



## **Covering Crime**

**US NEWS MEDIA CRIME and JUSTICE COVERAGE: 2011**

**& Roundtable Discussion\***

For the 7<sup>h</sup> Annual Harry Frank Guggenheim Symposium on Crime in America

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prepared by

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**Criminal Justice Journalists**

Despite the plentiful coverage of crime during 2011, financial pressures limited the ability of many news organizations to cover issues in depth. There were some noteworthy exceptions. Coverage of some of the key stories of the year offers some important lessons and tips for journalists looking for angles that will convince editors to devote the time and resources necessary to cover the continuing challenges of criminal justice and fulfill their role as watchdogs for the increasingly complex U.S. justice system. In an election year dominated by the economy, crime journalists should pay particular attention to funding and budget issues related to the justice system in their states and communities.

\* Roundtable Discussion will be available at [www.thecrimereport.org](http://www.thecrimereport.org) after Feb 13, 2012

## Introduction

Crime and justice news was plentiful in 2011 but what did all the coverage signify?

That is the conundrum of news reporting on many issues in the second decade of the 21<sup>st</sup> century. News organizations, strapped for resources as demands for 24/7 coverage intensify, seemed mostly content with day-to-day recounting of individual crimes and unusual cases such as wrongful convictions.

When it came to examining crime trends, journalists typically accepted law enforcement agencies' claims that it was largely their good work that is causing crime rates to decline. Several news organizations performed their watchdog roles well by reviewing the performances of police and other criminal justice agencies, but those were the exceptions.

This report assesses news media coverage of crime and justice issues during the year, based in part on a conference call conducted by **Criminal Justice Journalists** on January 19, 2012 with **Tom Rosenstiel** of the Project for Excellence in Journalism, **James Alan Fox**, a criminologist at Northeastern University, and **Forrest Carr**, news director of KGUN9, an ABC television affiliate in Tucson, Arizona.

Volume provides only a crude measure of journalistic work, but crime took up a somewhat greater share of the "news hole" during the year—six percent in 2011 compared to four percent the previous year, according to the Project for Excellence in Journalism ([http://www.journalism.org/analysis\\_report/all\\_news\\_topic](http://www.journalism.org/analysis_report/all_news_topic)), based on a survey of representative print, broadcast and online news sources. Not surprisingly, the economy was by far the number-one coverage topic.

## The Giffords Shooting

The single event that accounted for the greatest volume of crime coverage (two percent of all news coverage) during the year occurred just after 2011 began, as a 22-year-old student in Tucson surprised a community meeting being held by U.S. Representative Gabrielle Giffords on Jan. 8 by opening fire on Giffords, her staff members, and constituents, killing six people, including the chief federal judge in Arizona, and severely injuring Giffords. Shooter Jared Lee Loughner was immediately taken into custody and still awaits trial as his mental competence is evaluated.

The episode prompted a huge volume of coverage and some fundamental questions about how the media went about their work. It was initially reported that Giffords had been killed, which may have stemmed from one news organization's accepting the word of a single law enforcement source and not verifying the account.

*New York Times* Public Editor Arthur Brisbane dissected why his newspaper had joined in the erroneous reporting. In essence, one staff member decided to use the information on the "death" on the *Times* website, based on reports from NPR and CNN. Brisbane quoted a *Times* editor as saying later, "Nobody should self-publish. Everything should go through an editor. Ideally it should go through two editors."

The erroneous report, which was used by many news organizations nationwide, was corrected fairly quickly, but it should stand as an important lesson for reporters who may believe they are under pressure to produce instant news coverage, regardless of adequate checks on accuracy.

**In July, the *Arizona Republic* used the case as one of the lead examples in a five-part series on “The Laws, Lore and Lifestyle of Guns” in the state. In December, the *Milwaukee Journal Sentinel* published “Imminent Danger,” an in-depth story on the subject of mental illness and crime that has been the subject of several follow-ups.**

<http://www.jsonline.com/features/health/law-creates-barriers-to-getting-care-for-mentally-ill-135387808.html>

There was relatively less attention given by the news media outside of Arizona to basic gun-control issues after Tucson, perhaps because it has become clear that an occasional horrific incident of gun violence is not likely to produce a groundswell for gun control laws or regulations as was the case after the Martin Luther King Jr. and Robert Kennedy assassinations in the 1960s.

In fact, during the year the media probably gave as much attention in the gun arena to another Arizona-based story, the federal investigation known as Fast and Furious in which federal agents allowed firearms to be transported into Mexico in an effort to penetrate the pipeline of gun smuggling from the United States to Mexican drug cartels.

The story was mostly a Washington, D.C.-based one, with scores of articles focusing on whether Attorney General Eric Holder and the Justice Department’s Bureau of Alcohol, Tobacco, Firearms and Explosives had been ill advised in authorizing the probe, which superficially seemed similar to one conducted during the George W. Bush administration.

The *Los Angeles Times* followed the affair more closely than most other news organizations, tracing questions of who knew what and when in some detail. By year’s end, Holder had criticized investigative techniques that he said he hadn’t approved, and various personnel changes had been ordered at ATF. Congress continued to investigate, and it was not clear that much progress had been made against the cartels themselves.

**One media organization that has produced consistent in-depth reports on guns is the *New York Times*, including three by reporter Michael Luo, and one in February on people who possess guns when they legally shouldn’t,**

<http://www.nytimes.com/2011/02/06/us/06guns.html?pagewanted=1&hpw>, **one in June on mental illness and guns,** <http://www.nytimes.com/2011/07/03/us/03guns.html?hpw> **and one in December on how North Carolina’s system of permits to carry handguns works:**

[http://www.nytimes.com/2011/12/27/us/more-concealed-guns-and-some-are-in-the-wrong-hands.html?\\_r=2&hp=&adxnnl=1&adxnnlx=1324990866-4xpwEGcOKyBzuWFlizvoMw](http://www.nytimes.com/2011/12/27/us/more-concealed-guns-and-some-are-in-the-wrong-hands.html?_r=2&hp=&adxnnl=1&adxnnlx=1324990866-4xpwEGcOKyBzuWFlizvoMw)

## Crime Rates Continue Down

Crime reports overall in the U.S. continued their downward march last year, with reports of violent crimes compiled by the FBI dropping 6.4 percent in the first six months of 2011 compared with the same period in 2010, and property crimes down 3.7%.

Many news organizations took note of the national figures and their local data, but there was little examination of the reasons for the decline and whether it will continue. This lack of coverage has a number of causes, but the main one may be that even academic experts are themselves unsure of the reasons. The usual explanation is to credit several factors, including improvements in policing, a high level of incarceration and less violence attributable to the drug trade.

In the last two years, there had been much speculation that the nation's poor economy would contribute to a rise in some kinds of crime, and there frequently was at least some anecdotal evidence of violence in particular families that could be blamed on financial setbacks. Nevertheless, after several consecutive years of dropping crime and shaky economic conditions, it finally seemed clear that even a high unemployment rate would not cause an increase in robberies and burglaries, two crime categories that typically could be linked to economic gain. This was reflected in many news stories.

Typical was this story in the San Francisco Chronicle, <http://www.sfgate.com/cgi-bin/article.cgi?file=/c/a/2011/05/27/MN6H1JLDAQ.DTL>, which quoted Barry Krisberg of the University of California Berkeley law school as saying, "We haven't seen crime this low since Dwight Eisenhower was president. So it is remarkable. You would have bet that, given the economic downturn, you would have seen more crime. But that's kind of a myth. We're challenging a lot of myths."

Some areas saw crime rates increase despite the national trend, and media in those cities reported on those trends. In Detroit, for example, the city's *Free Press* did a three-part series in November on the fact that Detroit's homicide rate led the 25 largest U.S. cities in 2010 and was on track to repeat in 2011. "There's a sense of helplessness and hopelessness out there. And that's a dangerous combination," said Detroit Police homicide Sgt. Kenneth Gardner.

The newspaper said that from January 2003 through Nov. 6, more people were killed in Detroit—3,313—than died among U.S. forces in 10 years of fighting in Afghanistan.

One of the few criminologists attempting to explain the crime decline has been Franklin Zimring of the University of California Berkeley. His new book focusing on New York City's experience was the subject of consistent coverage in *The Crime Report*, a website run by the Center on Media, Crime and Justice at John Jay College and Criminal Justice Journalists, including this interview with the author: <http://www.thecrimereport.org/news/inside-criminal-justice/2011-10-the-new-york-miracle>

**One of the few journalists to zero in on the issue of overall crime rates was Charles Lane, a *Washington Post* editorial writer, who wrote in an op-ed article on December 27 that the decline in crime has been "the most important social trend of the past twenty years" in the nation. Lane lamented that unlike the case of commissions formed to investigate what went wrong in a particular incident, none has been assembled to examine what went right to drive crime rates down.**  
[http://www.washingtonpost.com/opinions/taking-a-bite-out-of-crime/2011/12/22/gIQAaOLTJP\\_story.html](http://www.washingtonpost.com/opinions/taking-a-bite-out-of-crime/2011/12/22/gIQAaOLTJP_story.html)

As it happens, a U.S. senator, Democrat James Webb of Virginia, has been unsuccessfully campaigning to set up the first national commission since the 1960s to take a close look at the criminal justice system and recommend improvements. Webb's efforts have had scant media attention of late, particularly since most Senate Republicans joined to defeat a proposal to include his commission in an appropriations bill. Few journalists in the mainstream media paid much attention to Webb's efforts, which he is still pursuing as his term nears an end this year. One reporter who did take a closer look was Lance Tapley of the *Portland (Maine) Phoenix*, who asked Republican Sen. Susan Collins why she had voted to block the criminal justice commission.

Tapley quoted Collins as saying she was concerned about the federal government "investigating state criminal justice systems" because this "raises issues of federalism and states' rights." Tapley noted that Collins had voted for bills that authorized federal regulations on reporting of rapes in state prisons and on criminal forensics standards in states, measures that had least as much chance of infringing on states' rights.

## **Changing the Definition of Rape**

Coverage of one particular crime statistic, rape, was a continued focus in 2011, culminating with the FBI's finally approving a new national definition of the crime after many years of debate. The *Baltimore Sun* again was a leader in reporting on the issue. A year after the newspaper said that Baltimore led the U.S. in the number of rape reports discarded by detectives—part of what women's advocates and victims said was a pattern of ignoring sexual assaults—the *Sun* said in June that the number of rapes being reported in the city was up more than 50 percent.

In October, the *Sun* reported that an FBI subcommittee had recommended expanding the federal definition that is used by state and local agencies to compile reports of this and other crime categories. Since 1927, the definition used by the FBI, which coordinates the collection of national crime data, has been "the carnal knowledge of a female, forcibly and against her will," which excludes incidents of anal or oral penetration, male rape, and incidents where force is not used.

The new definition, which was not made official until early this year, is expected to expand the number of crimes reported as rapes to the FBI by local and state police agencies.

## **Law Enforcement Cutbacks**

With crime levels declining or stable in most areas, a subject that got only sporadic attention from news media was cutbacks in law enforcement and other criminal justice agencies because of budget problems. To be sure, the economic problems were not evenly distributed.

*The Crime Report* published a story last March on police cutbacks, including some outsourcing of functions to private firms. The story followed a survey by the Police Executive Research Forum the previous fall that found that half of police executives in large jurisdictions said their budgets had been cut between 2009 and 2010, and 59 percent expected more cuts last year.

To the extent that policing affects crime rates, it might be logical to expect reductions to have some effect,, but so far it seems not to have happened on any extensive basis. (Franklin Zimring's New York City analysis gave much credit to the role of police in the crime reduction there.)

One place where the trend has been covered is Camden N.J. The *Philadelphia Inquirer* reported in December 2011 that there had been 48 homicides to date in Camden. The newspaper said there was a widespread feeling that sharp cutbacks in the ranks of police amid a city budget crunch are to blame. Residents say that, and so does the county prosecutor and police union officials, the *Inquirer* said. [http://articles.philly.com/2011-12-11/news/30504870\\_1\\_police-union-officials-police-institute-police-visibility](http://articles.philly.com/2011-12-11/news/30504870_1_police-union-officials-police-institute-police-visibility)

In the area of investigative reporting on criminal justice, the *Milwaukee Journal Sentinel* distinguished itself with a series on 93 officers on the city's police force who had been disciplined by the department for violating the laws and ordinances they were sworn to uphold. The series won an award for excellence in criminal justice journalism given by John Jay College as part of its annual Harry Frank Guggenheim conference on crime in America. See: <http://www.thecrimereport.org/resources/media-toolkit/2012-01-milwaukeeee-journal-sentinel-mother-jones-win-hf-gugg>

## Celebrity Trial Coverage

Two "celebrity trials" got extensive media attention. Casey Anthony, a young Florida mother, was acquitted last summer in Orlando of having killed her two-year-old daughter, Caylee. The hometown *Orlando Sentinel* provided a large volume of coverage, as did cable television and other media from around the world in what some were calling the first post-2000 "trial of the century."

**Former prosecutor Robin Barton, analyzing the case for *The Crime Report*, (<http://www.thecrimereport.org/archive/2011-07-more-on-anthony-media>) said, "the attention is likely in large part because the crime involves one of society's biggest taboos—mothers killing their own children. After all, mothers are supposed to love and protect their kids. So when a mom is accused of murdering her young daughter—and then partying and shopping as if nothing had happened—people are riveted."**

In Los Angeles, meanwhile, attorneys for the late Michael Jackson's doctor, Conrad Murray, asked for a sequestered jury, saying the case could be "the most publicized trial in history." The case did get considerable attention; but eventually, Murray was convicted of involuntary manslaughter and sentenced to a four-year prison term for not preventing Jackson's death. The *Los Angeles Times* analyzed the outcome, concluding that Murray's attorneys failed to overcome "a series of insurmountable obstacles," including an incriminating interview Murray gave detectives, a victim loved by millions around the globe, and court rulings that limited their attempts to point the finger at another possible culprit: Jackson himself.

Ben Holden of the Reynolds National Center for Courts and Media at the University of Nevada Reno ([www.courtsandmedia.org/](http://www.courtsandmedia.org/)), noting that it was possible to watch the trial live on an iPhone app, said the case "may be more memorable in the long run as the trial that cut out the television middleman. Using the miracle of modern media, the Murray trial may become known as the world's first truly online trial."

## Penn State and Syracuse Sex Scandals

It had not gone to trial at the time this survey was written, but another sensational case that took up much media attention during the year was the Penn State University sex-abuse scandal. It was initially a local criminal justice system story. Reporter Sarah Ganim, 24, of the Harrisburg (PA) *Patriot-News* did the first reports on the grand jury investigation that led to charges against former assistant football coach Jerry Sandusky, and subsequently the departures of head coach Joe Paterno and the university's president.

Ganim told CNN's *Reliable Sources*: "I've been working on this story for several years. Almost exactly when the grand jury began meeting was when I started hearing rumblings of it."

Ganim added, "It was all local journalism, going to my sources [ ], I spent a lot of time knocking on doors and getting shooed off properties but, you know, a few times we did get through to people and people were able to tell us that these rumors were correct."

Some critics accused the media of downplaying some key details of the Sandusky case by avoiding the word "rape." *New York Times* public editor Arthur Brisbane noted that the grand jury accused Sandusky of subjecting a boy estimated to be 10 years old to anal intercourse in locker room showers at the university in 2002.

Yet the *Times*' initial article on the case quoted a Penn State graduate assistant as merely having seen Sandusky "sexually assaulting a boy in the shower." Wendy Murphy of New England Law School, a former prosecutor who urges journalists to use precise language in reporting on cases involving sex abuse, complained in *The Crime Report* (<http://www.thecrimereport.org/viewpoints/2011-11-murphy-blog-on-sex-terms>) that in reporting on Sandusky, news organizations rarely used the word "rape" but rather mostly phrases like "engaging in sexual activity"; "fondling"; "the boy performing oral sex"; "anal sex/intercourse" and "sexual assault." Murphy contends that such language understates the harm done to victims.

Another sex abuse case in academia raised difficult questions about media reporting standards. When a man named Bobby Davis first told the Syracuse, N.Y., *Post-Standard* and ESPN that Syracuse University assistant basketball coach Bernie Fine had sexually abused him, neither news organization did a story about it. Nearly a decade later, after more allegations came up that led to Fine's firing, the *Post-Standard* and ESPN let their audiences know why they had acted the way they did.

Some people criticized both news organizations for not helping a victim get justice. The *Post-Standard* and ESPN say they didn't think they had sufficient evidence to move forward initially because it was primarily a case of one person's word against another. *Post-Standard* Executive Editor Mike Connor wrote that an investigative reporter and sports reporter both spent nearly six months looking into Davis' allegations and interviewed him several times. The paper decided early on that it wouldn't confront Fine unless it had enough to publish.

“To have enough to publish, we needed substantial corroboration of Davis’s account or another accuser,” Connor wrote. “Unlike the case in Penn State, there was no grand jury hearing evidence, no law enforcement investigation of any kind going on that we could determine, no criminal charges about to be leveled. We were on our own. Whatever we published would be outside the realm of officialdom. We had to get it right in every way.”

Journalist and former prosecutor Robin Barton wrote for *The Crime Report* that, “If I’d had the information the *Post-Standard* had and didn’t bring it to either Syracuse or the police and another child was sexually abused, I wouldn’t have been able to live with myself.”

<http://www.thecrimereport.org/viewpoints/2012-01-whenif-evershould-journalists-share-evidence-with-th>

## The Occupy Protests

Policing and the news media both faced a big test in 2011 with the “Occupy Wall Street” protests that went nationwide during the year. One problem was that with the proliferation of “new media,” it was sometimes difficult for police officers to separate journalists from protesters.

The *Columbia Journalism Review* examined the phenomenon ([http://www.cjr.org/behind\\_the\\_news/whos\\_a\\_journalist\\_1.php](http://www.cjr.org/behind_the_news/whos_a_journalist_1.php)), saying that last fall, several journalists in New York City were “swept up by the New York Police Department along with Occupy Wall Street protesters,” cuffed, bused to a police station, and charged with disorderly conduct. One issue was that no matter what credentials journalists might have had from their news organizations, New York City reporters were required to get police credentials after producing at least six published clips that prove they have covered breaking or spot news.

Another major policy issue was policing of the demonstrations themselves. After police in several cities started clearing out the protests, a San Francisco *Bay Guardian* report focused on the Police Executive Research Forum (PERF), reporting in November that “a little-known but influential private membership based organization has placed itself at the center of advising and coordinating the crackdown on the encampments.

The Police Executive Research Forum (<http://www.policeforum.org/>), an international non-governmental organization with ties to law enforcement and the U.S. Department of Homeland Security, has been coordinating conference calls with major metropolitan mayors and police chiefs to advise them on policing matters and discuss response to the Occupy movement.”

PERF director Chuck Wexler later told the Boston *Phoenix* that although his organization had arranged two telephone conference calls among police chiefs in various cities to discuss Occupy, there was no agenda to coordinate police actions. In fact, PERF had published a report giving advice counter to how police dealt with Occupy in many cities, emphasizing good police communication with protesters, respect for the First Amendment, and avoidance of violent methods.

Viewing law enforcement actions more broadly, *New York Times* police reporter Al Baker, citing several instances of police using harsh tactics against Occupy demonstrators (including tear-gassing in Oakland, CA) raised the question, “Is this the militarization of the American police?”

The answer so far seems to be no, but Baker cited police moves around the U.S. “to acquire the latest technology, equipment and tactical training for newly created specialized units.” He quoted Berkeley criminologist Zimring as saying, “the problem is, if you have those kinds of specialized units, that you hunt for appropriate settings to use them and, in some of the smaller police departments, notions of the appropriate settings to use them are questionable.”

Several weeks later, the Center for Investigative Reporting (<http://centerforinvestigativereporting.org/>) produced a report on \$34 billion in federal grants since the Sept. 11, 2001 terrorist attacks that have helped provide quasi-military equipment to police departments around the nation, a development that has had little attention from local media. The center asserted that the spending has “fueled a rapid, broad transformation of police operations.”

Its report got little attention because it appeared four days before Christmas, but it deserves follow-up by other journalists.

The Associated Press has focused on controversial antiterrorism work by the New York City police department, particularly its spying on Muslims. Many of the original articles cannot be seen online but one organization published an interview with the AP’s Matt Apuzzo on the news service’s reporting: [http://www.democracynow.org/2011/8/25/with\\_cia\\_help\\_new\\_york\\_police](http://www.democracynow.org/2011/8/25/with_cia_help_new_york_police).

The *Gothamist* in New York City said city officials have not shown much interest in reviewing police department surveillance and that “city lawmakers ...] learned about many of the department's secretive programs from the AP.” ([http://gothamist.com/2011/12/23/ap\\_continues\\_to\\_question\\_nypds\\_musl.php](http://gothamist.com/2011/12/23/ap_continues_to_question_nypds_musl.php))

## Prisons and Sentencing

Again last year, the back end of the justice system had much less media coverage than police and courts. Newspapers did periodic stories about pressure to close prisons because of state budgetary cutbacks, but there were few concerted efforts to examine statewide policies on sentencing and imprisonment.

One welcome exception was a series in the Bloomington, Illinois, *Pantagraph* last February on how curtailment of an Illinois “early release” program led to a rise in the prison population: [http://www.pantagraph.com/news/local/collection\\_727284c8-570d-11e0-ac0d-001cc4c002e0.html](http://www.pantagraph.com/news/local/collection_727284c8-570d-11e0-ac0d-001cc4c002e0.html)

Several stories in other outlets looked at how states changed their sentencing policies to emphasize more cost-effective penalties based partly on better risk assessments of which convicts were likely to commit repeat crimes.

This story in *The Crime Report* traced how Kentucky overhauled its sentencing laws (<http://www.thecrimereport.org/archive/2011-04-how-a-tough-on-crime-state-became-smart-on-crime>). *Time* Magazine did a similar story about Mississippi (<http://www.time.com/time/nation/article/0,8599,2077089-1,00.html>).

The most dramatic state prison news during the year was the Supreme Court ruling that ordered California to reduce its prison population by more than 30,000. The Justices determined that the poor health care being provided to inmates violated their constitutional rights.

California news media gave the case prominent spot coverage. The *New York Times* took a close look at one of the prisons affected by the ruling.

[http://www.nytimes.com/2011/05/25/us/25prison.html?\\_r=2&ref=politics](http://www.nytimes.com/2011/05/25/us/25prison.html?_r=2&ref=politics)

California Watch of the Center for Investigative Reporting has provided some of the most consistent coverage of the “realignment” plan by California Gov. Jerry Brown to shift inmates from state prisons to county jails. An example of the coverage can be seen here:

<http://californiawatch.org/dailyreport/shifting-prisoners-counties-could-strain-local-services-13677>

**Perhaps the most comprehensive journalistic analysis of the incarceration issue did not appear until early 2012, in this article in *The New Yorker* on “The Caging of America.”**  
[http://www.newyorker.com/arts/critics/atlarge/2012/01/30/120130crat\\_atlarge\\_gopnik](http://www.newyorker.com/arts/critics/atlarge/2012/01/30/120130crat_atlarge_gopnik) **As writer Adam Gopnik said, one big challenge for journalists is that “American prison life is mostly undramatic—the reported stories fail to grab us because, for the most part, nothing happens.”**

## The 2012 Campaign

The presidential election is bound to command the largest percentage share of news coverage in 2012, but given the pressure for more effective use of public funds at all levels, there should be attention by journalists to a re-examination of the criminal justice system, from policing to prisons.

In the policing area, reporters should ask whether their local agencies are losing local funds, or federal aid from the Community Oriented Policing program (COPS), and how forces are being re-deployed as a result.

*For example, are they responding less quickly or not at all to low-priority 911 calls, and spending more effort on crime prevention or growing problems like cybercrime or human trafficking that are not likely to turn up in emergency calls?*

*In corrections, are states and localities experimenting with tougher parole and probation enforcement that can be less expensive and more effective than long prison terms?*

*Are prisoner re-entry programs, which ideally start when convicts first enter prison (especially the majority who stay only a few years), being honed to concentrate on areas that may reduce recidivism—such as job training and substance-abuse treatment?*

These and other criminal-justice issues, from prosecution tactics to judicial sentencing trends, could provide good fodder for stories in 2012.

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