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Crime Stories as Television News: A Content Analysis of National, Big City, and Small Town Newscasts

By

Brendan Maguire
Diane Sandage
Western Illinois University
Sociology and Anthropology Department

Georgie Ann Weatherby
Gonzaga University
Sociology and Criminal Justice Department

Abstract

The present paper is a five-week content analysis of crime stories reported on television news. The sample consists of three nightly newscasts available on a rural, midwestern cable system. Included are nightly newscasts from a national network, a big city television station, and a small town channel. Findings from this exploratory study show that these three sources of television news differ substantially in their coverage of crime stories.

Introduction

In 1945 George Gallup asked survey respondents if they had ever seen a television in operation. Only 19 percent said that they had (Gallup, 1972:551). Things have changed dramatically. Today, about 250,000 televisions are built each day worldwide and in the United States there are two television sets per household (Macionis, 1997:135; Steinberg, 1985:85). In the average household, the television set is on nearly eight hours a day and, except for sleeping or working, watching television is the most time-consuming behavior of Americans (Perkinson, 1996; Steinberg, 1985:85). The point is that television has become a primary agent of socialization in American society, rivaling, if not superseding, the importance of the family, religion, and schools.

One reason television has become so influential is that it is the main source of information about the world. In a 1995 poll, for example, Americans were asked to indicate all the sources from which they got their news and information. Seventy-eight percent answered "nightly national news" (the most frequent source) and seventy-five percent reported "local television news" (Gallup Jr., 1996:117-118). A good share of this information deals with crime and criminals. As we shall presently see, however, there are noteworthy differences in crime reporting between national, big city, and small town television newscasts.
Television News and Crime Reporting

Media coverage of crime and justice is as old as printing (Surette, 1998:53). Historically, newspapers commonly carried stories about crime and criminals. The same was true of the radio when it became a dominant information medium. And today, millions of Americans watch television news on a daily basis and these broadcasts regularly feature crime stories (Bailey and Hale, 1998; Barak, 1994; Graber, 1980; Katz, 1986; Surette, 1998; Warr, 1995). Crime news is one of the most frequent subject areas of television news, claiming 10 to 20 percent of total news air time (Dominick, 1978; Graber, 1980). A recent examination of the local news at Chicago's three major network stations found that local news devoted 15 to 17 percent of non-commercial time to crime stories (Johnson, 1998). Crime was the number one content area of these Chicago television newscasts, followed by health and medicine at 11 to 13 percent. Moreover, the present research has found that local news programs most often begin with a crime story.

Why is crime such a popular subject in television newscasts? There are several reasons (Katz, 1986). First, crime news is relatively cheap and readily accessible. Crime stories are routine and reporters rely on regular sources such as police officials (Chermak, 1995b). Second, providing information about crime can be seen as serving a useful purpose. Viewers are alerted to dangers that they may face and are generally kept apprised of the boundaries of acceptable behavior. Third, and perhaps most pivotal, crime stories are able to capture viewer attention. Surveys repeatedly show that Americans judge crime to be a serious problem in society and are usually interested in this topic. As recently as May, 1997, poll respondents identified crime as the number one problem facing the United States (Maguire and Pastore, 1997:114). However, because most people do not personally know criminals, they rely on media portrayals for intimate details.

It is clear that television newscasts are a major source of information concerning crime in the United States. There is reason to believe that ordinary citizens tend to accept crime news uncritically. For example, 64 percent of American adults think that the press "accurately reflects how much crime there is" (Maguire and Pastore, 1996:222). Social scientists are more skeptical of the accuracy of crime reporting. Some have even argued that the media creates the social reality of crime (Barak, 1993), or at the very least, exercises significant power over the interpretation of that reality (Gans, 1980). Unfortunately, researchers have consistently found that crime reporting on television is distorted in key respects (Barrile, 1986; Chermak, 1995a, 1994; Dominick, 1978; Kappeler, Blumberg, and Potter, 1996; Shelley and Ashkins, 1981; Tunnell, 1998). One of the greatest distortions is that television news coverage of crime exaggerates the prevalence of violent interpersonal crime, while it underplays the extent of white-collar crime. Researchers agree that this pattern exists in the media in general, and in television programming (news and entertainment) in
particular. What is missing, however, is a targeted investigation of levels of television newscasts. Do all newscasts follow the pattern of accentuating violent crime? The present project, an exploratory study, provides a preliminary answer to this question by presenting findings from a five-week content analysis of television news crime reporting at the national, big city, and small town levels.

Data and Methods

Data for this study were obtained between September 23, 1997 and November 24, 1997. Between these dates, five weeks of selected television newscasts were sampled. An every-other-week schedule was adopted in order to minimize the chances of repeat crime stories dominating the reports examined.

The television newscasts that were analyzed were selected from options offered on a Tele-Communications Incorporation (TCI) cable system operating in west-central Illinois. The sample includes national, big city, and small town newscasts. The NBC nightly news was chosen because it was (and is) the highest-rated evening news broadcast. Chicago's WGN (9:00 P.M.) news was examined as representative of big city news (Chicago is the third largest city in the United States with a city population of about three million). It might be argued that because WGN is a "superstation," it is not like most big city stations. However, with regard to television news, WGN is on record as stating that the goal of its coverage "is to serve local audiences" (Kirk, 1998:2). In any event, WGN was the only big city newscast shown on the cable system used in the study. The (6:00 P.M.) newscast of WGEM of Quincy, Illinois, was chosen as representative of small town television news (Quincy's population is just under 40,000). WGEM was selected because it is the highest-rated small town news program offered on the aforementioned cable system. Plainly, it would have been preferable had the cable system included at least two representatives of each level of newscast, yet the selection of NBC, WGN, and WGEM was adequate for this exploratory work.

One newscast per day/per channel was videotaped. This means that, in theory, five weeks of taping should have yielded a total of 105 programs, 35 each for NBC, WGN, and WGEM. However, in seven instances major league baseball or professional football preempted the NBC and WGEM newscasts (WGEM is an NBC affiliate that presents local news immediately after conclusion of the national news). Hence, the sample contains 28 NBC programs and 28 WGEM programs. Thirty-four WGN newscasts were taped. The one missing WGN newscast resulted because a Chicago Bulls game went well beyond the scheduled time and the videocassette recorder was programmed for the regular time (the researchers were out of town and unable to respond to this development).

Content analysis is a research method for "analyzing the symbolic content of any communication" (Singleton, Straits, Straits, & McAllister, 1988:347). The main enterprise of content analysis is coding. In the present project over 1,200 news stories (90
newscasts) were coded. The first step in the coding operation was to identify crime stories as contrasted from all other news stories. Each crime story was then transferred to a special videotape so that these stories could more conveniently be the subject of detailed content analysis. The crime stories were then coded for type of crime: "interpersonal violence," "white-collar crime," "drug offense," or "other." Each of these content categories was defined in reference to the description or depiction of specific recording units. The interpersonal violence category included stories on bodily harm or threat of bodily harm. Mainly, this consisted of homicide, rape, assault (and/or battery), and robbery. The white-collar crime category included crimes committed by a person in the course of his or her high status occupation or crimes committed in the interest of corporations or government agencies. The third content area, drug offense, consisted of stories that treated the growing, selling, purchasing, or using of drugs. Finally, the "other" category included all the crime stories that did not fit in any of the three previous categories.

The coding was divided among two principle coders. Approximately 10 percent of the overall sample of news stories and about 20 percent of the 246 crime stories were double-coded for "reproducibility reliability" (Krippendorf, 1980:130-154; Weber, 1990:17). Intercoder reliability scores ranged from .98 for identification of a crime story to .91 for type of crime story. Problematic cases were reviewed and judged by three coders.

Results

Perhaps the most important finding from this study is that newscasts do not follow a uniform pattern in their coverage of crime stories. Significant differences were found between national (NBC), big city (WGN of Chicago), and small town (WGEM of Quincy, IL) television news programs. To begin with, in our sample we found that crime was not given an equal amount of coverage. On average, WGN newscasts broadcast about three times as many crime stories as NBC, and about five times as many as WGEM. The average frequency of crime stories per newscast was as follows: 1.67 for NBC; 4.88 for WGN; and 0.97 for WGEM. It is worth noting that the WGN 9:00 P.M. News is a 60 minutes program, while the NBC and WGEM newscasts are 30 minutes in length. Even taking this into account, WGN had the highest rate of crime story coverage. In drawing out further distinctions between level of newscast, it will now be useful to detail the types of crime most often reported.

National Newscasts (NBC)

As noted earlier, existing research shows that the reporting of crime on television news, like other media outlets, focuses especially on interpersonal violence. With regard to NBC, the present data support this finding. Table 1 shows that crime stories covered in our sample of national newscasts most frequently featured violent offenses. Fifty-five percent of NBC crime stories highlighted violent
Crime as Television News

The two crime stories most frequently reported on NBC were the Louise Woodward "nanny" case and the Marv Albert sexual assault case. Both of these cases were exceptional and sensational, and they were frequently "framed" (and reframed) in the sense meant by Peter Manning (1998). Manning argues that the media commonly show an image, for example, an image of a particular crime, and then show the image again (reframe it) in another context (e.g., a crime story might be shown at the various stages of arrest, trial, and sentencing). This was certainly the case with regard to the Woodward and Albert stories.

The nanny case centered on a 19-year-old woman from England charged with shaking to death the baby of two medical doctors. Marv Albert, a famous sports broadcaster, was charged with biting a woman with whom he was sexually involved. One of the many allegations to emerge in this case was that Albert enjoyed wearing women's underwear. The point is that attention focused on the Woodward and Albert stories not just because the acts involved interpersonal violence, but because there were sensational aspects to the cases.

<table>
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<th>TABLE 1. TYPE OF CRIME REPORTED BY NBC (N=47)</th>
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<td><strong>VIOLENCE (26=55%)</strong>: Nanny case (5); Marv Albert sexual assault case (4); Oklahoma City bombing (3); Pearl, Miss. killings (2); robbery; bicyclist kills motorist; convicted rapist pardoned; terrorist plot foiled but could have killed hundreds; assault weapons &amp; street killings; man with AIDS has sex with numerous women; Rabin assassination; Atlanta bombings; terrorism in Egypt; 11-year-old boy shoots motorists; skinhead kills a black for being black; terrorism in Germany.</td>
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<td><strong>DRUG OFFENSES (4=9%)</strong>: Mexican drug cartel; heroin use in U.S.; Olympians use of illegal drugs; heroin use in Plano, Texas.</td>
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<td><strong>WHITE-COLLAR CRIMES (11=23%)</strong>: IRS illegal tactics (2); federal government cover-up; federal government corruption; Chrysler loses lawsuit regarding defective vans; FBI unit head convicted of obstruction of justice; nursing home neglect; Whitewater crimes; mortgage scams; real estate scams; fraudulent telemarketers.</td>
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<td><strong>OTHER (6=13%)</strong>: Nuclear theft; programs for deterring juvenile crime; Iraq's germ warfare research; home repair swindles; Internet information on poison bombs; credit card fraud from stealing discarded junk mail.</td>
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Other violent and sensational crimes reported by NBC included stories on the Oklahoma City bombing; a multiple killing case in Pearl, Mississippi, in which a male adolescent murdered his mother and two school mates; and a hate crime in Denver in which a white male skinhead killed a black man for being black. The Oklahoma City, Pearl, and Denver stories were three of the most serious, and most violent, crimes covered by NBC during the five-week sample.
As noted earlier, the research literature suggests that the media tend to give little attention to white-collar crime. Importantly, this was not found to be the case with regard to NBC newscasts. In fact, 23 percent of all NBC crime reports focused on white-collar offenses. These stories included such diverse topics as Whitewater offenses; illegal tactics of the Internal Revenue Service; government "cover-ups" and "pay-outs;" unsafe consumer products; and various corporate scams.

**Big City Newscasts (WGN)**

The crime stories reported on WGN were even more likely to describe violent offenses than was the case with the national news. As seen in Table 2, 65 percent of all WGN crime reports described interpersonal violence. Many of these reports highlighted national stories. The nanny trial, Marv Albert's case, and the Oklahoma City bombing are three examples of this. However, a majority of WGN violent crime stories referred to behavior that occurred in the greater Chicago area. Illustrations of local violent offenses included the stabbing death of an elderly woman by a man intent on stealing the victim's car; sexual assault involving one female victim and four male offenders at a local college; seven killings at a suburban fast food restaurant; the beating death of an elderly woman by her daughter; the severe beating of a two-year-old for bed-wetting; and perhaps the most sensational story of all involved the torture, beating, and raping of a woman. In this case, a 24-year-old man assaulted his wife for several days. He whipped her, cutting her skin open, and then forced her to soak in a tub of salt water. She was eventually rescued when someone at the apartment door became suspicious.

**TABLE 2. TYPE OF CRIME REPORTED BY WGN (N=166)**

<table>
<thead>
<tr>
<th>Category</th>
<th>Stories</th>
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<tr>
<td>VIOLENCE (108=65%)</td>
<td>Marv Albert sexual assault case (7); nanny case (6); hit &amp; run case (6); reckless homicide (6); kidnapping (4); beating death of elderly woman by daughter (3); triple shooting/double murder (3); baby abandoned in garbage can (3); mob hit man on trial (3); bank robbery (3); Unabomber (3); husband hires man to murder wife (2); felony drunk driving by school bus driver (2); stabbing death of elderly woman (2); Oklahoma City bombing (2); Jon Benet Ramsey killing (2); armed robbery (2); sexual assault (2); gang warfare leads to shooting of a cop (2); football homecoming murder (2); attempted murder (2); serial rapist (2); convicted murderers ask not to be executed (2); child abuse &amp; neglect (2); robbery and seven killings at fast food restaurant (2); car jacking with victim shot; woman killed in her own home; armored car robbery; convicted criminals released on basis of new DNA evidence; terrorism in Egypt; Ennis Cosby killing; robbery led to killing;</td>
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TABLE 2 (continued)

hate crime in which Hispanic student beaten by black students; two-year-old severely beaten for bed-wetting; family assaulted in their own home; man stabbed then kills perpetrator; young girl shot and killed; murder of millionaire; reward offered for killer; sudden infant deaths may be killings; suspect shot by cop after car chase; felony stalking; arrest of man wanted for murder; man suspected of killing wife; retrospective on Tylenol killings; women motorists hit train while fleeing from men; D.C. gunman fires shots at random; woman assaulted by football players; Pearl, Miss. killings; aggravated assault; shooting near a school; two older boys drop younger boy from window of building; charges of terrorism dropped; wife tortured, beaten, & raped by husband; murder mystery; retrospective on Susan Smith case; stabbing; man with AIDS has sex with numerous women.

DRUG OFFENSES (8=5%): Mexican drug lord case; drunk driving; residents shut down crackhouse; drug bust of 31 individuals; news conference on DUI; drug dealer involved in car crash; routine traffic stop leads to drug bust; hostage & robbery case involving drug dealers.

WHITE-COLLAR CRIMES (16=10%): Illegal campaign fund raising (2); money missing from funds raised for Girl X (2); six companies involved in counterfeit clothes; company fraud regarding furs; IRS illegal tactics; alderman on trial for racketeering; possible consumer fraud by cable television companies; state legislators implicated in cash for grants; obstruction of justice charges; ADM price fixing case; city council member resigns amidst charges of shady financial dealings; Microsoft versus U.S. Department of Justice; elections fraud; former state representative & tollway chief indicted for illegal financial gain.

OTHER (34=20%): Elaborate burglary ring (5); reckless driving in loop (4); bootleg tapes & videos (3); reckless boat driving (2); school vandalism (2); counterfeiting ring; arson; illegal immigrant story; man flashes teenage girl; baby food scam; cell phone cloning; half-brother of Jesse Jackson sent to prison; truck smashes into building; crime investigation of bus driver; electrical blackout intentionally caused; theft of ATM cards; school burglary; pedophiles on the Internet; reckless driving; White House intruder; program to foil car theft; gambling raid; stolen car.

WGN featured a considerably smaller percentage of white-collar crimes than was the case with NBC. Only 10 percent of WGN crime stories highlighted white-collar offenses. Furthermore, the WGN sample contained only eight drug crime stories (five percent), a lower percentage of such stories than what was found for NBC (nine percent) or WGEM (33 percent).
The pattern found with WGEM newscasts differed substantially from the sample of national and big city newscasts. Only 30 percent of all crime stories reported on WGEM dealt with violence. Table 3 identifies 10 violent offenses. The killing of a four-year-old boy, the robbery of a convenience store, and an altercation leading to a non-deadly shooting were perhaps the three most serious and violent crimes reported (actually, the first story pertained to a Peoria, Illinois, case and was one of only two crime stories set outside the WGEM viewing audience).

Previous research indicates that eight percent of crime stories reported on big city news telecasts featured drug offenses (Chermak, 1997:696). Comparable results were found in the present study for national and big city newscasts, but not for the small town WGEM news. While violent crime was a far more frequent topic on NBC and WGN than on WGEM, the reverse pattern was found for drug offenses. As shown in Table 3, 33 percent of WGEM crime stories pertained to drugs, whereas the percentages for NBC and WGN were nine percent and five percent, respectively. Though WGEM showed a high rate of drug stories, the offenses reported were typically less serious than the drug crimes covered by NBC or WGN. For example, several of the WGEM drug cases dealt with marijuana or drinking and driving. On the other hand, NBC profiled a Mexican drug cartel and WGN described a drug bust in which 31 people were arrested. The point is, the drug stories on WGEM generally focused on relatively minor offenses.

**TABLE 3. TYPE OF CRIME REPORTED BY WGEM (N=33)**

<table>
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<tr>
<th>VIOLENCE (10=30%)</th>
<th>DRUG OFFENSES (11=33%)</th>
<th>WHITE-COLLAR CRIMES (0)</th>
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<td>Possible suicide (2); motorist shot; girl assists boy in occult-related suicide attempt; four-year-old boy killed by man; aggravated assault charges; possible suicide; robbery; altercation leads to non-fatal shooting of a college football player; man arrested for stalking of ex-girlfriend; sheriff's deputy charged with battery.</td>
<td>Community efforts to combat underage drinking (2); arrest for possession of controlled substances (2); arrest for marijuana possession (2); two women sentenced for drug charges; drunk driving laws; pharmacist charged with illegal dispensing of narcotics; drug dealing; smuggling drugs into prison.</td>
<td>Theft of explosives (2); check cashing fraud (2); delinquent child support payments; child pornography on the Internet; arson investigation; illegal tree cutting; property damage done by inmates; illegal disposal of leaves; program to fight auto theft; program to fight scams against the elderly.</td>
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Finally, an examination of the content category "Other" suggests that NBC and WGN might share a news selection strategy quite different from the strategy used at WGEM. NBC covered stories involving nuclear theft, germ warfare, and the manufacture of poison bombs, and WGN broadcast stories on an elaborate burglary ring, a man flashing a teenage girl, and a White House intruder. These were spectacular stories. WGEM, on the contrary, highlighted stories on delinquent child support payments and the illegal disposal of leaves. These reports were fairly mundane, at least in comparison to the NBC and WGN stories just cited. This raises an interesting question: Does the size of the news organization and its audience influence not just the type of crime story reported, but the affective nature or function of the reports? That is, are crime stories picked not just in terms of the seriousness of the offense, but for what the story has to offer to the audience?

**Discussion and Conclusion**

This study advances several noteworthy findings. Some of these points support previous research findings, while others challenge or add to the existing literature. First, while all newscasts featured crime as a staple topic, news programs varied in their attention to crime. Our sample of big city newscasts had the highest rate of crime reports, while national and small town newscasts paid less attention to crime stories. Second, in support of previous research, this project found that a high percentage of crime stories focused on interpersonal violence. This pattern was clearly less pronounced for small town news, however. Third, except for WGEM, the small town station, there was little coverage of drug offenses. This is perhaps odd because drug offenders make up an increasingly high percentage of new arrestees. In Illinois, for example, drug arrests have tripled between 1983 and 1996 (Smith, 1998). Fourth, although researchers have typically found that "news in general pays little attention to white-collar crime" (Tunnell, 1998:114), there was considerable emphasis on white-collar crime in the national news sample. However, noting yet another difference in level of newscast, white-collar crime stories were not a frequent topic in big city newscasts, and there was no coverage of white-collar crime in the sample of small town newscasts. Fifth, contrary to some popular thoughts and selected published research (e.g., Cooper, 1996), we found no evidence that television news exaggerated African-American involvement in crime. Most of the sample news reports did not offer any information about the race of the offender, but for those stories that did identify the race of offender, the results were as follows: NBC (three of 16 offenders were African-American); WGN (23 of 56 were African-American); and WGEM (zero of three were African-American).

The final finding, which is overarching in scope, is that level of newscast appeared to manifest a distinctive news strategy with regard to crime reports. Research has shown that there are important strategic differences between newspaper and television
news coverage of crime (Chermak, 1995b; Sheley and Ashkins, 1981), but here we were concerned with differences related to the level of television news. NBC and WGN show a marked preference for violent types of crime, while WGEM was much less likely to report on violent crimes and much more likely to highlight drug offenses. In the remainder of this paper, we offer a speculative but informed explanation for these findings.

As was noted earlier, all forms of media news, including TV newscasts, take an interest in crime. Kenneth Tunnell (1992) refers to this phenomenon as the "commodification of crime." Crime is such a recurring story line on television newscasts because viewers are interested in crime, and crime stories are inexpensive to deliver. One reason explaining the low expense is that police authorities are more than willing to supply up-to-date information on crimes. Crime control is widely seen, by both the police and the public, as the main job function of the police. From the perspective of the police, media crime reports dramatize why communities need police protection (although there is a danger in that some viewers might conclude that there is too much crime and that the police are to be blamed for this). It is worth noting that the police do not provide television news personnel with information on all types of crime. Typically, the most serious crimes (e.g., interpersonal violence) receive the most attention. Perhaps this meets the needs of newscasters who may believe that these stories are most likely to grab the interest of viewers. Taking these general observations as an overview, perhaps some light can be shed on the differential strategies of the three newscasts sampled in this study.

Each of the news programs has a mandate to cover a specified area. For NBC the area of coverage is the world, although most attention is focused on the United States. The main area of coverage for WGN is the city of Chicago and its surrounding suburbs, and WGEM is primarily concerned with events happening in Quincy, Illinois, and the general rural viewing area of the WGEM station. An important consideration here is the Federal Communications Commission's (FCC) "localism doctrine" which has traditionally required stations (as part of the licensing process) to meet the needs and interests of the communities in which they broadcast. Even though the localism doctrine has been relaxed in recent decades, it remains a concern of broadcasters. In fact, one study showed that between 1976 and 1992 newscasts increased their attention to local news (Slattery, Hakenen, and Doremus, 1996). This may help explain, in part, why NBC and WGN are far more likely than WGEM to air crime stories that are violent and sensational. If crime reporting focuses on the most serious crimes taking place in the coverage area, NBC and WGN probably have a daily surplus of violent offenses to choose from. WGEM has a more limited selection. This could be one reason why drug offenses (e.g., marijuana possession) received so much more coverage on WGEM than on either NBC or WGN. In a small town, a charge of marijuana possession might be the most serious offense on which to report. At the same time, this is not a complete
explanation for the differences noted above. After all, it is always possible for a television newscast to broaden its scope. This is something that WGN frequently did. Similarly, WGEM could have easily reported crimes taking place in St. Louis or Chicago (interestingly, this station routinely presented sports stories concerning teams from St. Louis and Chicago). With regard to crime, however, WGEM seldom reported stories about crimes that occurred elsewhere.

It seems likely that area focus is not a total explanation for differential crime reporting. There may be strategic differences between the newscasts. While it is probably the case that hard news, high ratings, and community service (defined broadly) would be a concern for each of the newscasts, the priorities may vary. Arguably, NBC, WGN, and WGEM may define their fundamental missions differently. Although an over-simplification, perhaps NBC and WGN newscasts were interested mainly in hard (serious) news stories and segments that promoted high ratings. Indeed, recent research shows that viewers are particularly attentive to television news messages that provoke anger and fear (Newhagen, 1998). Clearly, anger and fear are common emotional reactions to violent crime stories. But research also suggests that when fear messages are too pronounced, viewers are likely to "tune out" (Strong and Dubas, 1993). This presents a problem for small town stations. While big city viewers can temper their personal fear by disassociating themselves from what is reported to happen in "bad" areas, small town viewers are likely to identify themselves closely with the news of the community. Accordingly, small town newscasts might be more interested in promoting positive, community-oriented news.

In sum, despite sample limitations (future research should extend the analysis to other national, big city, and small town newscasts), the present study offers preliminary evidence that television crime news varies significantly by level of newscast. This general conclusion is a point not found in the present literature, which tends to lump all levels of television news together. Researchers have been critical of the media for misrepresenting the actual facts of crime; researchers too need to be careful about their representation of media reports. One size does not fit all.

References


"Just the Facts Ma'am": The Supreme Court Says "No" to Media Ride-Alongs

By

Robert Costello, M.A., J.D.
Nassau Community College
Department of Criminal Justice
rgc5000@aol.com

Frank Biafora, Ph.D.
St. John's University
Department of Sociology
biaforaf@stjohns.edu

Abstract

A recent decision by the United States Supreme Court restricting the scope and presence of the press during the execution of search/arrest warrants comes at the height of popularity of real-life crime TV. This paper explores this landmark court case within the context of our nation's voyeuristic thirst for real-life drama. Also discussed is the growing reciprocal relationship between law enforcement and the various media. While video for popular programs are often obtained at a cost of citizens' right to privacy, the authors of this paper argue that public display nevertheless plays an important function for our understanding of the criminal justice system.

Introduction

On May 24, 1999, the United States Supreme Court ruled that it is a violation of the Fourth Amendment of the United States Constitution to permit members of the media to accompany and record law enforcement officers during the execution of an arrest warrant in a private residence (Wilson v. Layne, Deputy United States Marshal, et al. 141 F. 3d 111). This was a particularly interesting case as it highlighted the inherent conflict between the First Amendment right to a free press and the Fourth Amendment's century old principles of respect for the privacy of the home. In the end the court ruled that the First Amendment does not grant reporters and photographers an absolute right to go anywhere at any time in pursuit of a story. The constitutional decision in this case, as authored by Chief Justice Rehnquist, to limit the scope of media "ride-alongs" is also important as it again sparked national debate on the boundaries and responsibilities of the media in general in our society. Today, practically every forum, whether newspapers or video games, music or movies, is under the microscope by concerned citizen groups, parents, politicians, researchers, the clergy and many others.
This paper takes a look at this historic Supreme Court case and explores the ruling's broader significance within the context of our nation's voyeuristic thirst for real-life crime drama, particularly as found in reality-based TV shows in the genre of COPS, Real Stories of the Highway Patrol, and Court TV. While some of these programs, as this latest constitutional ruling suggests, may infringe on a citizen's right to privacy, we argue that these program nevertheless play an important role for our understanding of the legal system and law enforcement practices.

To open the discussion we demonstrate how the traditional "professional model" of policing, and its more recent transformation towards a community-based approach, have served as a catalyst for many of the popular crime-related programs found on television and in film. Briefly, while the professional model of policing in the United States, which became the preferred crime fighting model during the mid 20th century, may have served to reduce political corruption and enhance public perceptions of law enforcement, over time it created a cultural separation between the police and the public. Television shows common during this era included programs such as Dragnet and Adam 12. Here, police were often viewed in patrol cars as impersonal, disconnected robots interested in "just the facts". We suggest that the recent rise in crime-based dramas like NYPD Blue, Homicide: Life On The Street, New York Undercover, and reality TV shows including COPS and Real Stories of the Highway Patrol are related to the decline of the professional model in favor of more open policing strategies, such as community policing, which include a reciprocal relationship between the media and law enforcement.

"Just the Facts Ma'am": Television during the Era of the Professional Model of Policing

There is no doubt that the media provide powerful and long-lasting images. In the United States, the public's understanding of the police role is in many ways directly correlated with Hollywood's latest crime movie or television's latest cop drama. Some citizens, when pressed to articulate the activities and functions of the police, draw upon their personal experiences and/or vicarious tales of friends, family and other acquaintances. Others, not surprisingly and perhaps not even cognizant of the origin of their knowledge, will describe the police from various crime-related media stimuli acquired over time -- (images as disparate as the calm, almost robot-like Sgt. Joe Friday to the renegade, unaccountable, and lethal Dirty Harry may come to mind.) Somewhere in the middle are those who will draw from both direct and indirect exposures. While media memories are sure to play a role in our perceptions of the men and women in blue on "Hill Street," it may also be argued that part of the public's lack of clarity of the police is partly by design -- a conscious effort by those who developed the modern day policing models. A brief look at the last century of policing philosophy will help to clarify this point.
The American models of policing have witnessed significant changes over the last century (Kelling & Coles, 1996). In many ways, these models have followed closely the approaches of policing advanced by the British, with some important exceptions. For example, whereas the commissioner of the Metropolitan Police reported to the Home Secretary (i.e., a member of the Prime Minister's cabinet) and thus was removed from London politics, in America the control over the police was municipal and widely partisan. Thus early in the 20th century, American urban police were used as adjuncts to the city's political machine, resulting in widespread corruption and dishonesty. The police in its earliest incarnation in the United States suffered from a lack of professionalization and public support. One example is a 1904 commission of the Chicago Police Department that recommended terminating all police officers and starting anew since the corruption was beyond control (Skolnick & Fyfe, 1994). Immediately following the Great Depression, reformers within the police field designed and implemented the "professional" model, also known as the "reform" model. Over the ensuing years, police chiefs like August Volmer, O.W. Wilson and William Parker argued that the police should be independent from political interference, competent through stricter training requirements, and modeled in a more paramilitary fashion (Fyfe, Greene, Walsh, Wilson, & McLaren, 1997).

Coinciding with and highlighting these top-down philosophical changes was the adoption of new technologies that would forever change the nature of policing. Two of the most significant were motorized patrol vehicles and the two-way radio (Sparrow, Moore, & Kennedy, 1990). No other inventions had a greater impact on the relations between the police and public. The shift of officers from foot and equestrian patrol to radio equipped cars began slowly. First, cars were used by supervisors and later by officers to drive to and from their beats that they had traditionally patrolled on foot. However, the use of the radio resulted in assigning one or two officers to cover areas of many square miles and still expecting these officers to arrive at a call within minutes. Reformers believed that a visible police presence in the form of motorized patrol cars would deter crime, meaning that the more times a police car passed a point, the less chance there would be of a crime occurring at or near that location.

However, a serious and often overlooked result of the use of the motorized patrol was the separation between the police officer and the public. The hierarchy of the police department thought the separation given by the use of cars was an added benefit -- fewer interactions among police and public would curtail corruption. Certain departments were more forthright by establishing rules forbidding informal contact between police officers and the general public. Within their patrol manuals instructions like "police officers shall not make any unnecessary conversation with the public" became a standard operating procedure (Sparrow, Moore, & Kennedy, 1990: 42).
The professional model of policing achieved wide acceptance as it had a number of benefits for law enforcement, including independence, professionalism, and crime control. Over time, however, this model fostered a culture in which the public would eventually question the tactics and functions of the police in their communities. This evaluation also led to a general dissatisfaction and mistrust by many of the relationship between the police and the public.

Television programs popular during the reform era were indicative of this underlying law enforcement philosophy, and they also served to reinforce the public's perception of police culture. Television shows such as Dragnet and Adam-12 portrayed officers as highly professional, detached crime fighters (the epitome of reform era policing that sought to "get the facts, just the facts") who always found the "bad guys." Former Los Angeles Police Chief William Parker, during an interview in the early 1960s, said "the television program Dragnet was one of the great instruments to give the people of the United States a picture of the policeman as he really is. It was most authentic. We participated in the editing of the scripts and in their filming. This program showed the true portrait of the policeman as a hard-working, selfless man, willing to go out and brave all sorts of hazards and working long hours to protect the community" (Skolnick & Fyfe, 1994: xi).

A Gentler Police: The Decline of the Professional Model and the Start of Reality TV

Aware of their increased insulation from the public and the growth of dissatisfaction with traditional, institutionalized patrol policies and rigid investigation procedures, law enforcement agencies throughout the United States began to dismantle the traditional professional model of policing in favor of more citizen-friendly and prevention-based approaches. But these changes did not necessarily come easily or voluntarily. Ironically, history has shown that the structured organizational controls and policies that were necessary to overcome the corruption and political influences characteristic of the spoils era (e.g., Eliot Ness and the "Untouchables") were some of the same reasons for the failures of the police in the 1960s and 1970s.

America was in the midst of reflection and socio-political turmoil in the 1960s and 1970s. It was during this cultural context that the police were responding to a Baby Boomer generation symbolized by recreational drug use and peaceful protests; a civil rights movement in search of basic and equal rights for racial minorities and women; and a society torn between patriotism and protest over the war in Vietnam. It became increasingly clear by the late 1960s that there existed a chasm between the professional police response and the public. Soon, trust in law enforcement was eroding rapidly and being replaced with a growing suspicion, frustration, and anger.

Television, music, and other forms of media at the time were a significant driving force that helped
to escort change in law enforcement policy. Horrifying images of racial beatings in the South and the violent responses of law enforcement to wartime protestors were regular images on the evening news. The music of Bob Dylan, Arlo Guthrie, and a long list of other artists turned folk lyrics into symbolic social commentary. The culmination of these events of the 1960s led to a Presidential inquiry and the now widely recited 1967 report of the President's Commission on Law Enforcement and Administration of Justice. This report recommended many changes. Among the most notable and relevant to this discussion included: 1) seeking increased communications between the police and community; 2) increasing the responsiveness of the police to community concerns; 3) fairly and objectively dealing with complaints against police officers; 4) increasing the numbers of minorities in the ranks; 5) creating mechanisms to facilitate increased citizen input to the police; and 6) facilitating community involvement on issues related to crime deterrence and apprehensions.

Some of the specific strategies that have emerged over the last 20 years to reduce the police-citizen gap have included: 1) community education campaigns; 2) community-oriented policing and problem-oriented policing; and 3) increased media collaboration and the presentation of real-life crime on prime time. Many of these newer strategies have been widely popular and successful at disseminating information and educating the public. They have also helped to increase police and citizen interactions and communication as well as decrease the mystery surrounding law enforcement. Nevertheless, as we now know, the Supreme Court has called into question the third leg of this tripod (i.e., the role of reality TV in policing).

Of the more widely recognized community education programs, some have targeted our nation's children and youth. These include the familiar McGruff "take a bite out of crime" Dog and the DARE program which is sponsored by the Office of National Drug Control Policy. Other efforts have included crime prevention seminars with the elderly and other civic groups and the coordination of voluntary crime watch groups in neighborhoods, apartments, and commercial establishments. A second strategy, which is related to community campaigns, has involved increasing police presence in communities. Officers are now commonly seen on foot and bicycle patrol. Some communities have also set up police satellite units in high-crime areas and actively work with police to alleviate social disorder. Research has demonstrated that these police-community partnerships have not only helped to reduce criminal activity in high-crime areas, but also to reduce fear among citizens, increase public participation, and spark a general optimism among community members.

A third method that has rapidly gained in popularity has been collaboration between the police and the mass media. This can be seen in the increasing number of reenactment dramas and reality-based TV shows. Some of the most popular of the former programs include Manhunter and Unsolved.
Mysteries, where crime scene reenactments are presented. Most recently, this genre has given way to real life programming where video cameras are used to capture police work in action. Some of the more common of these programs include Real Stories of the Highway Patrol and the popular program COPS.

The history of COPS in the United States can be traced to an earlier version found on British television. From January to March 1982, the British Broadcasting Company aired a documentary series entitled Police that showed at length ordinary police officers doing ordinary police functions. Creator Roger Graef believed people were fascinated to see what police work was really like because they had no idea. The show was a huge success running second only to Dallas during the three months it aired. One episode made international news as it provoked a public outcry in Great Britain. It dealt with the treatment of a woman who went to her local police station to make an allegation of rape. The show featured the interview of the alleged victim by a detective who appeared insensitive by asking tough cross-examination questions. This particular episode stirred powerful emotions and a public outcry for police education and sensitivity. Today in Britain the police are provided with sensitivity training and victims of abuse are interviewed in less hostile environments, such as counseling centers and hospitals. One could argue that such a public outcry is only possible in this type of forum since viewers become eyewitnesses, reliving and internalizing images which are hard to reproduce in a non-visual medium.

On March 11, 1989, the FOX network premiered COPS, an American version of the BBC's Police (Brooks & Marsh, 1995). The premise of the show is to follow police officers in the office, on stakeouts, on raids, on the streets, and, to a lesser extent, at home. The series focused first on the members of the Broward County (Fla.) Sheriff's Department, then moved to other locations, mostly in the United States. COPS is a four time Emmy Award-nominated series and received the American Television Award in the category of Best Reality Show in 1993. The success of the series, with its relatively low production costs, led to a proliferation of similar programs such as American Detective, FBI: The Untold Stories, Real Stories of the Highway Patrol, Secret Service, and True Detective.

So why the fascination with real life drama? Scholars and researchers from a wide range of disciplines, from sociology to biology, psychology, and philosophy, have tackled this issue. While the forums of real life dramas change, the voyeuristic appetite has remained ever present. Writing in the latter part of the 1700s, the German philosopher Friedrich Schiller argued that the human lust for gore lies at the bottom of our most ordinary pleasures:

It is a universal phenomenon in human nature that what is sad, what is terrible, and even what we dread captivate us with an allure in itself irresistible. We find the sight of misery and horror repugnant and yet with the
same force we feel ourselves drawn to it. This excitement expresses itself even more vividly in the case of objects actually observed. Think of how immense a procession of people accompanies a criminal to the scene of his torments! This need must accordingly be based on the original disposition of the human mind and must be explicable by some universal, psychological law (Hinderer, Dahlstrom, & Vonschiller, 1993: 1).

The authors of this paper suggest that reality TV, in addition to being entertaining, has helped to reduce the distance between the police and the public. Furthermore, these types of programs have given law enforcement in the United States an openness and accountability to the viewing public. Reality TV ensures that the behaviors of the police are on target with society’s values and norms, as was demonstrated in Britain’s highlighted case involving the female rape victim. But, as quickly as reality TV has gained in popularity, the High Court has ruled that the collaboration between the media and police may have crossed over the boundaries of the Constitution. What follows is a case analysis of the recent Supreme Court decision eliminating media ride-alongs and the recording of police raids in private residences.

Case Analysis

At 6:45 AM, on April 16, 1992, a team of United States Marshals and Montgomery County Police officers executed a search warrant and entered the home of Charles and Geraldine Wilson. The purpose of this action was to apprehend Dominic Wilson, the son of Charles and Geraldine Wilson. Dominic had violated the terms of his probation, which had been imposed as a result of prior felony convictions on charges of robbery, theft, and assault with intent to rob.

Charles and Geraldine were still asleep when the officers entered the home. Charles ran into the living room to confront the officers, and the police, believing Charles to be Dominic, subdued him while Geraldine watched in a nightgown. After confirming Charles was not Dominic and conducting a protective sweep, the police left the house.

This may sound like an ordinary execution of a search warrant. However, one vital fact must be mentioned: a reporter and a photographer from The Washington Post accompanied the team. The US Marshals invited the pair of reporters to accompany them as part of a media ride-along policy. Here is how media ride-alongs usually work. Police inform the news media of their plans, usually on a confidential basis, in advance of a raid or execution of a warrant. The media then accompany law enforcement officials and record the event, giving the media dramatic material while also giving publicity to the police.

During the execution of the warrant in the present case, the photographer took numerous pictures while the reporter observed the confrontation between the police and the Wilsons. Neither reporter was involved in the execution of the warrant. The Wilsons sued the US Marshals who executed the arrest warrant.
and the Montgomery County Sheriff's Department under federal law (42 U.S.C. § 1983), contending that the officers' actions in bringing members of the media to observe and record the execution of the warrant violated the Fourth Amendment.

The Fourth Amendment to the United States Constitution states "the right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation and particularly describing the place to be searched and the persons or things to be seized." The protections afforded by this amendment may be traced to England, where in 1604 the observation was made that "the house of every man is to him as his castle."

The warrant obtained by the marshals did not mention the reporters nor was their presence an aid to its execution. For example, the Court has ruled that when the police enter a home under the authority of a warrant to search for stolen property, the presence of third parties for the purpose of identifying the stolen property is constitutional.

The District Court denied the officers' motion for summary judgment, a motion to dismiss the case. The Court of Appeals declined to decide whether the officers' actions violated the Fourth Amendment, but ruled the officers were entitled to qualified immunity, an action that holds employers responsible for any judgement against employees. The Supreme Court ruled against the police, maintaining that such a media ride-along violated the Fourth Amendment. The police filed a brief containing three central arguments, each of which the High Court summarily dismissed. This dismissal came despite the fact that twenty-four news organizations sided with law enforcement officers and filed with the court a "friend-of-the-court brief," expressing that the news media were critical in providing a "watchdog role" for the public and serving as protectors, not violators, of the Constitution.

The police argued in this case that the reporters from The Washington Post served a number of legitimate law enforcement purposes during their raid. Specifically, the police argued that the presence of third parties could lessen police abuses and protect suspects as well as the safety of the officers. The Court has ruled in the past that it is reasonable for law enforcement to videotape themselves in raids as a type of "quality control" effort. However, the Court wrote that media ride-alongs are much different. The reporters were working on a story for their own private purposes, meaning their presence was not for the protection of the police or the Wilsons. For example, the Court mentioned that the photographer retained the film and thus would not help the police monitor their own actions.

Next, the police argued that the presence of members of the media could help publicize the government's efforts to fight crime and provide accurate reporting on law enforcement activities. The
Court agreed with the importance of the press in informing the public about the administration of criminal justice. However, the Court ultimately reasoned that the possibility of good public relations for the police does not weigh enough by itself to justify the ride-along intrusion. In addition, the need for accurate reporting on criminal justice issues has no relation to the constitutional justification for the police intrusion into a home.

Last, the police argued that discretionary latitude regarding media presence should be permissible so long as it might "further their law enforcement mission." The Court ruled that media ride-alongs may further law enforcement goals in a general sense; however, it is not the same as furthering the purpose of a search. The Court said that such generalized law enforcement objectives cannot "trump" the 4th Amendment because it would result in a watered down version.

In sum, the Court drew a bright line distinction, ruling that it is not appropriate for police to bring anyone inside the home who is not necessary for the police to make an arrest or to conduct a search. Outside the home, in areas which are visible or accessible to the public, the Court ruling implied that the media could continue to observe police activities.

**Conclusion**

Is the historically symbiotic relationship between police and the makers of reality TV shows forever changed by the Court's unanimous decision? The producer of *COPS*, John Langley, says it will be business as usual at his program. However, experts predict shows like *COPS* will have to alter their practices. Prior to the ruling, production and camera crews would accompany police through an entire raid and then obtain releases or permission from relevant individuals in order to use the footage. Under the new ruling, producers of reality TV, in order to go along with police inside a home, would have to obtain permission from the homeowner prior to the raid; so much for the element of surprise!

In certain respects the Court's decision was not surprising. Rather, it was the next logical step in this rather complex issue. Some critics claim that an early tip to the media about the impending raid on the Branch Davidian compound in Waco, Texas, also alerted cult members and increased casualties. In addition, in early 1999 a federal judge in New York ruled against a "perp walk," another longstanding tradition in which the police parade a suspect in front of media cameras, saying this practice served no legitimate law enforcement function.

The reality TV and police relationship was well-intentioned, but ultimately ran head on with the United States Constitution. Both the reality TV creators and police have benefited from their symbiotic relationship. The producers received real life drama that resulted in high ratings and high
revenue from advertisements with little financial overhead for the production of such shows. In addition, the police received free publicity, demonstrated how intense and dangerous crime fighting can be, and perhaps regained some public trust in the process.

A quarter century ago Egon Bittner observed that the police were one of the best known government institutions, yet were one of the least understood by the public they were meant to serve (Bittner, 1974). Efforts such as reality TV have done a great deal to reduce this police/citizen knowledge gap. Only now producers must struggle to balance entertainment value with the final word of the Supreme Court. This is the challenge for the next generation of policing shows: to further the knowledge of policing without trampling upon constitutional safeguards.

References


Endnotes

1 Changes include going from the "progressive era" to the "reform or professional model" and to the current era of "community or problem solving policing". These efforts are detailed in many accounts (see Brown, 1981; Goldstein, 1990; Guyot, 1991; Peak, 1997; Radelet & Carter, 1994).

2 Roger Graef received unprecedented permission to record the actions of the Metropolitan Police.

3 The federal government and many local law enforcement agencies have begun to develop and implement ride-along programs with local media outlets.

4 In September, 1999 Attorney General Janet Reno announced that former Senator John Danforth will head a commission to investigate the activities of the FBI during the Waco, Texas standoff.

5 The "perp walk" has been a part of the local police and media culture and is something defense attorneys have railed against for years.
The Consequences of Language: A Review of *Random Violence: How We Talk about New Crimes and New Victims*  

By  

Tony R. Smith  
Saint Anselm College  
Department of Criminal Justice

Review of *Random Violence: How We Talk about New Crimes and New Victims*  
Author: Joel Best  
Publisher: University of California  
Year: 1999

According to the latest Federal Bureau of Investigation statistics, a violent crime occurs every nineteen seconds in America (Federal Bureau of Investigations, 1998). Despite perfunctorily advising readers to digest this information with caution, an indelible impression is stamped in our minds — that violent criminal victimizations are inevitable; that it is just a matter of time before we become a grim statistic ourselves; and that we are witnessing the decline of western civilization right before our very eyes. Are you still incredulous and in need of more compelling evidence? Check out the newspaper headlines and stories being aired on national television. Just think for a moment about the recent pandemic of school shootings, the multitude of serial killers, innumerable satanic cultists, countless child snatchers, insatiable NAMBLA members, sexual predators, Bloods and Crips, celebrity stalkers, carjackers, home invaders, Halloween sadists, disgruntled employees on shooting rampages, drive-by shooters, pistol-packing kids, freeway shooters, criminals motivated by hatred, and the growing army of remorseless evildoers out there, somewhere, waiting to claim more innocent victims. This catalogue of horrors and villains validates an objective reality for most — the world is a dangerous place because violent victimization could happen to anyone, anytime, and anywhere.

Joel Best's central thesis is that words, language, and ideas are important and consequential. At this critical juncture in history, how we currently talk about crime (e.g., the introductory paragraph to this review essay) is damaging because it warps our understanding of the problem. Because this type of public discourse shapes our beliefs, it can only hamper society's ability to address the causes of these social problems in a meaningful way.

*Random Violence* begins by identifying common linkages among a mishmash of social problem claims that have emerged within the past two decades. This is no easy task, but the author persuasively argues that most "new crimes" are presented as acts of "random violence" because, quite simply, it has broad appeal.
Despite the obvious political differences between liberals, conservatives, feminists, fundamentalists, and others, "the frightening imagery of random violence can be tailored to fit almost any ideological agenda", and, more importantly, avoids any discussion of sticky race or class issues (Best, 1999: 22). After all, the very term implies that violent crimes are all too common and senseless events that are the sure signs of social deterioration. In response, Best systematically presents evidence and arguments to the contrary. First, most acts of violence are not governed by a democratic process since differential risks of violent victimization exist. For instance, the empirical literature suggests that violent crimes disproportionately claim more male victims than females (except for rape), more poor victims than the affluent ones, more blacks than whites, and more urban dwellers than rural residents. Second, violent incidents are generally not pointless or senseless. Focusing on the most sensational crimes conceals the ordinary motives for much violence such as jealousy, money, power, prestige, and saving face. Finally, the author argues that increases in violent crime have been greatly exaggerated. In fact, small declines in violent victimization rates reported by the National Crime Victimization Survey since its inception support this contention.

Much of the book analyzes the various social, historical, cultural, and institutional conditions, factors, and forces that give life to many social problem claims. Naturally, this raises a number of theoretically interesting questions. For instance, how are specific events (incidents) transformed into social problems (typifying instances) in the first place? Though claims are commonly assumed to originate with activists, some social problems are manufactured by the media as well. The freeway violence scare of the mid-1980s is a prime example of a social problem invented by the media. Two unrelated freeway-shooting incidents in a single weekend caught the media's attention because, as the author asserts "journalists have a rule of thumb: the third time something happens, you have a trend (Best, 1999: 31)." As macabre as it may seem, the press waited in eager anticipation for another shooting incident in order to capitalize on an emerging social problem. Undeniably, fierce competition exists between news organizations to be the first in reporting a trend but how far are members of the press willing to go? Sometimes extraordinary efforts are taken to secure lead coverage. For example, the pressure to report groundbreaking news prompted the Los Angeles Times to prepare a feature article on freeway violence as a nascent social problem several weeks before another incident even occurred.

However, media coverage alone is not enough to sustain interest in a particular social phenomenon and as a result many "new crimes" simply fade away. Social problem claims must garner support from other social sectors to achieve the ultimate form of legitimation, that is institutionalization. The author identifies four social sectors - mass media, activists, government, and experts - primarily responsible for sustaining this interest.
Theoretically, each social sector interacts with the others to create an institutionalized outcome. Presented in an intuitively appealing matrix format, "new crimes" generally offer mass media novel stories to report, activists new issues to maintain interest in a broader social movement, government a chance to conspicuously respond to threats against the public's interest, and experts an opportunity to ply their knowledge. The mass media offer publicity for activists, government, and experts alike. Other connections, not mentioned here, brilliantly illustrate the reinforcing links that benefit the four social sectors in the promotion of new crimes." When the links among the social sectors remain intact, then the probability of achieving an institutionalized response increases.

Several chapters are devoted to describing the parallel rise of "new victims" associated with "new crimes." Within the past twenty-five years an astounding number of "new victim" categories have been created. For instance, Americans now speak about victims of drunk driving, stalking, bullying, sex addiction, eating disorders, elder abuse, spousal rape, date rape, acquaintance rape, hate crimes, post-traumatic stress disorder, codependency, credit card dependency, and sexual harassment, to name a few (Best, 1999: 95). Why has there been an explosion in victim categories in recent history? The author suggests that the increased awareness and concern for victims is a function of historical events that have shaped contemporary attitudes. In particular, social movements fighting for the rights of the elderly, children, prisoners, mental patients, animals, blacks, women, homosexuals, disabled, and others have drawn attention to victims. Within this same period the victims' right movement was gaining significant ground among various institutions, and the ranks of the helping professions began to swell. Taken together these historical developments have generated the contemporary ideology of victimization. The author argues that the constellation of themes underpinning the victimization ideology invariably grants an assortment of "new victim" categories, no matter how farfetched they might truly be. For example, as one theme suggests, all claims should be respected because denying legitimacy could have devastating consequences (e.g., secondary victimization). In the era of political correctness, the nearly unchallengeable (or rarely challenged) themes of the victimization ideology allow "new victim" claims to proliferate.

Social problems inevitably call for social policies. Again, how we talk about crimes, victims, and policies has a number of consequences. Best devotes an entire chapter to America's generalized preoccupation with declaring war on social problems (e.g., drugs, poverty, crime, cancer, inflation, etc.). The war metaphor is particularly attractive for politicians because, quite simply, it is powerful rhetoric. Our leaders rely on this strong metaphor in order to create support for their social policies; however, there are two primary reasons these policy agendas are bound to fail. First, the war metaphor frames the issue in deceptively simple terms. "The melodrama of the war metaphor, its insistence that
social problems can be understood as a straightforward struggle between good and evil, constrains discussion of alternative policies (Best, 1999: 156)." Second, the war metaphor invites unrealistic expectations of total victory within a relatively short period of time. In the best of cases, effective social policies make modest improvements over an extended amount of time. When the war is neither completely triumphant nor short in duration, then support for the campaign eventually wanes. The social problem, however, remains.

The final chapter examines four connections between new social problem claims and well-established claims. First, new claims tend to rely on available cultural resources with successful track records. There is an intimate familiarity in the use of language, rhetoric, orientations, and tactics employed by advocates for new social problem claims. Second, social problems that have achieved a recognized status generally pass through three stages: classification (naming the phenomenon as a distinct problem), domain expansion (employing inclusive definitions), and diffusion (problem spreads geographically and temporally). Third, social problems adopt (and sometimes modify) orientations in order to force people to think about issues in a certain manner. Finally, social problem claims are often linked to history. For example, concern over certain social problems, such as gangs, may wax and wane or get repackaged as another related issue (e.g., drug panics that repeatedly shift the focus of attention from one drug to another).

Random Violence is a magnificent contribution to the social construction of social problems literature. Joel Best skillfully weaves connections among a diverse set of social problem claims, employing a truly interdisciplinary approach. The lucid analysis draws upon an impressive range of resources to support the central thesis that language is consequential. The language we select to talk about social problems shapes the way we think about and subsequently address society's problems. Effectively tackling our problems demands that we first come to terms with how we talk about them.

References


Endnote

1 Part of the opening paragraph utilizes an effective rhetorical technique, frequently employed by journalists, activists, academicians, politicians, and others promoting a social problem, explicitly designed to "distort in order to disturb" (Best, 1999: xv). This author wishes to acknowledge that much suffering and human misery does indeed occur, and that the sardonic subtext is not indicative of any callous insensitivity toward the plight of real victims.
Adding to the Story of What We Know About Capital Punishment: A Review of Women and the Death Penalty and Deathquest

By

Charles S. Lanier
University at Albany
School of Criminal Justice

Women and the Death Penalty in the United States, 1900-1998

Author: Kathleen A. O'Shea
Publisher: Praeger
Year: 1999

DeathQuest: An Introduction to the Theory and Practice of Capital Punishment in the United States

Author: Robert M. Bohm
Publisher: Anderson Publishing
Year: 1999

Law professor Leigh B. Bienen from the Northwestern University School of Law recently reviewed nine books written about the death penalty (Bienen, 1999). Two more recent capital punishment tomes - Women and the Death Penalty in the United States, 1900-1998 by Kathleen O'Shea and DeathQuest: An Introduction to the Theory and Practice of Capital Punishment in the United States by Robert M. Bohm - were published too late to be included in Professor Bienen's article.

Both books are within the ambit of Bienen's review in that they focus on capital punishment. Will they "play a decisive role, introducing new facts and energy into the old debate over the morality and justice of capital punishment in the United States at the turn of the century" (p. 770)? "Perhaps," as Bienen muses in her review, "it is enough that these authors tell us some part of the story of where we are now in terms of capital punishment in the United States, and how we got there" (p. 754). Both O'Shea and Bohm meet that criteria in their books, albeit with different degrees of success.

Not surprisingly, most of the research on the death penalty focuses on men, who make up the majority of death-sentenced prisoners. As of April 1, 1999, men accounted for 98.6 percent of the prisoners on death row in the United States (NAACP, 1999). One author who has written about females and the death penalty, though, is Victor L. Streib (see Streib 1990; 1992; 1998; 1999), and he is now joined by Kathleen O'Shea. One of her stated goals in Women and the Death Penalty is to refocus our attention to the plight of women on death row, who she describes as "terribly isolated, invisible, and alone" (p. xix).

Women and the Death Penalty in the United States, 1900-1998 begins with a brief, fairly general chapter on the "History and the Execution of Women,"
and then moves to a state-by-state treatment of women and the death penalty. Each of these 30 jurisdictional-specific chapters follows a similar format: (a) a short history of the death penalty in that particular state, (b) some other relevant capital punishment issues (e.g., "judicial override" in Alabama; "racial bias" and "jury selection" in Georgia; "clemency" in Texas), and (c) profiles of the women who have been sentenced to death. As such, this book reaches for insights into the criminal justice system and the economic, social, and interpersonal factors that influenced the lives of women on death row.

According to O'Shea, "[T]he main purpose of this work is to put a human face on the death penalty" (p. xvii). She attempts to accomplish this task by including, in her state reviews, personal information collected from women imprisoned on various death rows around the nation. This information is the most appealing aspect of the book. O'Shea offers personal vignettes of a wide variety of women sentenced to death, including one of the most celebrated – "pickax murderer" Karla Faye Tucker (pp. 343-345). O'Shea notes that "Karla will also be remembered for sparking a worldwide debate over redemption and retribution" (p. 343). Lesser known condemned women, like Ohio's "beautiful blonde killer" Ana Marie Hahn (pp. 282-283), Louisiana police officer Antoinette Frank (pp. 194-196), North Carolina's "Lil Devil" Christa Gall Pike (pp. 325-326), and Florida serial killer Aileen Wuornos (pp. 129-131), also provide interesting and worthy media for the human face.

On the downside, one exasperating aspect of this book, which can be found primarily but not exclusively in Chapter One, is the carelessness with which sources are treated. In numerous instances, works are mentioned in the text -- and at times even directly quoted -- yet are neither referenced in the text nor listed in the Bibliography (e.g., Denno, p. xv; Wells, pp. 6-7; Radalet [sic], p. 19; ABA, p. 21). In other instances, authors are cited in the text, yet have been left out of the Bibliography (e.g., Benavid, 1996, on p. 18; Bright, 1995, on p. 25; International Commission of Jurists, Human Rights Quarterly, 1997, on p. 25; Carelli, 1998, on p. 28). As with the data in individual state chapters, statistics and figures also appear in the text from time to time, wholly without reference to any source.

Moreover, a feature of the book that should have been developed in greater detail was an explanation of O'Shea's attempts at arranging meetings with death row prisoners (e.g., how she made contact, how she explained her research to the women, etc.), her frustration with the various prison authorities (e.g., was she ever offered any explanation for delayed or truncated visits, was she singled out for such treatment or was such behavior common with all death row visitors, etc.), and her actual encounters with these death-sentenced females (e.g., were the visits stilted, were the women ever reluctant to disclose certain events in their lives, etc.). Rather, she devoted only two paragraphs to these problems in the
Preface to the book (p. xviii). This material could have been written up profitably in a separate "methodology" section of the book, along with a discussion of O'Shea's data sources and data collection strategy. Additionally, including failures as well as successes in getting interviews would have been a valuable addition to the manuscript.2

More importantly, though, is the fact that there is no concluding chapter to the book. After Chapter 31 - "Virginia" - the book moves immediately to Appendices A through E, all of which appear without any source notes (Does all the information in the various Appendices come from the Death Penalty Information Center, U.S. Department of Justice, various printed historical sources, or an ABC News Special Report titled "Women on Death Row"?3). A number of issues could have been addressed by the author in a final chapter. For instance, the author might have used a final chapter to discuss more thoroughly an important issue she raised in the Preface: "To fully understand the history of women in our criminal justice system, we need to look at women who have been given the death penalty and at the circumstances surrounding their sentencing and deaths" (p. xii). Also, O'Shea never tells us why we should care that women are sentenced to death in contemporary society. After all, it is a criminal justice event that occurs infrequently.4

A final chapter also could have presented information on some of the current cases in which women are charged with a capital offense and where they are located. Are there any federal cases in which women have been charged with a capital crime, now that the Antiterrorism and Effective Death Penalty Act of 19965 expanded its reach? Why do some states send women to death row, while others apparently do not? What are the policy implications raised by this book, if any, and how might they be confronted? What direction should research on women and the death penalty take in the future? Finally, will additional research help the plight of women on death row? This is one of the book's more serious shortcomings - it lacks any sense of direction. Rather, it just ends, abruptly.

At base, O'Shea's attempt to explore each jurisdiction's execution history, and the women who await being killed by the state, is an ambitious one. It is realized, in part, due only to the brevity of the treatment she affords readers in the book. In that regard, this book has relatively little utility as a criminal justice or legal text. While the general subject matter, or even selected portions of the text (e.g., some of the more ample "biographies" of women currently on American death rows), are valuable for stimulating discussion in the classroom, on the whole this book is not recommend as "required reading" for most classes.

Instead, Women and the Death Penalty in the United States, 1900-1998 might best be considered as a point of departure for a more thorough and scholarly research undertaking. In short, it might be used safely as a reference, of sorts, for inspiring further
research on women and the death penalty. Of course, it could be useful in select courses, like "Women and Crime," yet it must be employed carefully in light of the shortcomings noted above. The book may be most useful, though, to the lay reader who wants to know more about capital punishment in America. The personal stories and state historical overviews are both interesting and easily readable, and, as such, may actually help O'Shea realize the "human face" she longs to produce for women on death row. Had some of the shortcomings noted above been addressed, and had a copy editor been more attentive, this book would have provided a much greater contribution to the field. A revised edition would benefit from these suggestions.

Deathquest, on the other hand, strives to be a textbook (i.e., according to The American Heritage Dictionary of the English Language [New College Edition, 1980: p. 1332], "[a] book used as a standard work for the formal study of a particular subject"). Bohm is careful, though, to warn readers of any potential bias in his text when he writes in the Introduction: "I believe it only fair to admit that I am an opponent of the death penalty.... However, as I do in my classes, I will present in this book, as best I can, both sides of all issues. I will let the reader decide whether I have succeeded in the effort and interpret what I write in light of my biases" (p. xiv).

The initial four chapters to Deathquest can best be described as fairly straightforward reportage on the history and jurisprudence of the death penalty in the United States. Chapter One presents a history of the death penalty from colonial times up until 1972 when the Supreme Court declared in Furman v. Georgia that the death penalty was unconstitutional as then administered in the United States. Chapter Two organizes and examines Supreme Court rulings from the 19th Century (and later) challenges to the method of execution (e.g., Wilkerson v. Utah; In re Kemmler; Louisiana ex rel. Francis v. Resweber) up through Furman, the Gregg-cases which re-authorized capital punishment in 1976 (e.g., Gregg v. Georgia; Jurek v. Texas; Proffitt v. Florida), and finally the later cases in which the Court attempted to "fine tune" the administration of the death penalty (e.g., McCleskey v. Kemp [race discrimination must be shown in individual cases]; Pulley v. Harris [no constitutional requirement for proportionality review of a death sentence]; Herrea v. Collins [actual innocence no "bar" to execution].)

Chapter Three focuses on the death penalty at the Federal level. This chapter includes a review of both U.S. Government and U.S. Military capital punishment laws, procedures, and a history of executions ("Neither jurisdiction has executed anyone under post-Furman statutes - yet, together, they have made many more crimes death-eligible than has any of the states" [p. 68]). The fourth chapter looks at the various ways in which the death penalty has been discharged throughout history (e.g., hanging, firing squad, electrocution, lethal gas, and lethal injection). Chapter Four also explores the evolving "cruel and unusual punishment" standard that has been
used to determine the constitutionality of the various methods of execution.

The next five chapters in Deathquest move the discussion into more contentious territory, presenting "arguments and counter-arguments employed by proponents and opponents of the death penalty" (p. xiv). Chapter Five confronts the issues "head on" by tackling the issue of general deterrence - one of the most argued points in the death penalty debate - even though it no longer is an important rationale among supporters of capital punishment (p. 84). The costs associated with having a death penalty, as well as the issue of incapacitation, is Bohm's focus in Chapter Six. He discusses the matter in a logical manner, pointing out that incapacitation can be accomplished by either executing convicted capital murderers or sentencing them to life without possibility of parole. After reviewing all of the extra costs associated with capital punishment, and the rationales underpinning these considerable expenses, Bohm muses "whether the death penalty is worth the extra cost" (p. 119).

Chapter Seven is concerned with miscarriages of justice in capital cases. Bohm exposes readers to research suggesting that not only are innocent people sent to death row, but some actually have been executed as well. Among the information presented are the various sources of failure - "errors prior to trial" (e.g., shoddy investigation by police; eyewitness misidentification and perjury by prosecution witnesses; guilty pleas by innocent defendants) and "errors at trial" (e.g., quality of legal representation at trial) - which can result in a wrongful conviction. This chapter further explores the issue of capital counsel and then briefly touches on the "Illusive Hope of Clemency" (p. 137).

Hard on the heels of the discussion about miscarriages of justice comes Chapter Eight which looks at arbitrariness and discrimination in the administration of the death penalty - the potentially fatal bacilli thought disposed of by the Court in Furman. Chapter Eight first explores the sundry sources of arbitrariness (e.g., post-Furman statutes that justify arbitrariness; jurors' misunderstanding or underestimating their sentencing obligations; Supreme Court rule changes; problems in determining murderous intent; availability/use of plea bargaining; the appellate courts), and then discusses several types of discrimination (e.g., social class, gender, age, race) implicated in the administration of capital punishment. Chapter Nine examines "retribution," which "appears to be the primary basis of support for the death penalty in the United States" (p. 169), and "religion," where "a majority of the people in the United States who profess a religious belief...support capital punishment" (p. 177).

The final chapter in Deathquest offers a review of public opinion toward capital punishment, including a section on "why American death penalty opinion is important" (p. 187). Chapter Ten begins with a look at the history of death penalty opinion in America. The author next explores current death penalty opinion polling, with special emphasis on empirical research
designed to test the "Marshall Hypotheses" (i.e., that the American populous knows little about capital punishment and its application in the United States, and that support for the ultimate penalty would plummet given an informed and knowledgeable public), which arose from the opinion written by Justice Thurgood Marshall in Furman. Bohm concludes Chapter Ten with a brief look at the future of death penalty opinion in America.

Deathquest is not a "casebook," where lengthy excerpts from actual court cases are printed for readers. Nor is it a one-sided examination with an intentional bias or a covert agenda. Rather, it is a helpful, scholarly examination of the history, issues, research, and conduct of capital punishment in America. Moreover, from the outset, Bohm provides a common foundation for reading and logically discussing the information he subsequently presents. For example, in the chapter on deterrence, Bohm sets out the integral terms ("general," "specific," and "special" deterrence) and provides definitions for each. In most other instances, he also takes studious care to clarify and define the terms he uses in the book (e.g., "super due process" p. 26 & p.109; "brutalizing effect" p. 94; "statistical significance" and "sampling error" p. 98, n. 15; "incapacitation" p. 103; "innocence" pp. 125-126; "arbitrariness" and "discrimination" p. 143; etc.).

Deathquest is well-organized conceptually, and is a thoroughly instructive and brilliantly written text in which Bohm has done a splendid job of footnoting and referencing his research materials. Additionally, questions at the end of each chapter offer a guide for informed discussion, papers, and/or further research. Deathquest is made for the classroom, or any other instructive forum, and it provides valuable information for students as well as their instructors. On the whole, the book is balanced. For example, Bohm offers criticisms of research that shows the death penalty has no deterrent effect. He also is careful to include both sides of the various issues he confronts in the book. After reading Deathquest, one can fairly conclude that Bohm attains his goal of presenting a balanced, scholarly textbook on the practice of capital punishment in America.

References


Cases Cited

In re Kemmler, 136 U.S. 436 (1890).

Endnotes

1 The use of the word "state" to describe the various chapters is a bit inaccurate because they include the Federal jurisdiction as well.

2 In the Preface, O'Shea notes that: "...lawyers who represent women on death row often caution them against speaking to anyone, lest they jeopardize their appeals. In writing this book I had several experiences with such lawyers who threatened me with everything from subpoenas to jail" (p. xvii). This type of information would have been an invaluable addition to the book in a separate chapter on the methodology.

3 This report can be found at: http://abcnews.go.com/sections/us/deathrow/deathrow_women.html.

4 According to Victor L. Streib, an authority on women and the death penalty: "Women account for about one in eight (13%) murder arrests; ...only one in fifty-two (1.9%) death sentences imposed at the trial level;
...only one in seventy-seven (1.3%) persons presently on death row; and ...only three of 540 (0.6%) persons actually executed in this modern era. In sum, women are unlikely to be arrested for murder, extremely unlikely to be sentenced to death, and almost never executed” (1999).

5 Pub.L. 104-32, Tit. IV-B, § 413(f), 110 Stat. 1269.

6 States that currently have a death penalty, but are excluded from the text, are: Colorado, Kansas, Montana, Nebraska, New Hampshire, New Mexico, Oregon, South Dakota, Utah, Washington, and Wyoming. Because O’Shea includes "[o]nly states that gave women the death penalty" in her book, it must be presumed that the 11 states noted here have not sentenced any women to death, at least since 1900 (p. xii). Whether this is an accurate reflection of the capital punishment traditions in these states is an interesting question, and, if it is true, why has the death penalty been administered in such a singular fashion?
German sociologist Max Weber believed that bureaucracy represented the tragic theme of modernity. For Weber the rationalization of work was tragic because the benefits of bureaucracy (such as increased efficiency) also came at a cost (including the stifling of creativity within such organizations as well as their frequent inability to address exceptional individual cases). Alex Cox's 1992 film Highway Patrolman (or El Patrullero in Spanish) is far removed from Weber's Germany of the former century, but it provides one example of Weber's "iron cage of bureaucracy." The film is an elegantly bleak portrayal of one patrolman's attempt to address individual cases within the context of Mexico's national highway patrol bureaucracy, and the patterned injustice of a corrupt law enforcement regime that is informed by and reproduces social inequality.

Pedro Rojas (played by Roberto Sosa) begins the film as an idealistic young police cadet. In several early scenes, Cox foreshadows the ongoing moral dilemmas Rojas will face as an officer. Trainers use him for personal chores, and Rojas is once reprimanded after failing to open a car door for a well-to-do trainer's wife on a shopping spree. We also witness Rojas being taught by superiors that the first thing a highway patrolman should do when encountering motorists is to stop them, and then afterward figure out what the charge against them should be. These latent lessons in bureaucratic inflexibility, absolute authority of the police over citizens, and their translation into everyday injustice are apparent as Rojas is taught that, regardless of circumstances, all citizens have already broken the law.

After becoming an officer, Rojas is assigned to a northern border district. He is issued a brand-new patrol car, and he is ready to reap the rewards of his training and professionalism despite his early experiences. When he has difficulty fining emotional and impoverished motorists, when he refuses to accept the bribes of others, and when he ultimately fails to meet his department's ticket quota, he is reassigned to the "pig route," an even more difficult assignment with which to show professional competence. The escalating material demands of his growing family (Rojas marries a woman who he meets on patrol and they
quickly have a child together), on the one hand, and
his increasing professional disenchantment, on the
other, slowly lead him to personal and professional
corruption, as Rojas begins accepting bribes for
transportation permits and seeking personal escape
through involvement with a drug-addicted prostitute.

The Faustian bargains that Rojas begins to
accept soon make clear the tragic content of the
story. Rojas accidentally crashes his new patrol car,
and while waiting for its repair, he is assigned
another one that barely meets safety standards. While
on routine patrol, he is shot in the leg by drug
smugglers. Immediately after the shooting, his father,
who expressed his disapproval of his son's career
choice by refusing to see him, comes to Officer Rojas
in a vision, telling his son that he is now crippled
for life. Rojas eventually receives medical
attention, but, ironically, he learns that his
disappointed father has died the very night he himself
was shot. While one could easily interpret these
events as karmic payback for Rojas's choices, the
irony of a once noble individual, joining a corrupt
force and battling corruption, is driven home by the
senseless murder of his fellow officer and friend,
Aníbal (played by Bruno Birchir), who is killed while
pursuing drug smugglers.

Now morally corrupt, physically disabled, and
unable to change the system that defiled him, Rojas
begins devising a Robin-Hood-like scheme to help the
poor by stealing drugs and drug money from smugglers.
He returns the prostitute with whom he has become
involved to her family to clean up, but she threatens
to return to prostitution unless Rojas helps her
financially. Although his appropriation of contraband
goes temporarily unnoticed, Rojas decides to resign
after avoiding near detection of his theft by his
superiors. Near the film's end, Rojas begins giving
his former prostitute a regular cash allotment from
his stash of funds and starts a new career by helping
his wife with her farm business. While transporting
laborers to the fields, the movie's final scene shows
Rojas driving past a road sign that reads "Paying
Taxes is Participation."

The film's finale seems to enforce its overall
fatalism, reminding viewers that all of Rojas's
attempts at agency within the system, and now outside
the system, cannot stop it. Cox's film indicates that
Weber's "iron cage of bureaucracy" comes in many
forms, including governmental, legal, judicial, and
political. Like Weber, Cox seems to be critiquing the
inescapable nature of such bureaucracies. In this
story Officer Rojas cannot be a hero because the
system he joins directs his actions. On the other
hand, even when Officer Rojas abandons the bureaucracy
and his position, Cox indirectly notes that the
effects of these bureaucracies will continue well
beyond the departure of the individuals personally
involved in their day-to-day maintenance.

Cox presents a concrete, contemporary example of
how Weber's ideas can be applied to illuminate the
complex relationships that exist between
bureaucracies, socially structured inequality, and the
pursuit of justice in one criminal justice system. The film might be particularly useful for instructors who teach courses on the sociology of corrections or law enforcement and who could combine its viewing with a brief introduction to Weber's ideas. Also, as a cross-cultural example of corrections and law enforcement, an instructor could ask students to consider if the issues presented in the film are at all similar to those faced by police officers in the United States.
The Circumlocutions of Public Relations, Legitimization Crises, and Community Policing: A Review of The Politics of Community Policing

By

John D. McCluskey
Michigan State University
School of Criminal Justice

Review of The Politics of Community Policing
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The federal government has played an active role in stimulating the growth and popularity of community-oriented policing (COP) through grants from the COP office in Washington, DC (Rankin, 1999). At the same time the President has regularly invoked the COP image in speeches. It has become the popular solution to various problems, embodying an ostensibly new approach to handling old problems. Indeed, in the book The Politics of Community Policing, Reed argues that "true" COP is a departure from the legalistic policing that accompanied the movement towards police professionalism.

A decade ago, scholars preached caution and skepticism at the notion of police moving towards the COP ideal. Some doubted police restraint in directing community opinion, fearing that the COP ideal might be employed to achieve inappropriate ends under the rubric of working for the community, and questioned the ability to determine who represents a community (Mastrofski, 1988). Others expressed concern that COP would be no more than a set of "circumlocutions" that wrapped a tarnished occupation in new images (Klockars, 1988). This latter argument summarizes COP as a new public relations ploy. Media coverage of the aggressive COP strategy in New York City, for example, is conflicted over its impact. On one hand, serious crimes have been reduced by more aggressive police action. Rates of citizen complaints, however, appear to have increased with the implementation of COP (Willing, 1999).

Wilson Edward Reed's book The Politics of Community Policing attempts to shed light on how COP was implemented in one large urban area. The stage is set in Washington's Seattle Police Department, where Reed adopts a "case study" approach to the development of COP between the years 1985 and 1993. Reed uses newspapers, primary and secondary source documents, and interviews to inform his discussion of COP in Seattle. He initially provides an overview of COP and then takes critical aim at the term "community" and some of the assumptions of COP. The author then moves on to explain the three frameworks he will adopt in trying to decipher COP in Seattle. These include legitimization processes, urban political processes, and micro-organizational processes.

A history of COP is offered by Wilson, and he holds the Seattle model up against the scholarly
ideal. The author skips his theory and data on page 30 and gives us a preview of his conclusion:

None of the above [referring to the necessary ingredients for COP] existed in Seattle, and public involvement was also limited. There were police-community liaisons in every precinct, but the activities were directed by the police. The bottom line is that it was not community policing as espoused by scholars. Therefore, in Seattle during the period of 1985-1993, the mayor's office and the police department, in consultation with the South Seattle Crime Prevention Council (SSCPC), fashioned a variant form of community policing...This was a bastardized version of the philosophy of true community policing (30).

This observation would appear to support the skeptical scholars' concern that COP would be diverted for purposes that best suit the police.

The third chapter is, in my opinion, the author's most valuable contribution to our understanding of COP. Herein he interprets the events of 1985-1993 as a mechanism for the legitimization of the police department. As such, the department presents a nominal change, in the form of a "bastardized" COP program, to co-opt resistance and increase its ability to maintain social control through community institutions. The Seattle Police Department is viewed through the prism of two COP efforts. The first is an effort to divert the community's attention from the impending Rodney King verdict. The police take great pains to "get in touch" with the community through a "Community Outreach and Youth Appreciation Week." This is described as an effort at "subtle social control," and as a success in the improvement of police-community communication and, hence, the legitimization of the police.

The second example used to illustrate COP in action involves the implementation of a "Weed & Seed" program. This program was met by stronger community resistance as expressed through newspaper stories by local newspaper columnist Dick Lilly, who questioned whether this was a vehicle to harass black teens, as well as by a group called The Mothers Against Police Harassment. Ultimately, Reed concludes that:

Obviously, the Seattle Police Department was subtly involved in the politics of community policing, and Seattle's version of community policing had both social control mechanisms and public relations components. The ostensible purpose of these public relations schemes and race relations programs was to placate local community leaders, neighborhood organizations, business leaders, and police officers into police-driven strategies that have limited community support and involvement (69).

Chapters Four and Five analyze urban political processes and micro-organizational processes as frameworks for understanding the events of 1985-1993.
Reed charts the political struggle between elites, who are naturally drawn to side with the police, and the residents of the Central District. This allows Reed to explore the opinions of the individuals that resisted COP as well as the contours of internal and external forces that shape the politics of community policing. One insight the author offers is that police are more willing to listen to the elites because they are asking for the least internal change.

In his conclusion, even after finding that COP in Seattle was a bastardized version that aimed at maintaining the power and efficacy of the police as a social control mechanism, Reed maintains optimism that as researchers expose the gaps between rhetoric and reality, better social control structures can be obtained. I am an optimist, but in examining the competing internal and external pressures that Reed charts within this tome, I am doubtful that anything BUT a bastardized and compromised form of COP can result.

**Legitimization and Popular Culture**

A book focused on COP is not a topic I would have considered for review in JCJPC. Perhaps that is why I am not one of the editors. Once I received *The Politics of Community Policing* and had read about half of it, I realized why this book is appropriate for JCJPC. Community policing is part of the popular culture. A search of major newspapers with Lexis-Nexis revealed 399 "hits" for the term "community policing" within the six months considered. This amorphous term has crept into our discourse on crime and stealthily covers a variety of police practices. However, the popularity of the term is not necessarily accompanied by a corresponding common interpretation by different audiences.

To put COP in its pop-culture perspective, I propose the following questions: Is COP the Seinfeld of criminal justice (i.e., meaningless, but artfully packaged)? Or, is it The Simpsons of criminal justice (i.e., superficially crude, yet complex and well thought out)? Overall, I interpret Reed's work as an affirmation of COP as more Seinfeld than The Simpsons—doing little of substance, but packaging it to get good ratings.

One is reminded of Rothman's (1980) *Conscience and Convenience* and the tensions between doing something good and doing something expedient. We are living history, and it is likely that we are repeating mistakes of the past. Scholars need to poke their collective heads above the rhetoric and establish the hard facts of what is occurring within the social control apparatus on a daily basis. That COP is done in good conscience is not a substitute for the fact that the implementation is likely to be one born of convenience. That tension is what led a phalanx of scholars to openly doubt the promise of COP a decade ago. We cannot easily drop our guard.

I would recommend Reed's work for those interested in COP as a panacea since it offers a study of the conflicts that occur when implementing such
changes. I found the chapter on legitimization processes to be especially thought provoking. While I disagree with some assertions and interpretations, the author produced a concise case study of COP in Seattle.

References


Rankin, B. (1999, June 8). A salute to community policing; Area law enforcers, federal official praise COPS grants. The Atlanta Journal and Constitution, p. 2B.
