the imprisoned.

“I think allowing one to tell their story on camera truly humanizes them,” Jacob wrote. He said that the New Jersey State Prison system engages in “censorship” of the media by denying them access to death row inmates.

Jack noted that, even when suspects had a chance to speak through the media, legal barriers frequently prevented them from doing so.

“It is terrible that the media has direct access to defendants immediately after their arrest,” he explained. “Not represented and bombarded with cameras and microphones, the defendant is as helpless as a finless fish. If he responds to questions, he jeopardizes his rights to remain silent and if he remains silent then his silence is looked at as an admission of guilt.”

Jack also examined the way in which suspects are presented to the media.

“The fact that he (the suspect) is normally handcuffed and in a police cruiser is worst of all,” he said. “Surrounded by police officers, this is very bad for any defendant and a good day for the prosecutors. How can they lose under those conditions?”

Miles was able to watch and read about his crimes at nearly every stage of the legal process. He said that he saw coverage of his crime on television before he was arrested and that the story was covered on TV and in the local newspaper after his arrest. Miles was also aware of the extensive coverage his trial received and said that, after his conviction, the judge in his case made an appearance on the local TV news and also was part of story on a national newsmagazine television segment.

Miles said he was disappointed that the judge was granted an opportunity to tell the story from his perspective but that he (Miles) was not afforded the same opportunity.

“The media should contact the accused in some way of communication to respond to the accusations,” he wrote.

Miles noted that the only sources for his story were “other people speaking on it.”

Richard had similar feelings about his access to media.

“I was denied coverage ‘opportunity,’” Richard wrote. “No attempt to report my story in a fair and balanced fashion.”

However, Richard admitted that he was contacted by a writer after his conviction but declined to be interviewed.

Charlie was also bothered by not being able to tell his version of events to the media.

“Not a single reporter attempted to get my side of the story or report it in a fairly balanced manner,” he wrote, “I feel because there was no desire associated with casting reasonable doubt. It is after all that public from which the same jury pool will be selected.

“No reporter ever contacted me for comment on my case.”

Desmond mentioned what is likely true of many of the inmates – that legal barriers frequently limit their contact with the media.

“The public defender just told me there might be reporters in the court house,” he said of arriving for his arraignment, “and don’t say nothing.”

Pretrial publicity and tainted jury pools

Many of the participants reported that they thought pretrial publicity left lasting impressions of them in the minds of potential jurors. The inmates said that this publicity always worked to their detriment and frequently presented them as guilty.

“How do you combat those preconceived images?” Ethan wrote. “The truth is, you don’t! They convict you before you even have your first day in court.”

Ethan said that he felt that his jury pool was tainted by media coverage of his case.

“It’s a public execution and your jury is prejudiced even before they are summoned to appear for jury duty,” he wrote. “There are jurors who want to sit on your jury so bad just so they can convict you based on what they read, that they will even lie when asked if they have heard or read anything about the case before that day. My case in particular, my lawyer discovered a liar simply by chance. He asked her if she read anything about the case and she said no. When they left the courthouse my lawyer watched her get in her car and she had the paper on her car seat that carried the story of my case. He called her on it the following day and the judge excluded her.”

Charlie is the inmate sentenced to life in prison for the murder of a stranger on a city street corner.

Charlie said he too felt that he was convicted by the media prior to his court date.

“Everything the media covers in criminal matters is all hearsay (non-factual),”

Charlie wrote. “Just one sided stories of what they think happened. Once I became a subject of their stories it only got worse. Now they find you ‘guilty’ before you even have a trial. I thought it was ‘innocent until proven guilty,’ but it’s guilty until proven innocent.

“After reading the reports I knew it was all bull*#@!, (sic) and the reports would say anything to convict you in the public’s eyes. The coverage was very inaccurate, which tends (to) happen when hearsay names the suspect, rather than facts.”

Miles felt strongly that the pretrial publicity of his crimes and his character was detrimental to his case.

“Someone told me that the media coverage is going to poison the minds of those in the jury,” Miles wrote of his feelings before his trial.

“It poison (sic) their minds and played a part of their verdict,” he concluded.

Richard also felt that pretrial publicity affected the verdict in his case.

“Unaware of the consequences of inaccurate coverage made me feel I’ve been judged by more than the jury panel,” he wrote. “They (the media) found me guilty prior to being determine (sic) by the jury panel.

“The theory of ‘innocent until proven guilty’ is destroyed.”

Jin-Soo said there was no doubt in his mind that media coverage of his case affected the outcome of his trial.

“The media found me guilty before any trial happened,” he wrote. “It put doubt in the minds of the jury before they was ever picked. Crime news is polluting juries before

you can go to trial. The news can report without putting the person on trial or giving the person the benefit of the doubt. The news find you guilty and pollute juries.

“In my opinion, I was guilty before police caught me.”

Jin-Soo said that coverage of his case turned public sentiment against him prior to his trial.

“The people didn’t like that it was a cop killing,” he explained. “Some people made assumptions that I was already guilty. The jury seeing the news every day and reading papers form an idea of guilt before any trials.”

Jin-Soo also mentioned that media reports of his prior criminal acts did nothing to cast him a sympathetic light.

“By them reporting past arrests and putting people’s minds that since you have previous arrests you some monster since you gotten locked up for the case you (are) locked up for,” he wrote.

Jin-Soo speculates that if crime news were handled differently, he might have had a better chance in court.

“I would have gotten both sides of the story,” he said when asked how his case should have been publicized. “Talk to the prosecutor and then me. By reporting one side of the story all the time, you always telling the people and the ‘jury’ that the prosecutors are always right and that pollutes any defense I try to provide.

“It’s not being innocent till proven guilty anymore, it’s guilty till proven innocent. The news help the prosecution prove their cases and not giving the convicted fair trials by doing so.”

Benjamin echoed Jin-Soo's sentiment and offered his solution to the problem of pretrial publicity.

"I think the media should be barred from the courtroom until after the trial," Benjamin wrote. "That way nothing is tainted. Because the jury will watch TV and read newspapers or listen to the radio. It's a no win situation.

"My trial was a joke."

Benjamin also said that the media coverage in his case made him seem "guilty until proven innocent."

John said that he felt the media coverage his case was the result of a race for ratings.

"This can be a disadvantage," he wrote. "'Cause the news can assassinate the character so bad that the judge has already condemn(ed) you. When it comes to ratings-n-inflaming (sic) the public there is no such thing as balance. Fairness is looked upon as weak-report-rating. They seem to want strong-n-convincing coverage.

"Why? Unbalance(d) reports creates more excitement for mass media."

Ethan said he had no doubt in his mind that media coverage of his case affected his trial.

"During the jury selection of the trial, it was hard to find anyone who (had) not read about this incident," he explained, "and many of them had the wrong facts of the case. When asked what they heard about the case, they replied 'he stabbed her to death and raped her.'"

"How do you remove those terrible images from a citizen's mind? The truth is, you don't!"

Jack recognized the problem of pretrial publicity in cases other than his own.

He spoke of a news story he saw while in prison:

“I was recently watching the local news and a story popped up concerning a robbery-homicide. The police quickly made an arrest and had a news-press-conference and literally destroyed the suspect’s character. He, the suspect, had a criminal history and media bashed this guy with no remorse. Days later, comes (sic) to find out that the police were wrong, the guy did not commit either crime. No apology from either the police or the media. My question is: Was that freedom of the press or pretrial bias?”

Effects on the individual

All of the inmates in this study reported that they had been personally affected by the media coverage of their cases. Several said that their families were also affected by the media attention their cases received.

Boone, because he was a juvenile, was shielded from reporters but said that he still thought the media were using him.

“They just wanted the ‘scoop,’” he wrote of reporters who covered his case. “I was just a possible stepping stone in their career.”

Boone said that he was disappointed that none of the stories about him included details of his life that he considered important – like his hobbies, his friends, sports he played and what kind of person he is. He noted that many news stories about his victim focused on those very aspects of (the victim’s) life. Boone said that he thought such coverage would have better represented both sides of the story.

Benjamin said that he had a hard time relating to the stories that were written about him after his conviction.

“Sure I have read the paper,” he wrote, “but it was like someone else doing those things. It was like I did not know I was doing the killing.”

John, convicted along with a co-defendant, of sexual assault and murder of two sisters, said that coverage of his case has resulted in a distrust on his part for members of the press and even other people who take an interest in his case.

“Usely (sic) they have-u-guilty before any honest elements about the case come forward, and that’s sad because civily (sic) it strips the individual of trust for anyone. First of all, (the coverage) was inaccurate and second, I was let down-n-embarrassed. I think civil authority should punish any violation of the rights of the individual reputation-n-privacy. These reporters act as though they did not care for accuracy. They should never manipulate defendants-n-witness(es) at public trials-n-then have the nerve to think that-u-are professional. This type of coverage is an embarrassment to the halls of justice-n-order. Inaccuracy is not an excuse. It is a violation of law and order to manipulate a case for personal media ratings.”

Hugo claims that because the autopsy report of his victim states that the cause of death was “drowning” and the manner of death was “undetermined,” he is not responsible for the man’s death. To that end, he has declared that media coverage of his case was “illegal” and resulted in an “illegal” incarceration.

“The media coverage was illegal and this is how they do people or me!” Hugo wrote. “I have been arrested and put into prison illegally and I have the documents and the media lied in my case and they was (sic) informed too.

“The media did not let me get a fair trial.”

Race, socioeconomic divides and stereotypes

The social disadvantages that are the backdrop for all of the participants’ lives were often part of the media coverage of their cases.

John grew up in poverty and had little supervision as a teenager. With no family support at his trial, he said he felt that he was at the mercy of the media, with no one to tell his side of the story.

John had difficulty explaining how the media affected his case but, in general, he felt they did him a great disservice on several levels.

“Well, the media, the jury, the judge had me convicted before the trial started,” he wrote. “The media fell into the attorney general’s hands.”

As a result of media coverage his case, John believes that reporters, for the most part, do not care about him as a person. Furthermore, he believes that media coverage of his case promoted a public sentiment that endangered his life. He explained what he calls the media’s responsibility to “represent the service for the common good” and talks about how he feels coverage of his case caused some people to wish him dead:

“What I have personally viewed concerning media coverage is that some do not seem to realize that the proper exercise of (service to the common good) demands that the contents of the communication be true and within the limits set by justice-law-n-order. Further, today’s media do not communicate honestly-n-properly. It attempts to make the individual look bad in the eyes of

the public. I believe the gathering-n-publication of news, the moral law-n-the legitimate rights of person's dignity should be upheld. Those in charge of communications should maintain a fair balance between the requirements of the common good-n-respect for the individual's rights. Not presenting a coverage that puts the person's life in danger from others. Pay attention to the extent-n-diversity of the news transmitted-n-the influence exercised on public opinion. How I view the media in general, is that they have lost the respect for truth, they do not seek equal care-n-the nature of facts-n-the limits of critical judgment concerning individuals. Media coverage was never meant to put a person's life in danger by false coverage."

Sayid said that his standing in his community was adversely affected by the media coverage of his case.

"The (media) can be an instrument that can be used to help or hurt an individual's standing, reputation and pecuniary interest," Sayid explained. "The (media coverage of my case) seriously injured my standing, reputation and pecuniary interest."

Sayid said that because of his place in society, the media chose to "injure" his reputation while protecting the reputation of the district attorney who presided over his case.

"If a reporter was (had been) really involved in the case, he or she would have discovered how the assistant district attorney breached his duty as a public servant to make his case against me," Sayid explained. "Disclosure of such a breach would have helped me and possibly injured the aforesaid attorney's standing and reputation in the legal community."

Charlie wrote at length about the difficulties he encountered in finding employment within his community. A single father of a six-year-old at the time of his crime, he was also supporting two other young children who lived with their mothers. Charlie enrolled in various job skills programs and finally landed a position as a UPS driver. He lost the job just months into his employment when his car broke down and he was unable to find a way to work.

Benjamin describes a difficult childhood, fraught with abuse and neglect at the hands of his single mother. After running away from home several times, Benjamin finally joined the U.S. Army. It was in the service, he said, where he learned to kill people.

“I was not a violent person until after going in the service,” Benjamin explained. “That is where I learned to kill and to do it quietly, quickly and without much pain. Plus the remorse of killing someone had to (be) suppressed (sic) deeply.

“I was a changed man.”

Benjamin claims that these aspects of his personal history are the reason that he murdered several women. He also said that the media did not explain that fact to his satisfaction. Instead, he contends, the media focused on the heinous details of his crimes.

“They lie so they can make a story more bizarre,” he concluded.

Desmond denies that his upbringing in a poor neighborhood contributed to his life of crime. In fact, he is resentful of media coverage that highlighted his impoverished childhood.

He wrote that he alone was responsible for his choices:

“First off I did what I was convicted of or what I plead guilty to. However at the time I actually felt that I was doing the right thing, no excuses, I was

wrong! Still I felt like I was pushed into this box by a lot of factors and no I won't be like most and blame society of my parents or anything or anyone else. What got me here was a lack of patience and greed plain and simple. I wanted the American dream to come true too quickly so I figured I'd take some short cuts you know like selling drugs. And then one night it just all got out of control."

Still, Desmond concedes that his standing in society did play a role in the way he was treated by the media and the criminal justice system.

"As humans we all have the potential to be criminals," he wrote. "But your standing socially goes a long way in determining how you are viewed by the media and the justice system. Judges, reporters, police when they have to work with people from these inner cities unconsciously (sic) might have biases, not knowing how hard it is to make it out of these places especially when most don't have strong family structures."

Desmond also commented on the geographical element of crime news production.

"So since most of the media focus is on the negative of our society and they can easy find this in our inner cities, that's where they focus," he explained. "So that is a kind of bias because I am sure crimes are taking place in the suburbs."

Jacob felt strongly that race played a major role in his conviction.

"I was accused of raping a white woman," he explained. "The 'perp walk,' the blackman raping the white woman false claims, the ex-offender and the media propensity for sensationalism is (sic) what sealed my fate.

"This only happen(s) by way of the courts pushing the constitution aside for media sensationalism."

Sawyer, like several of the inmates in this study, was raised in a single-parent home. He explained that his mother has "mental health issues" and was addicted to drugs

and that he was raised by his grandmother in Florida. He speculated that if his grandmother had been with him in New York at the time of his crime, he might not have gone through with it.

“I never wanted to disappoint her,” he wrote of his maternal grandmother, “but she wasn’t really around after I was about 13 and went back with my mom in (New York town) for a few months and then started to have to go to group homes.”

No family members attended Sawyer’s trial. He said they were “humiliated” by media coverage of his crime.

Crime victims

Six of the fifteen participants wrote about what they perceived to be unbalanced coverage of their cases in terms of giving voice to their victims. All of these six are convicted murderers whose victims are deceased.

The general feeling of these inmates was that media coverage of their murder victims and their lives created a picture of the inmates’ lives that contrasted unfairly with those of their victims. All of these participants demonstrated resentment in the wake of media coverage of their victims.

For example, one inmate noted that the press included in its coverage of his victim the fact that the boy was on a pee-wee t-ball team. The inmate said that he too had played a sport as a child, Little League baseball, but that the media never mentioned it in coverage of his background. This, the inmate felt, was biased.

The inmates who wrote about coverage of their crime victims were all unhappy with that coverage, saying they thought it was unfair and hurtful to them. However, they

were the minority in this study. Most of the participants did not discuss their victims at all.

Each of the six who did refer to media coverage of their victims wrote disparaging remarks about those victims. None of those quotes are included in this study out of respect for the victims, their families and crime victims in general.

Instead, their opinions are paraphrased.

Richard is the gang member who shot a tourist during a gang-related dispute. He said that the identity and status of his victim caused the media to portray him as a “bad guy,” who did not care about anybody but himself. He said that the fact that the victim was a graduate student did not help his image in the media either.

Several of the inmates mentioned that the identities of their victims were highlighted in the media to the detriment of the men’s cases.

Jin-Soo, who shot and killed a police officer, wrote that people paid more attention to his story because of status of his victim.

Boone, whose murder victim was a child, noted that a number of media outlets relayed the details of his victim’s life and ignored Boone’s life story.

Ethan, who killed an elderly woman, said that his victim garnered a lot of sympathy in the media and that even other convicted criminals treated him poorly as a result.

Benjamin wrote that the socioeconomic status of his victims rendered them unimportant in life but that the media portrayed their humanity after their deaths. He was quite angry about this, he said.

Perceived media effects on family members

Several inmates said that their families suffered in the wake of media coverage of their alleged crimes and subsequent court cases.

Jack said that his family was directly affected by media coverage of his court case.

“My youngest daughter has been in fights at school as other kids have picked on her for what their parents have said about me, but my daughter assures me that she can handle herself, and that I am not to worry about her, but to just get out of here.

“Can you imagine how that breaks my heart?” Jack asked. “People can be so very cruel. So, yeah, the media has had a profound effect on me, especially as the kids involved concerning my daughter – their parents got their information from the newspapers or the Internet, they certainly were not at the trial.

“I explained to my daughter that nothing can be solved by fighting,” Jack continued, “and she told me that she did not mind fighting for me because she loved me very much. I almost cried.”

Ethan also reported that members of his family experienced difficulties related to coverage of his criminal case.

“For days the papers were running stories that my victim was stabbed multiple times, some stories even said she was sexually attacked.... All untrue,” Ethan wrote. “My family lived in the area, young cousins had to go to school and be tormented by peers over these stories. Several family members just cut me off completely due to the stories in the papers. Never once did anyone from the media ask to speak with me. I would have

been happy to give an interview, but none was offered. My aunt was even asked to resign from her place of employment because of the publicity.”

Sawyer said that his family was humiliated by the media coverage his case received.

“In all, media does affect people’s criminal cases, it affected mine and humiliated me and my family,” Sawyer said. “It gave no insight into my friends and family who love me. I was just a monster who did a horrible thing.”

Sawyer said that there were numerous reporters and cameramen outside the courtroom every time he and his co-defendants appeared for a hearing.

Boone was indignant when asked how the media coverage affected his family.

He wrote:

“As to my experience with reporters and my opinion about them, well, let me say that I feel that most if not all are cold-hearted... Cold-hearted, yes. Because when my conviction was announced. That the jury found me Guilty of Murder 2nd. One certain news reporter ran out to my 60-year-old grandmother, shoved a microphone in her face, camera rolling and asked ‘Your grandson was just found guilty of murder in the second degree. How does that make you feel?’ I mean come on. What the fuck does he truly have to gain from being so callous. That action alone tells me that most if not all reporters are cold-hearted and don’t care about the feelings of the people they put on camera. Now if she were to have had a heart attack from the callous way she received the news would the reporter be held responsible? Hell no. He was only doing his Job, right? Bullshit. She was in her 60s, on oxygen due to her ailing health. His actions and his impudent behavior was truly uncalled for... They wait in hurried patience for the next big story

to happen so they can be the first to the ones to shove a mic in someone's face and get the 'raw' emotion of the experience from the people involved."

Miles also felt the media coverage of his case had an adverse effect on his family members.

"It affected them all differently, in many different ways," Miles wrote, "mentally, emotionally it was a very stressful situation."

Miles said that some misreported facts in the coverage his case had profound effects on his family.

"In a sense my family was place (sic) in danger," he explained. "(The media) stating that I made \$14 million a year and many of the unsolved crimes they place on me and alleged co-defendants."

Richard was also dismayed at the effects he perceived media coverage of his case had on his family members.

"It definitely affects them," he said, "especially due to cultural differences."

Richard did not elaborate on what those "cultural differences" are or how those differences were portrayed or not portrayed in the media.

Jin-Soo, convicted of the murder of a police officer, said that after his arrest the media "harass(ed) my friends and family."

He said his family was profoundly affected by the coverage of his crime.

"My family – some assumed I did it and others – they had to stay at home unable to go to work or live their lives, and they had nothing to do with the crime," he said.

Desmond agreed that, to some degree, media coverage of his case cast his family in an unfavorable light.

“The media was (sic) linking them to a criminal,” he said, “and nobody wants that.”

Reflections from prison

Many of the men in this study expressed animosity toward journalists. Their experiences with the media made it difficult for them to see any value in the coverage of their cases and several speculated on the characters of the reporters covering them.

“The media is a greedy group of people who care nothing for anyone else except to gather information wherever possible whether it’s true or not,” Benjamin wrote. “But then when you have a camera pointed at you they can say whatever comes to mind!”

Benjamin’s deep distrust of reporters is evident in his assessment of his experiences since his arrest.

“I have been contacted by reporters from all over the world,” he wrote. “From all that I have spoken to over the years they tend to lean as far from the truth as possible just so their story is that much more scary! Not one reporter has taken the time to hear my side and print what I explained to them. They would much rather go with public knowledge.

“Any bad thing that someone has said about me in the past makes good copy according to them.”

Benjamin also related a violent incident that occurred during his trial. Benjamin said he was fed up with the media coverage of his case and several days into his trial, reporters and cameramen gathered in the lobby of the courthouse as he was arriving with armed escorts.

“I refused to speak to reporters after being arrested,” he began. “I did drop one reporter with a camera when I got off the elevator in the courthouse as he put the camera right in my face! The camera broke too. Smile: He cried over his camera stating ‘who is going to pay for this?’

“I told him that he is responsible.”

Despite his belief that media coverage his case incited some media consumers to wish him dead, John still maintains that some journalists are honest. Others, however, may have their own agendas and even be unduly influenced by society at large, he wrote.

“I believe some reporters have good intentions, where other may not,” John began. “Some attempt to manipulate the public to win media rating. ‘Cause believe it or not it seem that our society love media condemnation-n-creating personal hate even before one can get in the courtroom properly.”

Some of the inmates in this study had ideas about the media that mirror many well-known media theories. For example, Boone thinks of some media coverage as a sort of how-to manual for committing crimes. The process he explained is part Cultivation Theory’s “Mean World Syndrome” and part Elaboration Likelihood Model:

“(This is) my elaboration on the media ‘advertising’ on ways to do crime. Okay, human beings are constantly being bombarded with

many, many commercials advertising hundreds of thousands of products. And you can probably watch TV during commercials with your eyes closed and when the 'jingle' or commercial music will automatically trigger a memory that has been installed in your memory as to what you have already seen, will cause you to know without a doubt as to what that commercial is showing and trying to 'entice' you to 'go out and purchase.' Now the concept is the same, when news programs show over and over and over the exact same crime story that seems to be the 'hot news drama.' And some poor emotionally distraught person male or female sitting at home watching TV, reading the newspaper, on the Internet, listening to the radio or anything that 'advertises' the 'grand' story. Now on the surface the person doesn't know it. But over time when they get depressed, angry or enraged or any other feelings that elicit hopelessness and lack of control and order, they will remember all those different news programs that showed over and over and over the shootings of a school or college, the multiple murders of the small town 'Anywhere, USA,' the constant and ever growing stories of child abduction, child abuse, man killing whole family, economic failure worldwide, the genocide in Darfur, Africa. All those stories and so much more is what comes to mind when that person feels: Hopeless, angry, enraged, insecure, low self-esteem, not appreciated, not feeling loved, persons not feeling that they are cared for or wanted. And then when that person male or female recalls all this in a very quick brief moment their thought patterns are 'with all this chaos in the world, what is the sense of always caring when no one cares for me' or these people that I've seen on the news programs dished out their own sense of pain on the 'world' by committing their own crime. They do that. And it all started by the advertisement of the constant barrage of 'sensational' crime stories. You can probably close your eyes and

reflect on the memories of what you saw on TV. You can do that do (sic) to the fact that news programs have done in the past, are doing now and will do it in the future. And what that is is advertise crime. Constantly keeping society at large – people in small towns, in big cities and anywhere in the USA in a state of fear, hopelessness and chaos. Politicians always get many and I mean many votes when they say ‘that they are tough on crime.’ Politicians are aware of the power of repetition and its persuasive effect. In a sense we have all been brainwashed to ‘accept’ that all this chaotic crime and its prevention is out of our hands.”

Desmond summed up his feelings about why the media cast him in such a negative light.

“I mean it seems like society wants bad guys and good guys,” Desmond speculated. “So at first opportunity they (the media) make one.

“The media can play a major roll (sic) in criminal cases.”

Chapter Five

Results

Summary

The men in this study did indeed feel that there were dramatic effects in the wake of the media coverage of their cases on both their trials and their lives.

They reported that they felt their jury pools were tainted by the media and their trials negatively affected as a result. They felt that the prosecutors and judges in their cases were also persuaded by the media, and that those officials, in turn, held sway over the press.

The inmates said, in most cases, that they thought their cases were sensationalized in the media and that public opinion was turned against them by such coverage. Many of those felt that monetary gain was the primary motive for the coloring of the media coverage.

“That I am sitting here with a life sentence is the direct result of their coverage,” Jack stated.

“When it comes to media coverage and the outcome of criminal cases,” Sawyer wrote, “the media plays (sic) a major role.”

The inmates experienced profound personal effects as a result of media coverage of their alleged crimes and subsequent trials. On occasion, the men expressed feelings of helplessness and frustration. These sentiments were more pronounced in cases where the inmate’s guilt was in question.

“To have someone accuse you of something that you know that you’ve had nothing to do with is very traumatic,” Jack wrote. “It was humiliating to see things in the papers about yourself that you knew were false.”

Another issue that deeply affected the personal lives of the men in this study was the attachment of labels to both their crimes and to the men themselves in media stories. The inmates reported that they felt powerless to combat these misconceptions and resentful about the connotations that the labels invoked. This aspect of the media coverage, coupled with the perceived sensationalism of many of the stories, seemed to disturb many of the men deeply.

The inmates said that in addition to the personal effects they endured as a result of media exposure, their families suffered in the wake of press coverage of their arrests and trials as well. The inmates also wrote often that they did not feel that the media did a good job of telling their stories – who they really were, who their families were.

Overall, the inmates reported that media coverage of their cases had profound and long-lasting effects on their lives. The men reported that they felt disenfranchised in the newsgathering process, unable to control how the media presented stories about them. The inmates said that the media coverage of their arrests and trials humiliated them and their families, creating feelings of deeper resentment for the press in general.

None of the men in this study felt that his voice was heard by the media or the public in coverage of his criminal case. This, the inmates contended, reduced them to mere “subjects” of crime news.

Conclusions

The men in this study had several primary concerns regarding media coverage of their cases. They included pretrial publicity and potentially tainted jury pools, labels attached to them and their crimes, sensationalism in coverage of their crimes and the effects that the media coverage had on their families.

They also expressed dismay at the media coverage of their “perp walks” and the ways in which their victims’ lives were portrayed in contrast to their own.

A few of the participants also felt that race and socioeconomic standing played a part in negative coverage of them and their cases. A couple suspected that the media and law enforcement worked in tandem to discredit them in the eyes of the public.

In terms of pretrial publicity, almost all of the participants reported that media coverage affected their trials. Many noted that the court system was ineffective in keeping potential jurors from consuming crime news related to their cases. In addition, two pointed out that judges and prosecutors are also crime news consumers. They worried about the effects coverage of their crimes had on these individuals.

Those who had participated in a “perp walk” seemed to be traumatized by the event. One inmate even stated that he was presented to the media twice in a 24-hour period. There was a lot of resentment connected the “perp walk” experience. A couple of the participants recognized that the practice is used, in part, to demonstrate the effectiveness of law enforcement. This realization, however, did not keep them from condemning the idea of the “perp walk.”

Several of the participants were deeply dismayed at the “labels” they felt the media applied to them and their crimes. Most attributed this practice to sensationalism.

Most also agreed that sensationalism in coverage of their cases was a result of the media's desire to increase ratings and make money.

The men also talked about other perceived motives that the press have for sensationalizing their stories. One man wrote that media coverage of crime is intended to "scare" people and play to their "emotion(s) through crimes involving violence."

Another inmate felt that reporters were serving their egos and looking for prestige by creating dramatic crime narratives. Yet another man speculated that media outlets ensure long-term consumers by providing compelling crime news coverage.

Far and away, the most commonly cited reason that the media sensationalize crime news is for monetary gain. In the eyes of the inmates, this practice is widespread.

One of the initial questions in this study had to do with whether the participants consumed crime news (in general) prior to their arrests. The resounding answer was "no," with one exception. A large number of the men mentioned that they had followed the O.J. Simpson trial on television. The men who mentioned their interest in that case were African-American and white. They ranged in age from a young teenager to a man in his forties at the time of that trial.

Some answers to questions asked of the participants yielded unexpected results. For example, within one man's conspiracy theory about media-police collusion was the fact that the case in which he was involved was solved in 72 hours. The same participant also discussed coverage of his case in terms of the neighborhood in which the crime occurred. These points coincide with existing research in the areas of media and criminal justice. The time factor is often cited in media studies as one of the ways in which law enforcement conveys its effectiveness through the media. The neighborhood connection

is an element of the ecology of crime, contributing to our understanding of crime prediction, control and prevention.

Another unexpected finding was the idea that some crime news coverage could follow a man to prison and affect his standing with other inmates. Certainly, inmates are news consumers too. However, given the general feeling among inmates that the media dramatize crime stories, it was surprising that some apparently found stories about other inmates credible and acted according to those perceptions. It seemed like a twisted version of third-person effect.

Knowing precisely those elements of crime news coverage that cause this population to feel disenfranchised may help journalists cover crime stories more comprehensively and with more sensitivity to the involved parties. The criminal justice community may recognize that the media have profound influence on their operations even after a conviction has been secured.

Discussion

Studies from the criminals' perspective offer a number of benefits across a range of societal factions. Understanding crime from their perspectives serves the criminal justice community, communication scholars and even victims of crime.

For law enforcement, studies of the criminal voice provide insights into the motivations behind the commission of crimes. Generally called "incident resolution" in the criminal justice community, this information provides several benefits. Understanding the motive of an offender helps law enforcement solve crimes, assists prosecutors in securing convictions and even provides a framework for the prevention of future crimes.

Communication from the criminal perspective has the potential to reveal patterns of criminality that can be useful in future crime investigation and prevention. For example, the study of convicted serial killers is often used by investigators to develop leads in new serial murder cases.

For communication scholars and journalists, understanding the criminal mind provides the opportunity for multifaceted studies and more comprehensive coverage of crime stories. Long absent from crime news is the voice of the very subject of that product. By including the criminal perspective, media studies can provide a more thorough portrait of crime news construction. With such information, journalists can produce crime news that tells a more complete story.

Perhaps most importantly, information regarding criminal motive may provide closure to crime victims. Using the Oklahoma City Bombing as an example, we can see that the benefit of insight into criminal motive extends beyond the court system and the media to impact crime victims. In the wake of that terrorist act, there were a large number of victims and families of victims who did not understand why or how such an event could occur in the United States. While understanding Timothy McVeigh's reasoning could not restore what has been lost, it may provide answers – inadequate and incomprehensible though they may be – for the surviving victims and their families.

The perp walk was a source of great dismay for the participants of this study. The process of parading suspected criminals in front of the press is a common practice in some U.S. locations and completely absent in others. The use of this device can vary even within states. Research for this study revealed, for example, that the perp walk is widely employed in New York City and seldom, if ever, used in Upstate New York. The way in

which the event is staged also differs from one location to another. Some suspects are presented wearing handcuffs and jail-issued attire. Others feature only handcuffs. These subtle differences can have profound effects. For example, one of the most iconic images of Timothy McVeigh remains the perp walk photograph of the suspect wearing an orange jumpsuit and surrounded by Federal law enforcement agents. One of the dangers of the perp walk is that it typically occurs at the pretrial phase. In 2011, Dominique Strauss-Kahn, for example, was paraded before the cameras within hours of his arrest on a plane scheduled to depart for Paris. He was later charged with assaulting a New York City hotel worker but those charges were dismissed after more than 14 weeks. The image of Strauss-Kahn's perp walk, however, endures.

While several Latin American countries, most notably Mexico, use a similar practice to “display” captured criminal suspects, the United States is the birthplace of the perp walk. Once used only in cases involving violent crime, such as the assassination of President John F. Kennedy, it is now used in many other instances – including celebrity arrests, white-collar suspect arrests and arrests considered to be of local interest. Former New York City Mayor Rudolph "Rudy" Giuliani is credited with elevating the perp walk from an event used in special circumstances to a common element of crime news coverage. In the 1980s, Giuliani employed the perp walk frequently to highlight his law and order stance in cases ranging from Wall Street swindling to police corruption – and practically everything in between.

As a result, the perp walk is institutionalized in the United States. It serves a number of important functions for both law enforcement and the media. The police use the perp walk to demonstrate law enforcement effectiveness. While not openly discussed,

the perp walk serves as a prosecutorial tool for securing convictions. There is no question that the lasting image of the suspect in handcuffs conveys an aura of guilt. This can have long-lasting and profound effects on potential jury pools. For the press, the benefits are more immediate and arguably more simplistic. The perp walk produces images to supplement crime news stories. In a world increasingly dependent on visual storytelling, the perp walk has become a staple of crime news coverage.

However, for the suspect, the perp walk is a demeaning process. The participants of this study who experienced the perp walk all agreed that the event was humiliating to both them and their families. In fact, for those who had endured it, the perp walk was cited as one of their most significantly negative media experiences. The participants wrote with great emotion when relating their feelings about this process. They used words like “dehumanizing” and “inhumane.” One inmate compared the event to the sale of slaves while another stated that his perp walk had “sealed (his) fate.”

It was difficult to categorize the participants of this study in terms of socioeconomic status and the influence of other factors on their cases because so many of them have been affected by so many different facets of society. Some men, for example, had difficult childhoods but were also the victims of more recent economic woes and voluntary affiliation with criminal elements. Each of the participants declined to place blame for their crimes on their racial or socioeconomic status.

However, clearly there are trends that can be identified in this incarcerated population. The men are all from households that operated at or, in most cases, well below the poverty line. A majority of the inmates come from single-parent homes. A larger number than is present in the general population possess little formal education –

several having dropped out of school in their early teens. Most are from urban areas, though the limitations of this study may be a contributing factor to this trend. The participants were recruited from institutions that typically house inmates from large East Coast urban centers.

One common refrain among the participants was the idea that media coverage of their cases rendered them “guilty until proven innocent.” In fact, nearly all of the inmates wrote this phrase in response to questions about how the media affected their cases. This revision of the term “innocent until proven guilty,” coined by the English lawyer Sir William Garrow (1760-1840), seemed to be closely associated with crime news in the men’s minds. They almost always used the expression when talking about the ways in which the media portrayed them. Two of the inmates also wrote that they thought that law enforcement officers and the court system treated them as if they were “guilty until proven innocent.”

The participants were perceptive in their assessments of the media. They talked about elite source credibility, the power of the 24-hour news cycle and the lasting impression of images in the media. They had a keen understanding of how they were perceived by the media audience and articulated the factors that they believed contributed to those perceptions.

One inmate, for example, explained the idea of repetitive exposure to violent images in a way that would have made George Gerbner proud. Another participant, in his own words, described functions of the media known to researchers as gatekeeping and agenda setting.

Despite their largely negative experiences with the press, many of the men demonstrated a profound understanding of how the media work. This may be a function of long consideration of the subject, indicating that the inmates are truly concerned with the ways in which the media operate.

A disturbing trend uncovered in this study was the propensity of some participants to criticize the media for covering crime victims with sensitivity. Six of the fifteen inmates blamed the portrayals of their victims in the media for less favorable coverage of their own cases and the imposition of even harsher sentences. I chose not to include quotes from the inmates on this subject, as some of them were quite disparaging to the deceased victims.

In this type of study, we refrain from speculating on the psychology behind such phenomena as victim-blaming. It should be noted, however, that the majority of the inmates – nine out of fifteen – did not write about their victims.

Some things the inmates said – for example, crime news should be “censored” or the media should be barred from courtrooms – run counter to the constitutional role of the news media. Yet, it is clear that the participants revealed perceptions of crime news from a new angle – that of the very subjects of that news product. Given their unique perspective, the convicted should, at the very least, be allowed to tell their stories at some point. No one, I argue, is more qualified to comment on the coverage of their cases.

Unlike some criminals who seek media attention, none of the participants in this study engaged the media for the purposes of heralding their opinions, philosophies or the reasons for committing their crimes. Several criminals over the past 50 years have done just that. The Zodiac wrote to newspapers in the Bay Area during the months that he was

committing murders there. He enclosed “puzzles” for investigators and threats that he hoped the press would convey to the public. All of his letters had “to the editor” written on the envelopes. Spurred by an anniversary article about one of his murders, Dennis Rader, also known as BTK, wrote to the *Wichita Eagle*. He included poems about his victims and veiled explanations for his motives for murder. Others, including Theodore “The Unabomber” Kaczynski and Virginia Tech shooter Cho Seung-Hui, sent materials to media for publication. Kaczynski wanted *The New York Times* and the *Washington Post* to publish his manifesto bemoaning the nation’s increasing dependence on technology. Cho sent video of himself holding firearms. None of the participants in this study actively sought media attention.

Does this research have implications for professional journalists? I believe that it does. Before I became a media researcher, I was a crime reporter. While writing this study, I often recalled a particular story that I covered in Reno, Nevada. It was about a university football player who went on a drunken rampage that culminated with him holding his girlfriend and several fraternity members hostage in his frat house. The morning after the incident, I began to write his story. While the editors had the copy, I drove up to the sheriff’s office to get his mug shot to run with the story. That mug shot can only be described as shocking. The young man stood against a white background in disheveled clothing with a wild head of hair. His eyes were sunken and red-rimmed, the effect of his alcohol consumption aided by the tear gas the police had deployed to end the frat house standoff. Though he was in his early twenties, he looked much older. That was the photo that ran on the front page of the paper with the story. At the time, I did not

think at all about the use of that photo as a choice. It was that newspaper's policy to run mug shots and I had been producing crime news in that fashion for many years.

After writing this study, however, I found that that case came back to me in a new context. I realized that the suspect, as a college football player, likely had photographs on file with the admissions and athletic departments at the university. I passed the university on my way to pick up the mug shot. It probably would not have been difficult for me to use the college as the source for the image but, frankly, the thought never occurred to me. Now, I must admit, I feel some regret about being a part of the process that resulted in that young man's mug shot gracing the front page. It was, quite likely, the worst moment of his life.

This research has taught me that the "subjects" of crime news are human beings, with families and friends. Had I used a picture other than the mug shot – say, a shot of the suspect in his university football uniform – I do not think the impact of the story would have been diminished. On the other hand, the discomfort of the suspect's family might have been mitigated to some degree.

In short, it is my hope that journalists may use this research to gain insight into the perceptions of some of the people who are impacted by crime news – namely the suspect and his family and friends. Crime news at most media outlets is institutionalized in much the same way it was at the newspaper where I worked. Reporters treat crime suspects as "subjects." These particular subjects are seldom treated with the same level of regard that we reserve for people in other stories.

In the wake of this study, I will never look at those individuals in the way that I once did. As journalists, we have to cover crime stories. As human beings, we should consider the effect that coverage has on all of the people involved in those stories.

Suggestions for future research

This study examined the perceptions of crime news coverage using a narrow segment of the inmate population. In addition, the inmates in this study were limited to a relatively small geographical area.

Future studies may include the reflections of incarcerated women and juveniles. More narrow studies may examine the media effects experienced by inmates on death row or perhaps those who are incarcerated in the United States but are citizens of other countries.

Another promising line of inquiry is the ever-growing population of exonerated inmates. As DNA technology and access has improved, a number of incarcerated individuals have been found to be innocent of the crimes for which they were imprisoned. The Innocence Project works such cases every day (The Innocence Project, 2011). It would be interesting to talk with those people to see how media coverage of their cases affected them and their families and if their perceptions differ from those people whose guilt is not in question.

Comparison studies may be the natural extension of this line of research. We may certainly expect that women experience media in a somewhat different way than men do. Larger studies comparing those differences may be useful in understanding crime news in a larger sense.

Most of the inmates in this study were from and committed their crimes in large urban areas on the East Coast. Studies of inmates who hail from more rural areas may reveal concerns unique to their locations. For example, it was noted earlier that some jurisdictions employ the perp walk and others avoid using it. In addition, the language used by law enforcement sources sometimes differs from one state to another. For example, state troopers in the state of Florida often use the term “person of interest.” Just over the border in Georgia, law enforcement officials do not use “person of interest” (Thrift, personal interview, May 28, 2009).

In addition, communication between law enforcement agencies and the media requires closer scrutiny. Our current understanding of that dynamic is limited.

Research that incorporates the inmate experience with textual analysis of corresponding media coverage may reveal in greater detail those elements of crime news that the convicted find so disturbing.

Finally, studies of inmates’ perceptions of crime news coverage over time may serve to reveal the ways in which such coverage evolves and refine the possibilities for making this news product more comprehensive.

Appendix A
Initial Contact Letter

Inmate Name #000000
Correctional Facility
Address
City, State 00000

Date

Greetings Mr./ Ms. XXXX,

My name is Marti and I am a graduate student at Syracuse University. This year, I am writing a paper about ethics in media coverage of crime stories. I intend to illustrate the dynamics of crime reporting from the perspectives of both the media and the subjects of that coverage.

To that end, I am hoping that you will share with me your experiences with the media. In addition, I would be most interested in your opinions about media coverage of crime.

Please let me know if you would be willing to answer some questions about media coverage of crime and perhaps share some of your own thoughts on this subject.

I look forward to hearing from you.

Sincerely,

Marti Cecilia Collins
PhD Candidate
S.I. Newhouse School of Public Communications
Syracuse University, Syracuse, New York

PLEASE ADDRESS CORRESPONDENCE TO:

Marti Collins
3985 Benedict Hill Road
Erieville, New York 13061

Initial Questions

The following are questions that I hope will open the lines of communication between me and the study participants. Follow-up questions will be crafted using the responses to these general inquiries about media coverage in general and media coverage of participants' cases in particular.

What did you think about the media before your case? Was news coverage a regular part of your media consumption? For example, is there a story you recall following in the media?

How do you feel about crime news coverage in the media? Are there ways in which you feel this type of news could be reported differently?

Do you know which media covered your case?

If answer is “yes”: What can you tell me about how the media covered your case and what opinions you developed as a result?

If answer is “no”: Can you tell me how you learned that the media were – or were not – paying attention to your story?

To what extent were you conscious of the media coverage of your case?

Did you read about your alleged crimes in the newspaper or see coverage on television prior to your arrest? After your arrest?

If so, what did you think of that coverage? How did it affect you?

After your arrest, were you given access to media coverage of your case? In what form?

If so, did you find that coverage accurate? Inaccurate? How did you feel about that coverage and the reporters who covered your case?

What do you feel about the amount of media attention your case received? For example, was it excessive?

Has your opinion of the media changed since you have appeared in media stories? In what ways?

While covering your case, did the reporters try to get your side of the story and report it in a fair and balanced fashion?

Can you tell me about your interactions with reporters who covered your case?

What do your experiences with reporters tell you about them?

Can you tell me anything about the way law enforcement interacted with the media on your case?

Has anyone in law enforcement talked to you about media coverage of your case? In what context?

Has anyone outside of the media and law enforcement talked to you about the coverage of your case?

If answer is “yes”: How do you think others perceive the coverage of your case? How do you think they perceive you as a result of that coverage?

How do you think the media coverage of your case may have affected the jury pool?

Were there specific aspects of the media coverage of your case that you feel were detrimental to your defense? Can you please explain those to me?

How do you feel media coverage of your case affected your family members?

Do reporters still contact you about your story? If so, what types of stories are they writing about you?

If you were the reporter on your case, what would you do differently?

Of course, as will be the case throughout our relationship, you may choose not to answer any question at any time for any reason. In fact, I would appreciate it if you would please let me know if you find any of my questions too personal or simply inappropriate. In addition, please feel free to add any information not covered in these questions that you feel is relevant. Remember, you are doing me a great favor, so I do not want to make it difficult for you in any way. In addition, you may choose to end our communications any time you choose.

Appendix B
Participants' Rights Letter

Title of Paper:

Court of Public Opinion:

**How the convicted perceive mass media have affected
their criminal trials and personal lives**

TO: Potential Study Participant

FROM: Joan Deppa, Ph.D. & Marti Collins, Ph.D. candidate, researcher

DATE: Month 00, 2012

Dear Potential Participant (*name*),

My name is Marti Cecilia Collins, and I am a Ph.D. candidate at the S.I. Newhouse School of Mass Communications at Syracuse University in Syracuse, New York. I am inviting you to participate in a research study. Involvement in the study is entirely voluntary, so you may choose to participate or not. This letter will explain the study to you and a consent form will be presented at the end of this document. Please feel free to ask questions about the research if you have any. I will be happy to explain anything in greater detail if you wish.

I am interested in learning more about media coverage of your court case and how that coverage affected both your case and you personally. The purpose of this research is to gather information about your experiences with the media as they pertain to your case. The information will then be compiled into a study that examines your experience with the media and compares it to the experiences of other individuals. This study will be my dissertation and will be published as such.

You will be asked to communicate with me through the mail to discuss media coverage of your case. This communication will consist of two to three letters over the course of several months, taking in account the U.S. Mail and prison mail systems, and you may stop any time you like. The letters will include questions for you to answer about your experiences with the media. You may choose to answer any of them or none of them. Follow-up letters may include discussions of answers you have already provided. You may choose to discuss those answers or refuse to discuss them or terminate our correspondence at any time. Answering all of the questions may take up to two hours. After the first set of questions and one or two follow-up letters to possibly discuss your answers, the study will be complete. Because of the unpredictability of the U.S. Mail system and the mail system within your institution, only an estimated time for the study can be provided. That estimated time is six months. I expect to communicate with you over the course of the next six months. However, you may choose to terminate our communication at any time, for any reason.

I will only ask you about your feelings, perceptions and opinions of media coverage of your case. Only information about your reaction to the media coverage of your case will be included in the research study. I will NOT ask you about your alleged crimes, your court case or your sentence or appeal. I will also NOT ask you about personal issues such as your personal relationships or your legal status.

Participation in this research study will not affect parole decisions or your legal status within the prison. Participation will not exclude you from scheduled appointments, court appearances, regularly scheduled work duties or other obligations you have. You should participate in the research project (write letters to the researcher) during your free time.

All information will be kept as confidential as possible. I will assign an alias to your responses, and only I and my faculty advisor will have the key to indicate which "name" belongs to which participant. Your real name will not be used in the research study.

The benefit of this research is that you will be helping us to understand how criminal cases are shown in the media. The only benefit you may expect as a result of participation in this study is the chance to tell the researcher your story about how the media have affected you.

The risks to you of participating in this study are that you may be asked to discuss matters that are uncomfortable for you. In addition, even though you will not be asked about criminal acts, there is a risk of self-incrimination. The researcher is not immune to legal subpoena about illegal activities. If in any instance you mention future illegal acts you intend to commit or are at risk of harming yourself or others, for legal and ethical reasons, I am obligated to notify the appropriate authorities immediately. For this reason, you are discouraged from discussing any criminal act other than the one for which you were convicted and that may pertain to media coverage prior to your incarceration.

As will be the case throughout this study, you may refuse to answer any question, at any time, for any reason. These risks will be minimized by your ability to direct the researcher to refrain from asking about any subject matter you choose.

If you do not want to take part, you have the right to refuse to take part, without penalty. If you decide to take part and later no longer wish to continue, you have the right to withdraw from the study at any time, without penalty. Choosing to participate in this study or choosing not to participate in this study will not affect parole decisions or your legal status.

If you have any questions, concerns or complaints about the research, contact Marti Collins or Joan Deppa, Ph.D., my advisor, at 215 University Place, Syracuse, New York, 13244. If you have any questions about your rights as a research participant, you have questions, concerns, or complaints that you wish to address to someone other than the investigator, or if you cannot reach the investigator, contact the Syracuse University Institutional Review Board at Syracuse University, Bowne Hall-Room 121, Syracuse, New York, 13244 or by calling (315) 443-3013.

If you wish to participate in this study, please sign and return the enclosed consent form to the address on this letter. Thank you for your time in considering this request.

Sincerely,

Marti Cecilia Collins
PhD Candidate
S.I. Newhouse School of Public Communications
215 University Place, Syracuse University
Syracuse, New York 13244

PLEASE ADDRESS CORRESPONDENCE TO:

Marti Collins
3985 Benedict Hill Road
Erieville, New York 13061

Appendix C
Consent Form

CONSENT:

I, _____, give Marti Collins my permission to use information that I provide to her in her research study (dissertation) at Syracuse University.

I will only discuss with the researcher matters that pertain to media coverage of the case for which I am currently incarcerated. I will not be encouraged to discuss other illegal acts or personal information.

I understand that if I mention future illegal acts or are at risk of harming myself or others, the researcher is obligated to notify the appropriate authorities immediately.

I understand that my study data will be kept as confidential as possible. I understand that the researcher will assign an alias to my data and will not reveal my real name, the location of my incarceration, the nature of my crime or mention the specific media coverage of my case.

I understand that this information will be published as an academic study and may be read by the general public. I understand that my real name will not be used in the study and will not be available to the general public.

I understand that the communication between me and the researcher will last about six months and consist of writing letters to the researcher and answering questions, if I wish, that the researcher has written to me. I understand that I may stop participating at any time, for any reason.

I am giving this consent of my own free will and without promise of compensation.

I am over the age of 18 and I wish to participate in this research study. I have received a copy of this consent form.

If you wish to participate in this study, please sign below and mail to the address listed at the bottom of this letter.

Signature of participant

Date

Print name of participant

Signature of researcher

Date

Print name of researcher

Please address concerns, comments or questions to:

Principle Investigator:

Marti Cecilia Collins, PhD Candidate
S.I. Newhouse School of Public Communications
215 University Place, Syracuse University
Syracuse, New York 13244

Dissertation Advisor:

Joan Deppa, PhD
S.I. Newhouse School of Public Communications
215 University Place, Syracuse University
Syracuse, New York 13244

If you would like to contact someone other than the researchers:

**Office of Research Integrity and Protections
Syracuse University
121 Bowne Hall
Syracuse, New York 13244**

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