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Newsmaking Criminology, Policy Making, and Popular Culture: Reflections from the Margins

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When Frank Wilson invited the “featured speakers” to the Third Annual International Crime, Media and Popular Culture Studies Conference for this year, he highly encouraged us “to explore the potential policy influence of media and popular culture studies in criminology,” especially if we thought we could “make the nexus” between these. Frank’s invitation also noted that our presentations could deal with our “previous research, current research and/or point toward future research.” Accordingly, my presentation today will attempt to envelop each of these undertakings in the context of what Jeff Ferrell, Mike Presdee, and others might refer to as “auto-ethnography.”<sup>i</sup>

In the first two parts, I reflect on the marginal statuses of newsmaking criminology, public criminology, and media criminology from the perspective of the person who first coined the term or introduced the idea of doing “newsmaking criminology” back in a 1988 article first published in *Justice Quarterly*.<sup>ii</sup> In the third part, I refer to some of my more recent collaborative newsmaking research that disproved the so-called *CSI* effect in relation to juror decision-making and to the consequences of a *CSI* myth effect in criminal trials.<sup>iii</sup> In the final part of this presentation, I sketch out an overview of a “comprehensive” agenda and framework that researchers of media, crime, and popular culture might want to pursue in their future investigations of the interplay of theory and practice.

## MEDIA, PUBLIC, AND NEWSMAKING CRIMINOLOGIES

From a comparative perspective public criminology is as old as the discipline of criminology. That is to say, there have always been a small number of criminologists willing to come into the public and/or political arena to educate and refute the popular notions or stereotypes of crime and justice. Newsmaking criminology, by contrast, is a little more than two decades old and is also practiced by a small number of criminologists who have historically engaged in public criminology by way of newsmaking. Finally, media criminology or the study of the interaction of media and criminology is less than a decade old.

Today, whether or not criminologists are thinking in terms of media criminology, public criminology, or newsmaking criminology, those who do are referring to those interactive offline territories and/or online virtual landscapes where politics, criminology, public policy, and mass media converge in the everyday world of hyperreality where social reality and cultural simulation blur the boundaries between fiction and nonfiction. While there are differences between these criminologies, there are also overlapping similarities between them. For example, Ian Loader and Richard Sparks, authors of *Public Criminology?*<sup>iv</sup> have recently pointed out in *Criminology & Public Policy*, “One should note that the term ‘public criminology’...connects with and takes up themes that Gregg Barak and others have been developing for some time in their work on ‘newsmaking criminology’.”<sup>v</sup>

More importantly, I would point out that newsmaking criminology has been informed by Jurgen Habermas’ overly determined public sphere with its too idealistically formed public opinion and by Marshall McLuhan’s rather spot on “the medium is the message.” Newsmaking criminology has also been informed by its attempt to invest in the production and distribution of newsworthy crime and justice as these coincide with the mass mediated processes of hegemonic and oppositional discourse articulated by Antonio Gramsci and Stuart Hall in their respective analyses of the relations between encoding and decoding messages. Closer to home newsmaking criminology had originally borrowed from what Alvin Gouldner in his 1976 book, *The Dialectic of Ideology and Technology*, described as doing “newspaper sociology” or participating in the public sphere and in the social struggle over “what is” and “what should be done” about things.

As Gouldner argued: “Since the latter comes to be defined as grounded in the former, political struggle increasingly takes the form of contention among competing versions of reality, through mutual understanding of adversary versions of reality, and by the development of articulate ‘methods’ or epistemologies as rhetorical recommendations for the versions of reality offered.”<sup>vi</sup> Similarly, and effectively underscored by John Hagan, who in his 2010 book, *Who are the Criminals? The Politics of Crime Policy from the Age of Roosevelt to the Age of Reagan*, argues that the study and practice of “crime and justice” policy making is all about framing and reframing the discourse—political, economic, and cultural.<sup>vii</sup>

At its core, newsmaking criminology is a part of the framing and reframing of ideas about crime and justice. These frames, cognitive and collective, may be as different as career criminals, selective incapacitation, or community efficacy, yet as Hagan says, each frame represents “the narrative conceptual devices [that] academics, politicians, and policymakers use to advance their ideas about crime and its control.”<sup>viii</sup> From this perspective, it is the participation in the conscious struggles to reframe the ideas about crime and justice that sets newsmaking criminologists apart from other public criminologists. In other words, it is not merely a matter of “going public” with criminological knowledge. In addition, as it pursues an “agenda-setting” or “claimsmaking” of

its own, newsmaking criminology involves a subversive type of objective activism that cuts across the conventional divide between dominant and alternative narratives.

I also contend that newsmaking criminology has more in common with media criminology and public criminology than media criminology and public criminology have in common with each other. This is the situation because the praxis of newsmaking criminology turns out to be, among other things, one application, if you will, of mediated or media criminology. I further contend that these intersections or reciprocal relations within mediated criminology provide ample openings or opportunities for criminologists to conduct and disseminate “research on crime, law, and deviance in dialogue with affected communities” as a means of narrowing the “ yawning gap between public perceptions and the best available scientific evidence,”<sup>x</sup> and in the process to un-distort the mass representations of the dominant modes and tropes of crime and criminal justice found in the production and distribution of news and entertainment.

In essence, this concept and practice of newsmaking criminology draws on the conscious efforts and activities of criminologists to influence or shape the presentation and representation of “newsworthy” items about crime and justice in public, private, and professional discourse. It is not really about the number of appearances that criminologists make versus the number that state managers make on cable, prime time, and op ed pages alike, or in the blogosphere,<sup>x</sup> but rather it is a matter of the substance (e.g., text, image, or sound) that is pursued or represented during those transmissions. More specifically, newsmaking criminology refers to those processes whereby criminologists use both mass and network communication to interpret, inform, and alter the images of crime and justice, criminals and victims for the purposes of changing the practices and policies associated with these actions and reactions.

In this regard, newsmaking criminology has the potential to be less restrained and civil than public criminology and yet it includes, but moves well beyond, engaging communities in public dialogues on matters of civic importance, to the point of producing and distributing “newsworthy” material on crime and justice for a variety of consuming audiences, online and offline. At the same time, newsmaking criminology may be both an “object” and a “subject” of the newsworthy narrative or it may be simply the subject of the story. In brief, both forms of newsmaking criminology have a role to play in the framing and reframing of ideas on crime and justice.

## INTERVENING WITH PUBLIC POLICY THROUGH NEWSMAKING CRIMINOLOGY

Let me begin by framing my remarks and by emphasizing that I do not believe that newsmaking criminology or public criminology will ever be more than marginal practices within the multidisciplinary fields of criminology. Furthermore, to have a desired impact, such as changing the mediated realities of the distorted representations as well as the misguided policies of crime and justice that are often based on these socially constructed realities, is a long shot at best and an impracticality at worst because, unfortunately in the United States and most other places, crime and its control are primarily politically rather than empirically driven phenomena. Nevertheless, I believe that these types of intervening criminologies may be usefully exploited in the political struggle to reframe the discussion. When selectively employed, in the course of carrying out the intersecting activities of criminological theory, evaluation, and criticism rather

than as some kind of separate and distinct branch of criminology, these types of newsmaking and newsworthy projects serve minimally to resist and perhaps alter the hegemonic frames and dominant meanings that shape public policies of crime and social control.

With respect to the overlapping roles of education and of refuting the myths and inaccuracies associated with various crime and justice practices in general, and in terms of when these images and texts were still being transmitted through the “old” mass media and into public perceptions, I edited two volumes of original research to address these matters. The first book was published in 1994, *Media, Process, and the Social Construction of Crime: Studies in Newsmaking Criminology*, and the second was published in 1996, *Representing O.J.: Murder, Criminal Justice, and Mass Culture*. In terms of newsmaking criminology, each of these anthologies served to educate scholars and students alike to the mass mediated production, dissemination, and reception of crime and justice images and texts. In terms of illustrating the connections between media depictions and popular culture, both of these books wanted to help reframe or reorient classroom discussions and scholarly examinations of crime and justice, especially as these were related to the intersections of class, race, and gender.

At least one fundamental distinction between these two projects was that *Studies in Newsmaking Criminology* was geared toward understanding the mediating processes of crime and criminal justice construction over time, and across entertainment and news genres alike. *Representing O.J.* was geared toward examining and presenting the representations of class, race, and gender as these revolved around the mediated news coverage of the Simpson double murder trial. The O.J. book also sought to not only reflect a myriad of multidisciplinary lenses, including those from anthropology, law, sociology, criminology, and psychology, but it also purposely sought out to hear from a small plurality of black, white, male, and female voices.

During the development, editing, and writing of the O.J. reader, I also had been fortunate enough to secure a rather rare opportunity for doing newsmaking criminology in the context of the all-important “power of the narrative.” I make reference to my relatively uninhibited radio commentary throughout the nine-month criminal trial of O.J. Simpson in 1995. These broadcasts aired live twice weekly at 6:40 A.M. as a part of the regular daily programming on 107.1 FM radio in Ann Arbor, Michigan. In less than three weeks of air time, I went from outside criminologist and professor of criminal justice to Kool radio’s very own expert on O.J. that you “can hear live on the Lucy Ann Lance and Dean Erskin *Morning Show* each Tuesday and Friday morning” as the commercial promo played to its listening audiences several times a week. Or in the words of Stuart Henry, I was no longer the newsmaking “criminologist as expert” or even as “educative provocateur,” but rather, I had become the newsmaking criminologist as “expert commentator.” In this capacity as a criminological mediatizer, I was not only able to share the knowledge bases from criminology, media and cultural studies, and the behavioral and social sciences more generally, but I was also able to forge an analysis of crime and justice that explored the identities of class, ethnicity, and gender—statuses or categories that most everyone in the listening audience could personally relate to.

In the wider context of a more fully extended analysis of media, crime, and intellectuals, and grounded in a Gramscian approach to the dialectics of mass communications and bourgeois capitalism, allow me to share why I believe that newsmaking criminology is worth the time and energy of those who are so inclined as to intervene in the production and distribution of mediated knowledge about crime and justice. Let me also comment just a bit on why I think that

newsmaking criminology can be viewed as organically linked to popular culture's views on crime and justice and to the informal and formal processes of policy-making.

First, in the daily social constructions of the wired world of information, instant messaging, websites, texting, and the blogosphere, the interdependent roles of mass and network communications are central to the contradictory relations of hegemonic domination. Thus, the prevailing and the alternative views, images, texts, and oral representations of crime and justice or of law and order—in literature, audio, video, or digital communications—are all integral to capitalist accumulation, legitimation, and repression.

Second, the overlapping arenas of mass and network communications today represent an essential means of contemporary social and political struggle. On the one hand, the state apparatus to manage and mitigate the consequences of the widening conflicts and contradictions of monopoly and multinational global capitalism, often uses mass media. For example, “disinformation” campaigns are an obvious illustration of the way in which state-mediated conceptions of official reality are used to misrepresent everyday reality, whether we are talking about police news dispatches that are released daily or about the semi-annually distributed reports by the FBI in the USA that track and disseminate the magnitudes and rates of street crime while remaining conspicuously silent about suite crime.

On the other hand, in opposition to the prevailing political and cultural hegemony of the mass media, there are the alternative social media and networked communications. Carried out by a myriad of struggles on behalf of the poor and the working classes, women, people of color, homosexuals, and other powerless groups, as well as by the opponents of domestic and sexual violence, nuclear energy and environmental destruction, not to mention those advocates who support a variety of peacemaking projects in general and in relationship to restorative justice, punishment, incarceration, and community re-entry in particular, these efforts all challenge existing power relations of hierarchy, privilege, and inequality.

For example, in the up to the minute revolutions that have and are occurring in the Middle East today, we have all become aware of the critical role that digital and network communication has played in its relation to opposing, resisting, and when successful reframing the mainstream or state-controlled propaganda. In the case of Tunisia there was Ms. Husaini who oversaw a handful of bloggers who gathered information about the mounting protests for *Global Voices*, a volunteer-driven organization and platform that works with bloggers all over the world to translate, aggregate, and link to online content. As she has explained, as part of their reporting, the site turned to Facebook, YouTube, and Twitter, where other bloggers and hundreds of ordinary people stepped into the role of citizen journalists and shared their experiences, cellphone photos, and videos online.

In terms of practice, linking up with these social movements and other concerned citizens in this age of global communication, whether in the streets, in virtual reality, or both, have become crucial avenues in which newsmaking criminologists can ply their trade, so to speak. In sum, working with those people involved in the various struggles for justice allows newsmaking criminologists to help shape the alternative discourse, language, and representation of crime and justice, and potentially the policies that are ultimately adopted by societies in their evolving and reconstructed “fights” against crime, inequality, and injustice.

## MEDIATIZED RESEARCH AND THE MYTH OF THE *CSI* EFFECT

Let me now turn to another kind and more recent example of newsmaking criminology and to what became a conscious effort by a judge and two criminologists to debunk the false notions of the so-called *CSI* effect, at least as these are alleged to pertain to juror decision-making in criminal trials. In the communication studies traditions of “receptor analysis and audience decoding” as well as in the newer cultural studies traditions of “media loops and spirals,” I refer to the mediatized research conducted by Judge Donald Shelton, Professor Young Kim, and myself and to the sequential publication of four co-authored articles that appeared respectively in the *Vanderbilt Journal of Entertainment and Technology Law* in 2007 and 2009, in the *Journal of Criminal Justice* in 2009, and in *Court Review* in 2011.

Our examination of the impact of *CSI* type programs on courtroom behavior has focused its attention on the high tech and media saturated world of reality TV dramas and to the linking of their cultural images and representations to some of the litigating exchanges and confusions circulating throughout criminal adjudication and crime control in the United States today. In trying to assess the cultural-technological interactions involved in the reciprocal relations of the mind, physicality, social constructionism, virtual realism, and the TV viewing habits and decision-making of nearly 2100 jurors awaiting criminal litigation, we examined one of the many claims about the impact of the criminal justice buzzword or idiom of the last decade. I am referring of course to that omnipotent and all encompassing mantra, “the *CSI* Effect.” This short phrase not only includes multiple concepts and definitions allowing people to pick and choose their meanings as they like, but in the process it also casts a wide shadow of misunderstandings. For one prominent illustration from the world of academia, take the blurb on the back of the cover of Dennis Stevens’ *Media and Criminal Justice: The CSI Effect*, published in 2010. This book,

illustrates how media coverage and television programs influence the public’s perception of criminal justice. Fiction is often mistaken for reality, and this phenomenon called the *CSI Effect* adds to the assumption that all criminal cases can be easily solved through the employment of high-tech forensic science, as depicted on television crime shows. More than 400 prosecutors assist in explaining the *CSI Effect’s* influence, which reinforces America’s troubled wars on crime, junkies, poverty, and immigrants, while also producing a greater tolerance of official misconduct and an increase in wrongful convictions.

If most or even some of these claims were a product of “the *CSI* effect,” there would certainly be need for awareness of these and perhaps even need for changes in the way “procedural justice” conducts some of our rules of criminal evidence, which is not to argue that changes in this area of the law are not needed. As it turns out, the power of mass media and of mediatized meanings of the *CSI* effect are far more complex than the overly determined zeitgeist implied by Steven’s book jacket. Yes, studies have revealed, for example, that most prosecutors believe that the bar has been raised to secure a jury conviction without the presence of physical evidence, and that criminal court judges generally agree with prosecutors on this point.<sup>xi</sup>

However, defense attorneys also believe and will make the case that the *CSI* effect has lowered the bar or made it easier to secure a criminal conviction.<sup>xii</sup> The fundamental problems with the projections found in Stevens' analysis and with those of the prosecutors, judges, and defense attorneys alike, are the manifested inadequacies of the assumed one-to-one causal relations between television viewing and juror decision-making, on the one hand, and the failure to focus any attention on the power and activities of these audiences/jurors to accept, negotiate, or reject those texts and images as reel and/or real representations of crime and justice, law and order.

Leaving all of the journalistic accounts and anecdotal courtroom stories aside, my colleagues and I conducted the first empirically based examinations of juror decision-making in two Michigan jurisdictions. While the "data showed that jurors had increased expectations for scientific evidence and that in cases based on circumstantial evidence, jurors would be more likely to acquit a defendant if the government did not provide some form of scientific evidence," as in rape cases, the "data also showed no significant correlation between those expectations and demands and whether the jurors watched *CSI* or similar programs on television."<sup>xiii</sup> In other words, we discovered that the so-called *CSI* effect had no effect on whether or not jurors decide to convict or acquit a defendant, whatever the circumstances.<sup>xiv</sup>

At the same time, although the empirical evidence demonstrates that there is no direct *CSI* effect on juries to convict or not, this does not mean that both prosecutors and defense attorneys will not continue to alter their conduct during voir dire and opening and closing statements as if the alleged *CSI* effect did, in fact, exist. Accordingly, as prosecutors and defense attorneys continue to litigate as though the *CSI* effect on juror decision-making is real, my colleagues and I continue to argue about the epiphenomenal aspects of the so-called *CSI* effect or to what has become a *de facto* *CSI* effect based on the emerging and developing litigation narratives of criminal prosecutors and defense attorneys.<sup>xv</sup>

These narratives, however, are not derived from the general public mistaking fiction for nonfiction or reel justice for real justice. Rather, these narratives are based on the contradictory misperceptions of emotional and overly invested prosecuting and defending attorneys. In fact, as our research demonstrates, it turns out in this high tech-legal world in which jurors and laypersons reside, that they are more legally sophisticated and tech savvy than the members of the criminal bar give them credit for. In other words, jurors could and did distinguish between the forensic frenzies of physical evidence connected to culprits on prime time television and the type of evidence that they required in reaching verdicts of guilty or innocent in various criminal trial scenarios. At the same time, our research confirms that contemporary jurors do, in fact, expect more *CSI* type of evidence. However, whether physical evidence materializes or not at trial does not influence their decision to convict or acquit. Thus, when it comes to juror behavior and the acquittal or conviction of criminal defendants, the *CSI* effect is indeed a myth. Nevertheless, like many other myths circulating around and throughout the criminal justice system and society at large, the *CSI* myth effect can also have real consequences.<sup>xvi</sup>

To begin with, it is these members of the criminal bar, especially prosecutors and judges in collaboration with the news media, that have largely manufactured the *CSI* effect in terms of juror decision-making.<sup>xvii</sup> That is to say, prosecutors, judges, and defense lawyers, as well as other law enforcement agents, firmly believe in or ascribe to the "strong prosecutor" version of the *CSI* myth. For example, survey research of prosecutors, defense attorneys, and judges demonstrates that 79 percent of these legal actors perceive that the *CSI* effect is real and that forensic-based television programs have influenced jury decisions.<sup>xviii</sup> Similarly, research has

also demonstrated that the projections of “the *CSI* effect,” based on either their own perceptions of jurors’ alleged behavior and/or by actually watching these shows for themselves, have altered prosecutors and defense attorneys own behaviors during evidentiary evaluations, voir dire, opening and closing arguments, and cross-examination of expert witnesses among others.<sup>xix</sup> In turn, this has led prosecutors to introduce “negative evidence”<sup>xx</sup> suggesting to jurors that the public taxpayers cannot afford to perform scientific tests,<sup>xxi</sup> or to ask judges to instruct jurors that the production of scientific evidence is not necessarily part of the government’s burden of proof.<sup>xxii</sup> Thus, the myth of the *CSI* effect becomes courtroom reality for the jurors at least insofar as “the *CSI* effect” is reflected in the trial behavior of the courtroom actors, if not necessarily in juror decision-making or even in popular culture.

In terms of this nonlinear myth effect or of our indirect-effects model of mediated adjudication and its policy-making implications for both conceptual and research issues, let me say a couple of things: First, from the perspective of newsmaking criminology, our research has also supported a weak, rather than a strong, prosecutor effect. In other words, legal actors’ belief in the *CSI* myth has had real consequences in their courtroom arguments and cross-examinations of expert witnesses and, in all likelihood, will continue to do so, regardless of whether these criminal attorneys learn that the “*CSI* effect” on jurors’ decision-making does not exist.<sup>xxiii</sup> This is the case because courtroom-trial behavior and juror decision-making are not the results of watching *CSI* or similarly based television productions. Nor are these criminal adjudications or juror decisions the product of mass media per se or technological development per se, acting alone or even together. But rather, these changes in contemporary criminal adjudication and in real world courtroom dramas are the product of the mediated interactions of the *CSI* myth, mass media, and technological advancements. Second and related to the first point, are the failures of criminal attorneys for the state or the defense not only to appreciate the reciprocal or indirect-effects of legal adjudication, popular culture, and mass media on juror decision-making, but also to escape from their overly determined adversarial analyses of justice that tend to attribute judicial outcomes or causality to one of four sets of legal actors—prosecutors, defense attorneys, judges, or jurors—rather than to the adjudicative reality that always consists of the formal interactions occurring between all four of them.

However, when it comes to the value and importance of forensic science in courtroom litigation and with the very real technological developments and cultural challenges that are posed in the early 21<sup>st</sup> century, there are a host of significant public policy issues, such as those associated with the new forensic gold standard—DNA testing—and from the U.S. Supreme Court rulings in what has become known as the *Daubert* trilogy of legal cases.<sup>xxiv</sup> For example, in terms of the federal rules of evidence and the gatekeeping role of trial judges to determine which forms of scientific evidence are appropriate for consideration by the jury, the 1993 Supreme Court decision in *Daubert vs. Merrell Dow Pharmaceuticals* in conjunction with two subsequent court rulings in 1997 and 1999<sup>xxv</sup> superseded *Frye v. the United States* from 1923. These cases taken together held that under Rule 702 “when faced with a proffer of expert scientific testimony,” the “trial judge must make a preliminary assessment of whether the testimony’s underlying reasoning or methodology is scientifically valid.”<sup>xxvi</sup>

The point is that the Court made it clear that the focus is on the principles and methodology of the scientific proposition and not on the proffered conclusions. However, at least two related problems in the implementation of these new rules of expert evidence/testimony are still prevalent more than a decade later. First, I refer to those many jurisdictions across the



United States that have not adopted *Daubert* and are still operating under the 1923 *Frye* ruling concerning what exactly constitutes legal expertise. Second and perhaps even more telling, with respect to those courts across the nation that are trying to come into the 21<sup>st</sup> century, was the recent examination by the National Research Council of the National Academy of Sciences on the use of forensic evidence in criminal prosecutions under *Daubert* and its findings that concluded:

The report finds that the existing legal regime—including the rules of governing the admissibility of forensic evidence, the applicable standards governing appellate review of trial court decisions, the limitations of the adversary process, and judges and lawyers who often lack the scientific expertise necessary to comprehend and evaluate forensic science—is inadequate to the task of curing the documented ills of the forensic science disciplines” [as these play out especially in criminal litigation].<sup>xxvii</sup>

Before moving on to the final part of this presentation, I will make one last effort to capture or to tie together public policy, the current state of forensic science in criminal litigation, the value of empirically based newsmaking research, and our technologically as well as culturally informed analysis of the so-called *CSI* effect. From the moment that the first of our articles was simultaneously published online and in print on March 5, 2007, these research findings went “viral” in the digital and media worlds—appearing in newspapers, magazines, professional newsletters, and National Public Radio—thanks, in part, to our deliberate decision to accept one of several offers from various law journals to publish this demystifying article in the *Vanderbilt Journal of Entertainment and Technology Law*, and, in part, to the serendipitous response of the scholars at the *Empirical Legal Studies Blog* who it so happened had connected our research findings to the pending jury deliberations of the Lewis Libby trial that would ultimately convict him of perjury for his role in helping to expose or out CIA agent, Valerie Plame.

In fact, according to the Social Science Research Network, by May 2, 2011, the first of our articles on the alleged *CSI* Effect had been downloaded 817 times, 385 downloads in the past 12 months, maintaining its position as one of the top ten downloaded under the administration of criminal law category. Not unrelated to the downloads and/or legal media coverage I am sure, and as part of an *amicus* brief filed on December 6, 2010, in support of the petitioner by the National Association of Criminal Defense Lawyers, the National College for DUI Defense, and the New Mexico Criminal Defense Lawyers Association before the U.S. Supreme Court, our article was cited in *Donald Bullcoming v. the State of New Mexico*. Needless to say, we were pleased to learn that our research in some small way was being used in the context of trying to make Constitutional law that would guarantee a petitioner’s right to scientifically test the validity and reliability of the state’s forensic evidence against him or her.

Finally, in terms of “newsworthiness”: After nearly five years of media coverage of our newsmaking excursions into the myths and the realities of the *CSI Effect*, it should be noted that this coverage cannot be separated from the fact that one of my colleagues on this project is a

prominent member of the criminal bar and a Circuit Court Judge with a recently minted Ph.D. in Judicial Studies and the 2010 book, *Forensic Science in Court: Challenges in the 21<sup>st</sup> Century*. More generally, the continued newsworthiness of our research cannot be separated from the commodification of popular culture's fascination with new technologies, crime and criminals, and the functioning of the administration of justice in society.

For example, earlier this year a website funded by NIJ's Office of Justice Programs appeared with the title: "CSI EFFECT THEORY: That's television. This is a courtroom."<sup>xxviii</sup> Central to the resources of this five-part, 29 minute interactive video is once again our *CSI*-based research on juror expectations, whose home page website enticement reads as follows:

**Are television crime dramas influencing proceedings in the real-life courtroom?** This interactive website provides officers of the court with the latest research on the CSI Effect theory and observations from trusted experts throughout the justice community. View the videos below and gain new insights into the effects these popular TV programs may be having on today's juries. And gain strategies you can employ to ensure deliberations in your proceedings are based on forensic science, not science fiction (boldface in the original).<sup>xxix</sup>

#### AN INTEGRATED APPROACH FOR DOING POLICY RELATED RESEARCH ON MEDIA, CRIME, AND POPULAR CULTURE

As I have argued elsewhere, the literature, research, and analyses of media, crime, and justice—traditional and critical—are not as well developed as they should be both in the areas of entertainment and news. That is to say, criminologists and other researchers of crime and justice have not applied let alone exhausted all of the key analyses of mass communication to media criminology. With regard to the newest and fastest growing arenas that are encompassing the areas of online mediatizing and social networking, to date there has been virtually no criminological work or analysis to speak of.<sup>xxx</sup> To say the least, this is a serious research omission in an age of the Internet, in an age of digital and cellular communication, and in an age where the medium is truly the message.

Accordingly, in terms of both the older and newer forms of mediatizing crime and justice and its interdependent relation with the development of consciousness, culture, and society, it is important that students and scholars of crime and justice appreciate that the interaction of mass and network communications are simultaneously comprised of at least seven spheres of overlapping interaction that are fertile grounds for future research. These include: (1) mediated messages, (2) networks of institutions, social relations, and ideas, (3) intercourses of democratic speech, (4) processes of semiotic communication, (5) hyperrealities, (6) manufacturing consents of the powerful, and (7) rapidly expanding information technologies. Taken all together, either one-by-one or integrated into some kind of whole, these ideas from such cultural and media studies luminaries as Marshall McLuhan,<sup>xxxi</sup> Antonio Gramsci,<sup>xxxii</sup> Jurgen Habermas,<sup>xxxiii</sup> Stuart Hall,<sup>xxxiv</sup> Jean Baudrillard,<sup>xxxv</sup> Edward Herman and Noam Chomsky,<sup>xxxvi</sup> and Manuel Castells,<sup>xxxvii</sup> on the structure, role, and importance of differing aspects of mediatized

communication establishes a useful, multi-dimensional framing for studying and understanding the relations of crime, media, and popular culture.

Moreover, to facilitate the research and study of the “old” and “new” media involving the interactions between entertainment, news, and online in relation to crime, justice, and popular culture, it is proposed that a layered and multidisciplinary approach incorporating the vast body of communication knowledge works well with the three tiered methodological approach used by sociologist Thomas Streeter in his 2011 book, *The Net Effect: Romanticism, Capitalism, and the Internet* that links (1) shared technological experiences with (2) those cultural traditions used to make sense of those experiences, as well as to (3) the articulations between the technological-cultural and (4) the politics of the day. In addition, a mixed approach, on the one hand, that includes those locales or sites offline and online that resonate with the impact of the concentration and power of mass media and, on the other hand, that includes all of those niche consumers that resonate with the impact of the activities and power of social networks, provides a “balanced” framework for understanding the vagaries of producing and consuming images and texts of crime and justice.

Finally, to facilitate the understanding of mass-network media effects in the contemporary digital environment requires that students of media, crime, and popular culture, whenever and wherever possible, interact with real producers and consumers of crime and justice in the news or in films, on the Internet, in video games, on television, and so on and so forth. Toward this end, thanks to the Internet there is an increasing accumulation of untapped data available on deviant and non-deviant subcultures alike. Generated from various sources online, these computer-mediated communications in the form of blogs, bulletin boards, emails, forums, instant messages, newsgroups, social networks, texts, and websites, provide students of media criminology with entrée into the new frontier of digitized, qualitative, quantitative, and the all-important, ethnographic, research on anything from crime to social justice, from criminals to social control, and from social media to cultural policy.

## Endnotes

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<sup>i</sup> Ferrell, Jeff. 2002. *Tearing Down the Streets*. New York: St. Martin's/Palgrave; Presdee, Mike. 2000. *Cultural Criminology and the Carnival of Crime*. London: Routledge.

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