



CRIMINAL JUSTICE NEWS COVERAGE IN 2018

Part 2

Transcript of Criminal Justice Journalists conference call on news media coverage of criminal justice in 2018

Moderated by **Ted Gest**, President, Criminal Justice Journalists

PARTICIPANTS

James Alan Fox, Northeastern University

William Freivogel, Southern Illinois University and *Gateway Journalism Review*

Roger Goldman, Saint Louis University School of Law

Marea Mannion, Pennsylvania State University

Dan Shelley, Radio Television Digital News Association

Brandt Williams, Minnesota Public Radio

CONFERENCE CALL DISCUSSION

Call date February 1, 2019

Gest: *Let's start with mass shootings and school security. Associated Press editors said the Parkland, Florida, school shooting and mass shootings in general were among the top news stories of 2018. How did the news media do in covering these?*

Fox: This was a particularly bad year for public mass shootings. I think there were eight. The problem is simple. There is the continual statement that it's an epidemic. After Parkland, Joe Scarborough, for one,

said on his MSNBC program, “We are in the midst of an epidemic,” and he wasn’t the only one to say that, without really any evidence. It’s not really an epidemic. Overall, the numbers haven’t changed much in the last few decades.

A second issue is talking about mass shootings without defining what they mean. Some people use the definition of four or more people being shot. We hear that there is one a day in the U.S., or about 350 per year, but that may include incidents in which four people were shot and not killed. Traditionally, the definition of a mass shooting has been four or more people being *killed* by gunfire. The problem is that they’re often conflated.

One [column](#) talked about mass shootings becoming “mundane,” and all of the examples it gave were incidents with large body counts, but the column mentioned that there is one mass shooting daily in the U.S. The public is not sophisticated enough to understand the difference between a mass shooting with four or more people shot and a mass killing, because they’re often talked about together.

A third issue is the obsession with records. It seems like everything has to be a record of some kind. There is a tendency in the media to sensationalize an incident by calling it a record, as if it weren’t important enough otherwise. For example, the *Houston Chronicle* after the school shooting at Santa Fe, Texas, on May 18, called it the biggest school shooting since Parkland, which was only three months earlier.

The media often say, for example, that a shooting is the biggest since last year or something like that, which I find unfortunate. Such coverage may challenge others to try to break the record, because records are there to be broken. I don’t think it’s important whether it’s a record or not. What’s important is that many people died.

SHOULD THE MEDIA NAME MASS SHOOTERS?

Gest: *I assume we are agreeing that a public school incident in which a double-digit number of people are killed is a big story.*

Shelley: I agree with that premise. If anything, the media could and should cover these incidents even more. I’m particularly referring to the aftermath -- the healing, the effects and consequences.

There has been a big debate in media circles about whether to report the name of the suspect. Some media organizations have chosen not to do it, some still are doing it.

There are a couple of issues: There should be sustained follow-up to help the public better understand how mass shootings affect the direct and indirect victims, and should we name the gunman?

Do we as journalists fulfill our responsibilities to inform the public by withholding the name of the gunman for fear that publicizing the name would encourage others to act out in similar ways?

Fox: About 140 criminologists signed an open letter to the media asking not to name names. I totally disagree.

I don't think there is anything wrong with naming the killer or showing the person's image. It is news.

The problem is when we cross the line between news reporting and "celebrity watch," reporting all kinds of gratuitous information about the killer.

Take the Las Vegas concert shooter from 2017. We have pictures of him from his high school yearbook on his tennis team, as if it's important that he played tennis. We know what casino games he liked, what size shoe he wore.

We go way beyond identifying, to the point that some of these people appear larger than life. It's fine to report the basic facts about who they are – their name, age, race. That is news. In fact, if it isn't reported by newspapers, it will get out on social media anyway.

One other point about gun violence: when media and their sources talk about gun violence, they often lump together homicides and suicides. [For example] they say the U.S. has nearly 40,000 gun deaths every year. That is a correct figure, but homicides and suicides are very different. People talk about red-flag laws [allowing police to seize guns of people deemed dangerous], but the evidence of their effectiveness is mainly true regarding suicides.

It's easy for a person who is suicidal to switch to a different means of killing himself or herself if a gun is not available.

Lumping them together as if it's one big public-health problem confuses people.

Mannion. I agree that lumping together homicides and suicides in gun death reports is confusing for readers and viewers. Also confusing are reports that interchangeably refer to a "mass shooting" or a "mass killing" without explaining that shootings may include those injured. There are also a lot of assumptions about the choices of weapons when news reports are very short, including those received on portable devices. Depending on the platform, details may have to be left out, or information a bit out of context.

Early this year the report of a "mass shooting" in Central Pennsylvania received a few days of regional and national coverage, in part because it happened near the campus of Penn State University and in a college town ranked among the safest to live. But there was a lack of follow-up weeks later when the real facts of the incident became available. A sampling of media consumers in that region said they assumed there was a large body count when they heard or read the term "mass shooting." Two months later, some may still assume that because local and regional coverage quickly faded before details of the incident were released. In reality, four people died of gunshot wounds including the gunman, who committed suicide. A fifth person was shot and survived. I question whether news consumers would refer to this as a "mass shooting" if they learned the gunman killed himself and there were three other deaths, not a dozen as some assumed.

Additionally, some now recall the story based on brief television images of groups staging gun control protests. In the end, the suspect turned out to be a recent military veteran with a legal gun permit and

no prior criminal history. The incident began as what appears to be an alcohol-fueled domestic argument in a bar.

Dan Shelley, is correct that media should do more coverage of the aftermath of these incidents, including the healing and consequences. That coverage often gets lost.

Gest: *After mass shootings there usually is a debate about gun control, but many news reports don't point out that the gun control being talked about has little or nothing to do with the facts of the mass shooting.*

Fox: Mass shootings do generate the most impetus for gun control, but they are the least preventable by those same gun control measures. Mass shooters are very deliberate. If a mass shooter can't get a gun legally, he'll find an alternative way.

Regarding the move to increase the minimum age to buy a rifle from 18 to 21, over the past 30 years, there have been only five 18-, 19- or 20-year-olds who have used a rifle to commit a mass shooting. Two got the guns from their parents, and one was a deputy sheriff and had access to all sorts of guns.

Only two went to a store and bought a rifle there legally. It's a good idea to raise the age, but let's do it for the right reasons. Bump stocks have been used in one single mass killing – Las Vegas. A ban may be a good idea, but I'm not sure how much impact it will have. We can say we've done something, but I'm not sure we really have done that much.

Mannion: In the recent Pennsylvania case, a gun control debate and protest quickly became part of media coverage when four people died of gun shot wounds including the gunman's suicide. In that case and others, proposed gun control would have had no impact on the outcome.

Those protesting and even some of those reporting, might not don't fully understand the point Jamie makes that these mass shootings are the least preventable by proposed gun control measures. Other groups may simply use the opportunity because they know there will be media coverage of their protest as a sidebar to the original shooting incident.

COVERING THE OPIOID CRISIS

Gest: *The large number of opioid deaths around the nation continued last year. How have the media done in covering this?*

Freivogel: *Columbia Journalism Review had [a good story](#) on media coverage. It said that of the people who have got hooked on opioids, about 70 percent have had prior addictions and didn't necessarily get their first opioids from prescriptions. The story did a good job criticizing media coverage and putting it in a different context from what many Americans see.*

Gest: *I don't believe we've done enough coverage of what should be done about the crisis.*

Shelley: By and large, [although] the media have done a good job particularly of highlighting the problems in their local areas, there are underreported aspects of the issue that are very important.

Anecdotally, I had minor surgery this year and was stunned to be given a prescription painkiller that included only three low-dose pills. So we've seen hospitals and the medical community greatly restrict the number of pills they will give, and that is a very underreported story.

Freivogel: I had the very opposite personal experience. I went to the hospital after wrecking a car. I had no injuries or pain but was given large quantities of opioids and never took them.

Williams: I continue to cover a number of third-degree murder cases which involve overdose deaths. As you may imagine, there's a particular racial dimension to these cases. The defendants are mostly African American. The victims are nearly all white. I wonder if there's more national attention paid to the legal response to the opioid overdose crisis. There's been a rise in prosecutions stemming from fatal ODs in Minnesota.

Fox: The *Boston Globe* tried to map the crisis, and found that the west end of Martha's Vineyard had the highest rate of opioid deaths in Massachusetts, and the east end of Martha's Vineyard had the lowest rate. The problem is that the newspaper disaggregated the numbers in such a way that one death in one area produced the state's highest rate, and no deaths in the other showed the lowest rate.

I told the *Globe* that it shouldn't show the rate for such sparsely populated areas. The paper replied that the numbers were correct. Yes, they were correct but misleading. Media have done this in other parts of the country, suggesting that some rural areas have a high rate of deaths. That method is unreliable.

Mannion: There have been widespread media efforts to educate and inform the public. Although some facts like the Martha's Vineyard statistics are confusing, there are a lot of good local reports on this problem being done regularly. Last summer in Pennsylvania, more than 40 print and broadcast newsrooms contributed stories, photos and videos from more than 50 counties on what's working in the fight against what was described as a public health crisis.

The coverage, from all parts of the Commonwealth, received a ton of positive public feedback. It was called "State of Emergency" by the sponsoring media organizations that included the Associated Press, Pennsylvania News Media Association and several others. These types of joint efforts in small, medium and larger markets, have educated a lot of people to a problem that is now pervasive in every type of community, including rural areas.

ARE POLICE SHOOTINGS STILL BEING COVERED?

Gest: *Let's turn to the subject of police shootings, which don't seem to be getting so much coverage after the large volume of reporting in the years following the 2014 killing of Michael Brown in Ferguson.*

Shelley: My sense is that police-involved shootings still do get a lot of coverage in the local markets where they occur. We've probably all noticed a decline in the amount of national news coverage they get. They don't seem to break into the national news unless there is a massive public protest. At the local level, the media do a large number of stories any time there is an officer-involved shooting.

Freivogel: The Michael Brown case was a real media phenomenon, particularly a social media phenomenon, with millions of tweets going out even before the national media got to it. It was a story uniquely told by social media people who were on the streets in protest.

The story produced a large body of reformers in St. Louis, and the election of two “reform” prosecutors, Kim Gardner in the city of St. Louis and Wesley Bell in a stunning upset in St. Louis County. I think it’s been covered quite well

Gest: *How about police misconduct generally? Before he left office, Attorney General Jeff Sessions pulled back on federal oversight of local police departments. How have the media done on officer misconduct and monitoring how their local police departments are operating?*

Goldman: The fact that President Trump and Sessions reduced federal oversight and that the states have stepped in has been covered well.

Shelley: I certainly agree with that. All over the country, you’re seeing more transparency by police departments on one level, as it relates to exposing misconduct and holding officers accountable.

On the other hand, there’s something else going on that is related to this – the wild popularity of the cable TV show “Live PD”, which follows eight law enforcement agencies across the country, mostly in rural areas.

It turned out to be not only the most popular cable program, but Dan Abrams on his “Law and Crime Network” has turned that into a pro-police show. Not that there is anything necessarily wrong with that, but people who are predisposed toward police watch it and see their pro-police views reinforced. I’m not sure they get a really good sense of police misconduct when it occurs.

That’s not necessarily the fault of the news media per se, but it certainly has had an effect on the public’s mindset, as far as I can tell anecdotally. The assumption seems to have become that police are always the good guys, and there is little chance they will be accused of misconduct. It skews the picture.

Mannion: I also agree that local media outlets are doing more coverage of misconduct than national media, which might be more interested in large and visual protests. The Michael Brown case was certainly an eye-opening case study for both media and law enforcement with the social media impact.

On the law enforcement side, there has been ongoing law enforcement training, which uses these high-profile cases to show chiefs and PIO’s examples of why they must be more transparent. The message is obviously to get in front of alleged misconduct, or defend their department if they believe police actions are warranted.

Gest: *Are there any other police-related topics whose media coverage we should mention?*

Freivogel: There have been a lot of stories about civil asset forfeiture by law enforcement. South Carolina newspapers [have reported on it recently](#), and media covered the Supreme Court ruling in an Indiana case limiting “excessive fines.” The media have pursued this topic in a good way.

Goldman: We mentioned “progressive” prosecutors. It should be noted that there often is a conflict between these prosecutors and the police. The prosecutors are not charging persons arrested for possession of small amounts of marijuana, but the police are still making arrests for such violations. The new prosecutors may also be getting pushback from prosecutors who worked in from the previous administration.

TV NEWS COVERAGE GROWS AS NEWSPAPERS SHRINK

Gest: *There has been a big employee cutback in the print media. I don't see a lot of the topics we've been discussing covered regularly by local media, absent some major conflict.*

Shelley: You're right that there has been a constriction in the number of newspaper employees. Our RTDNA research showed that for the first time in 25 years, in 2017 there were more people working in local television and radio newsrooms than in newspapers newsrooms.

While many decry this as an assault on the public's right to know and need to know, and while no one is celebrating the demise of newspapers, particularly in medium and smaller markets, our research is showing that local broadcast newsrooms are taking the mantle, doing a better job of investigative reporting and doing a lot more explanatory journalism on local issues in communities across the country.

A lot of broadcast newsrooms are making a concerted effort to hire displaced newspaper reporters, using their expertise to make their news broadcasts better.

This, of course, includes coverage of crime and criminal justice.

Freivogel: In my city, St. Louis Public Radio, where I have done some work, is doing a good job of covering these issues while the St. Louis *Post-Dispatch's* staff has a smaller staff, but the *Post-Dispatch* still is doing a good job on cops and courts stories – the newspaper has three or four good reporters who have been covering it for a long time.

Mannion: Some markets are certainly taking advantage of the experience and expertise that newspaper reporters can bring to broadcast newsroom. Some in the past have formed partnerships on certain coverage with a local television affiliate or radio station. In Central Pennsylvania, where I live and work, there are several excellent local and regional newspapers holding their own with their loyal readerships and they do a very solid job researching and covering all aspects of police and courts, despite reduced staffs. Some have very experienced veteran journalists.

Most also participated in the statewide Opioid Crisis project “State of Emergency” with well-done special editions on the topic. Some have won statewide awards for their work.

HOW THE MEDIA COVER IMMIGRATION ISSUES

Gest: *The Trump administration has made immigration a huge issue. How have the media done in covering it?*

Fox: I'm pleased to see that many in the print media are paying attention to academic researchers who conclude that there is no real link between immigration and crime rates, and reporting that Trump is wrong on this issue.

Gest: *Should the media be reporting on single cases in which an undocumented immigrant commits a major crime?*

Freivogel: We should report them, but in the context of the studies we're talking about.

Fox: When the president says that if a wall is built on the Mexican border, crime will go down, that is when the media should cite the overall research, but individual cases still are news. You should not say it's an epidemic or trend. You don't have to bring up the research in every story, but you should when policy issues are raised.

Shelley: I do see cases of journalists doing the fact checking and what the facts are versus what the president sometimes says. Generally speaking, the media are doing a good job keeping the issue in context despite the heated nature of the debate.

The media have done an outstanding job on the child-separation issue despite obstacles put in our way by the Department of Homeland Security and other Trump appointees.

Gest: *On another subject, the investigation by special counsel Robert Mueller is getting saturation coverage.*

Freivogel: The website FiveThirty Eight [reported](#) that there was only one day during 2018 that MSNBC didn't mention the investigation, and only a few days that CNN didn't mention it. Some people might think there has been too much coverage, but I am hooked on it.

In general, there has been good work. A few media may have been trying too hard to get the scoop. One major *New York Times* story on connections between Russia and the president turned out to be not very well sourced.

Gest: *Once again, there was much coverage of sexual assault charges against prominent people, including Supreme Court nominee Brett Kavanaugh as well as Harvey Weinstein, Bill Cosby, Larry Nassar and others. How did the media do?*

Freivogel: On Kavanaugh, with hindsight, the *New Yorker* piece on his Yale classmate Deborah Ramirez and the later piece on accuser Julie Swetnick was a case of a journalistic desire to break a big important national story taking precedence over sufficient fact-checking. In the end, Ramirez said she didn't have a clear memory of what Kavanaugh did in college, and Swetnick wasn't able to say that she saw Kavanaugh do anything illegal.

On the other hand, the coverage of accusations against Kavanaugh by Christine Blasey Ford was well done and important.

The coverage of abuse by sports doctor Larry Nassar by the *Indianapolis Star* was shocking and splendid—I'd give the press a lot of credit on that one.

Williams: Kudos to my counterparts at the *Minneapolis Star Tribune* [for their investigative piece](#) on reported rapes that went uninvestigated by police. It has led to some reforms in Minnesota, particularly updated training and policy recommendations from the state's Peace Officer Standards and Training board on handling rape cases. Obviously, there's been no shortage of reporting on sexual assaults in the national news.

THE GROWTH OF TRUE-CRIME PODCASTS

Shelley: Podcasts are growing in exponential popularity. One of the most listened-to categories is true crime podcasts. They take local criminal cases, in some case years old, and have done exceptional journalism with them. In some cases, they have had had a direct effect from the criminal justice perspective.

One series, [Up and Vanished](#), helped solve a years old cold murder case, and the perpetrators were brought to justice, many think, because of that podcast and the attention it brought.

The third season of ["Serial"](#) was not like the first two but a broader expose of the good, bad and the ugly about the Cleveland criminal court system. It was a good series.

Williams: I think the popularity of true crime podcasts – many of which feature some fine reporting – have pushed murder investigations into the national spotlight. I usually think of murder cases as local stories and tend to not get wrapped up in them. However, the "In The Dark" season two series on the Curtis Flowers murder case in Mississippi has sparked a larger conversation about the criminal justice system – particularly the power of prosecutors. If you haven't listened to it, I highly recommend it.

Gest: *Late last year, Congress passed a federal criminal justice reform bill. It was covered well in Washington but not necessary elsewhere.*

Freivogel: The coverage I saw of the First Step Act was skimpy.

Fox: Was there much coverage of federal prisoners? The *Boston Globe* did a lot on the murder of mobster Whitey Bulger in a federal prison in West Virginia.

Gest: *There was not much coverage of how it was that a prominent federal prisoner was killed. In general, there has not been much coverage of federal prisons in general, unless there is a riot or a partial federal government shutdown. USA Today made a lot of the fact that prisoners were getting special holiday dinners while the guards weren't being paid.*

Fox: People may complain about the amenities in federal prisons, but I don't think they'd be willing to trade places with an inmate.

Gest: *Are there any other media coverage topics on criminal justice we should mention?*

Freivogel: The kind of coverage that Fox News does on the FBI's supposedly being part of some "deep state" against Trump is terrible journalism. I don't know how good a job the other media have done in taking on that one.

Goldman : There should be more coverage of the pressure on public defenders, federal and state. The *New York Times* did a [terrific story](#) on a Louisiana defender who was handling 194 cases at one time.

Ted Gest is president of Criminal Justice Journalists and Washington Bureau Chief of The Crime Report. TCR and its publisher the Center on Media, Crime and Justice at John Jay College, are grateful for the support of the Harry Frank Guggenheim Foundation for our annual reviews of justice media coverage. Readers' comments are welcome.