Connecting Criminology and Criminal Justice:

People, Places and Processes

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By

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—Alicia Horton

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—Michael Young

PART ONE:

PEOPLE

CHAPTER ONE

MEDIA AND JOURNALISTS

Learning Objectives:
- Identify different ways to define crime and justice
- Understand crime as a social process
- Recognize the public's interest in crime media
- Understand the media's stake in crime news reporting
- Evaluate the relationship between media and public opinion
- Explain social constructionism, claims-making and moral panic
- Connect early theories of crime to images in popular culture

Key Questions:
- Where do popular ideas about crime come from?
- What stake do media have in shaping public perceptions of crime and justice?
- How can media and popular culture help us to understand criminological theories?

Integrated Theoretical Content:
- Classical school of thought
- Positivist school of thought
- Social constructionism and claims-making

Chapter Outline

Introduction
Defining Crime and Criminal Justice
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    Legal Perspectives
    Crime as Norm Violation
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        Box 1.1 *"Double Check – What is the difference between criminology and criminal justice?*
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Introduction

Media are a key source of information about crime and play a central role in shaping our views of people involved in crime and criminal justice. However, when we rely solely and uncritically on media sources for information, we let media unwittingly influence our views about people involved in criminal events. That is why we begin this book about criminology and criminal justice with a discussion of the mass media and its depiction of crime.

Consider the notorious Canadian case of Paul Bernardo and Karla Homolka, the so-called "Ken and Barbie killers". In 1991 Homolka and Bernardo raped and murdered three girls including Homolka's sister, Tammy. Homolka was convicted of manslaughter in 1993 after she entered into a plea bargain. Bernardo – who was convicted of the murder of two teenage girls, Leslie Mahaffy and Kristen French - received a life prison sentence and dangerous offender designation. The murders and rapes perpetrated by Paul Bernardo and Karla Homolka captured the widespread attention of the Canadian public. When Canadians hear of such cases, a common response is to ask, why? Why did they do it? What would motivate someone to commit murder and rape? What punishment do these people deserve?

Each year, students eager to answer to these questions enrol in classes to learn about crime and the criminal justice system. The media has piqued their interest with exciting crime stories; so have floods of documentaries, biographies, television shows, newspaper articles, songs, television dramas and movies about crime. Often, favourite television shows such as *Criminal Minds*, *Law and Order* or *CSI: Crime Scene Investigation* make students want to learn about the so-called 'mind of the criminal.' Students want to know: *why do they do it?* Criminal motivation is an important element in any explanation of crime. But we would be wrong to think that we can fully understand crime by only engaging with questions about motivation: why specific people decide to commit specific crimes. Understanding crime and the operations of the criminal justice system also means understanding the interactions between different groups of people in different situations and locations, events that precede crime, and the aftermath of criminal involvement and victimization.

This chapter focuses on the media's role in defining and responding to crime. The chapter is divided into six sections. First, we review definitions that highlight crime as a social process: something that humans create through social interaction. Next, we explore the relationship between crime,

morality and news media. Third, we will consider images of crime and criminal justice in popular culture. Fourth, we will examine social reactions to crime media. Next, we will consider where crime comes from – is it a product of social consensus or conflict? Finally, we will return to our initial point of interest: Why do they do it? By the end of this chapter you will have a better sense of competing definitions of crime, criminal behaviour, and criminal justice responses. You will also have a better idea of the key tensions in early criminological theory and how media have influenced the study of crime and criminal justice.

Defining Crime and Criminal Justice

People, Places and Processes

To begin to think about criminal phenomena, the criminal justice system, and public debates about crime in a more complex way, the first thing to observe is that there are many ways to define crime. Crime could be considered an act that violates the law, a behaviour that contravenes social norms, or an activity that is defined as a problem by powerful others. Definitions of crime reflect the different statements that *people* make about this phenomena. Criminal episodes involve many more people than just the person convicted of a crime. Victims, police, the criminal courts, corrections and parole officers, judges, bystanders, victim and prisoners' rights groups, the media and members of the wider community each have a part to play in defining and responding to crime (Sacco and Kennedy 2012). Crime also happens in different types of private and public *places* such as the home, the street, in bars and nightclubs, at workplaces and in cyberspace (see Part Two, Chapters 4, 5, and 6).

To develop a fuller account of crime and criminal justice we also need to recognize the relevance of different types of criminal justice and crime *processes* (Part Three, Chapters 7, 8, 9 and 10) that happen *among* people (Part One, Chapters 1, 2 and 3). These include criminalizing, responding, punishing, and reintegrating, among others. Truly, crime is a complex social activity that involves different types of people enacting different roles in different types of places. Once we see that crime is inherently social we can start to ask questions about the stake that each party has in defining crime and the role that each play in the production of criminal phenomena. If we start from the premise that crime involves people, places and processes we can add many more interesting and complex questions to our initial query: *why do they do it?*

Legal Perspectives

When we hear the term *crime* we tend to think of an action that is illegal. From a legal perspective, a crime is an act that breaks the criminal law and is subject to criminal sanction. The criminal justice system distributes punishments or penalties, including fines and prison sentences, to people that violate the law. For an act to be deemed a crime, the courts must be satisfied that the accused person wilfully and intentionally committed the prohibited act. In legal terms, the intent component of an act is referred to as the *mens rea*, while the physical act itself is called the *actus reus*. Legal definitions encourage us to think about crime in terms of the individual person that broke a law. Did the accused person actually commit the criminal act in question (actus reus)? Did they intend to commit the act (mens rea)? If so, what do they deserve (criminal punishment)?

A person who intends to assault another person (the 'guilty mind') and follows through with their plan (the 'guilty act') could potentially be convicted in a criminal court. In this scenario, there is a clear intersection of the *mens rea* and *actus reus*. The actus reus can be a physical act, though it need not necessarily be. The Criminal Code of Canada also includes provisions for criminal negligence, or omissions (failing to do something). Sometimes the guilty mind component is complicated by factors such as age, mental illness, necessity, self-defence, duress or entrapment. *Excuse* and *justification defences* draw the *mens rea* component of a crime into question and a judge (or jury) has to determine whether the defence is appropriate in a given case.

In short, legal approaches conceptualize crime as behaviour that violates criminal law. From this perspective, a crime happens when a person engages in a behaviour prohibited by the Criminal Code or another piece of legislation that defines criminal laws, such as the Controlled Drugs and Substances Act. This way of defining crime encourages us to seek explanations of criminal behaviour that focus on the accused or convicted person's motivation to break the law. Yet, the complication between *actus reus* and *mens rea* suggests that what ends up being defined as a crime is in some part contingent on judges' and juries' decisions about whether an accused person's act or omission is criminal and whether they had the criminal intent. A fuller definition of crime should include more than just the identification of an objective fact or law (a law prohibiting an act). We also need to consider the stake that different people have in defining that behaviour as criminal and how that influences criminal law and policing.

Violent crime often makes it to the front pages of our news media. However, there is some criminological evidence that suggests that certain types of crimes, criminals, and victims are more likely to attract the attention of news media than others.

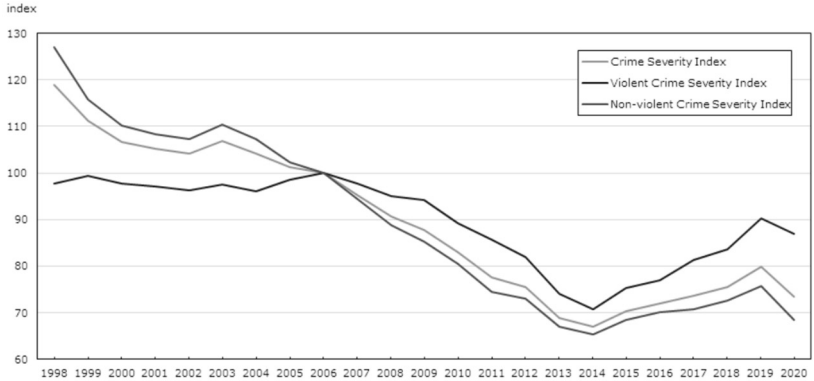
Crime as Norm Violation

The brutal murders perpetrated by Paul Bernardo and Karla Homolka described above would certainly constitute a crime in most people's eyes. But, would Canadians still react negatively to these crimes if murder were not prohibited by the criminal law? Likely, the answer would be a resounding, 'yes'. While we accept that crime is an act that is illegal, we also consider behaviour to be criminal when it produces harm, or violates social expectations about how one ought to behave. These expectations are called *social norms*. The criminal justice system reacts to illegal acts that violate the law by punishing convicted persons with prison sentences, fines, or other sanctions. Sanctions imposed by a court are punitive, but they also define the guilty person's behaviour as wrong, or contrary to social expectations regarding appropriate conduct. In other words, the reactions of the criminal justice system are an expression of *social control* that implies moral evaluation. Social control refers to all of the ways that we react to people, thoughts, or behaviours (including criminal behaviour) that violate social norms.

Social control of untoward behaviour can be expressed informally though jokes (Stephenson 1951), gossip (Giardini and Conte 2012) or rumours and urban legends (Best 2017), or formally through imprisonment and capital punishment. Sociologist Donald Black (1983) has also argued that crime itself is a resource that people use as a mechanism of social control. The concept of social control helps us to understand how acts considered to be harmful become defined crimes that are then subject to punishment. In this way, crime can be understood as a violation of *conduct norms* as well as a violation of law (Sellin 1938). For this reason, we should be hasty in accepting legal definitions of crime alone as the starting point for understanding and explaining criminal behaviour (Sellin 1938). The idea of crime as norm violation is applicable to an array of violent and non-violent crimes. For example, criminologist Edwin Sutherland (1883-1950) noted the importance of social norms to the study of white collar crime. He argued that we ought not to define crime in terms of legal prohibition but in terms of social normative criteria such as 'social injury' and 'social harm'.

So, does this mean that the Criminal Code and other sources of criminal law represent an exhaustive list of behaviours that we consider to be harmful? This is a difficult question to answer because people have different ideas about what constitutes harm. In other words, harm is subjective. For example, there is widespread debate about whether so-called *victimless crimes* such as recreational drug use or illegal gambling ought to be criminalized by Canadian law. Some people argue that these acts are harmless and so they should be legal. Others argue that such acts do and can produce negative consequences and so they should continue to be criminalized. The trouble comes from the different perspectives that people have about the morality of behaviours that violate social norms. We address the relationship between morality, crime and media in the next section.

Chart 9
Police-reported Crime Severity Indexes, Canada, 1998 to 2020



Note: Crime Severity Indexes are based on *Criminal Code* incidents, including traffic offences, as well as other federal statute violations. The base index was set at 100 for 2006 for Canada. Populations are based upon July 1st estimates from Statistics Canada, Centre for Demography.
Source: Statistics Canada, Canadian Centre for Justice and Community Safety Statistics, Uniform Crime Reporting Survey.

This graph shows that Canada's crime rate and crime severity rate have been decreasing for several years, with only a small increase from 2014 to 2019. It is important to be mindful of this trend as we discuss media images of crime in Canada. Source:
https://www150.statcan.gc.ca/n1/pub/85-002-x/2021001/article/00013-eng.htm

Box 1.1 Double Check

What is the difference between criminology and criminal justice?

Criminology is a fascinating discipline that addresses many questions concerning the study of crime, law-making, criminal behaviour, victimization and punishment, among other issues. Criminologists are most often academics who conduct research and work in universities as professors. Some criminologists have a sociological or psychological background, while others approach criminology from a legal or forensic science perspective. Some criminologists are interested in qualitative questions that concern peoples' lived reality with crime, while others conduct quantitative research to determine broad patterns of cause and effect (See Chapter 10. Criminologists are interested in micro-social interactions between individual people, macro-level questions about the social order, and global level questions about international crime. Criminology is a multi and interdisciplinary social science concerned with a diversity of questions pertaining to the study of crime.

Criminal Justice refers to the operations of the criminal justice system: police, lawyers, the court system and corrections. Many students are attracted to criminology programs because they aspire to work in the field of criminal justice. Our text assumes that to be well-prepared for a career in criminal justice students need a diverse repertoire of critical vocabulary and skills to engage meaningfully in their future roles as police officers, lawyers, or judges. Understanding criminal justice functions is only part of what you will need to succeed in your chosen career. Knowledge of criminological theories, concepts, and critiques are crucial to be able to engage with questions about justice and criminal phenomena. Media and popular culture, the focus of this chapter, are significant to the creation and perpetuation of common sense ideas about crime and criminal justice. Understanding the role of media in defining crime is central to unlocking public attitudes and misconceptions about people involved in criminal behaviour.

Web links: *Cannabis Legalization and Regulation*

https://www.justice.gc.ca/eng/cj-jp/cannabis/

Media Images of People and Crime

Crime and Morality

Crime is a label that evokes different ideas about the morality or wrongfulness of the act in question. Some legal scholars have suggested that it is useful to categorize criminal acts as either crimes *mala in se* or crimes *mala prohibita* (see Blackstone 1830). Crimes *mala in se* refer to crimes that could be considered inherently or intrinsically immoral. A list of crimes *mala in se* might include murder, robbery, torture or rape. In contrast, crimes *mala prohibita* include crimes that we *might* evaluate as morally disreputable, but not necessarily. These crimes include things such as parking violations, marijuana possession, or underage drinking. The distinction between these two categories of crime hinges on the moral evaluation that we assign to acts relevant to their prohibited status. It also helps explains why some acts – like parking violations – are punished with fines, but do not result in the offender being deemed a 'criminal' in the eyes of society.

Still, many criminologists have questioned whether it is useful to distinguish between crimes *mala in se* and crimes *mala prohibita* (Davis 2006; Gray

1995). If people disagree about what is morally right and wrong, does this mean that the criminal law reflects some Canadians' interests more than others? Various protests, such as the annual 4/20 Marijuana Protest Rally at the Vancouver Art Gallery illustrates that crimes do not always reflect a moral consensus among the public. Further, what are the sources of Canadians' ideas about morality, crime and criminal justice? One answer to this question lies in the way that media and popular culture construct crime and the criminal justice system.

News Media, Crime and Criminal Justice

Media play a key role in the creation and perpetuation of ideas, beliefs, values and attitudes that people hold about crime and criminal justice (Dowler 2003; Lowry et al 2003; Kort-Butler and Habecker 2018; Baranauskas and Drakulich 2018). Crime narratives are central to the production of news (Potter and Kapeler 1998), film (see Kohm, Bookman and Greenhill 2017; Rafter and Brown 2011), television (Fishman 2018) and other forms of media (Surette 2014). For this reason, we must pay careful attention to "the type of information we receive and the form in which this information is presented" (Dowler, Fleming and Muzzati 2006:837).

Canadian criminologist Vincent Sacco has argued that media represent a "forum in which private troubles are selectively gathered up, invested with a broader meaning and made available for public consumption" (1995:142). While crime is central to news reporting, not all crimes make it into the news. Journalists and other media-makers have to make decisions about which crimes, victims and offenders are "newsworthy" and how the story should be told. Media producers frame crime news stories in ways that encourage audiences to accept a particular view of the problem (Best 2017). In turn, members of the public consume the news stories, as they have been told by journalists, and work out their own moral position about the people involved (Katz 1987).

The relationship between crime media and moral evaluation is troubling because media often present distorted, inaccurate reports of crime that encourage audiences to adopt a particular ideology or moral position on victims and criminal actors (Sacco 1995). The content and structure of crime news is also a source of concern because of its capacity to produce and reinforce stereotypical imagery of people involved in crime (Surette 2014) and shape public opinion about crime and the criminal justice system (Dowler and Zawilski 2007).

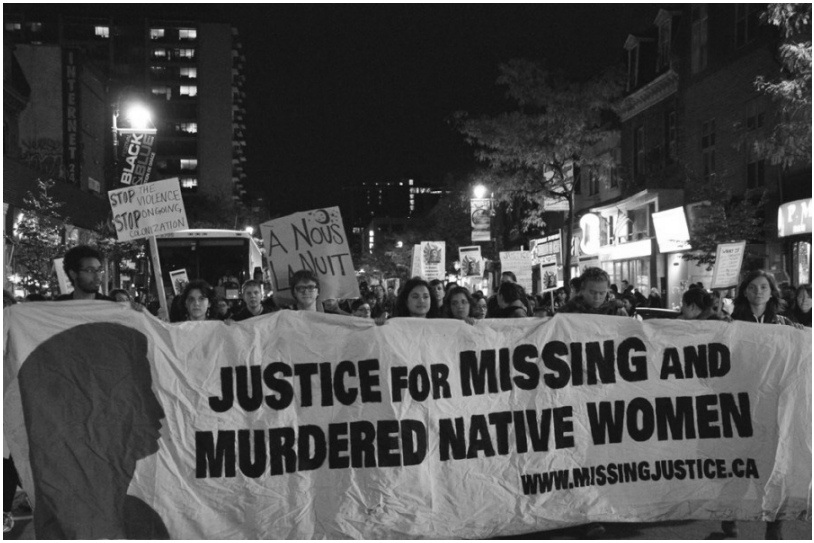
Newsworthy Crimes & Newsworthy People

The majority of crime that happens in Canada is non-violent, though news media tend to disproportionately cover stories of violent, sensational and rarely occurring crimes. The mantra 'if it bleeds, it leads' certainly seems to apply. The Internet and social media offer a vast array of graphic crime content. For example, in 2016 thirteen year old Latisha Reimer was stabbed to death at her high school in Abbotsford, British Columbia. Latisha's attacker, twenty-one year old Gabriel Klein was hospitalized following the incident and subsequently charged with second degree murder. News media described Klein as a "homeless drifter" and the attack as "random" because the two did not know each other before the crime took place. Despite protest by families of the victim and school representatives, the graphic details of the story, including a six second video of the attack, were circulated widely in social media.

Crimes such as murder, though reported widely by media, are statistically rare in Canada. Nonetheless, stories about such relatively rarely occurring crimes are widely reported because they are shocking, disturbing and easily dramatized by journalists - but, statistical rarity alone does not account for the atypical crimes that are selected by journalists and made into news (Lundman 2003; Pritchard and Hughes 1997). Homicides that involve child victims, white victims, and female victims receive a disproportionate amount of coverage compared to other homicides (Pritchard and Hughes 1997). Journalists are more likely to decide a homicide is 'newsworthy' when the victims are considered to be innocent, such as children, or law-abiding victims who do not engage in "risky" behaviour (drug use, crime et cetera) (Pritchard and Hughes 1997).

News rely heavily on criminal justice sources for information, yet research suggests that journalists rarely contextualize statistical information or question the reliability of data used to support a story (Lugo Ocando and Brandao 2016). For example, Roberts (2001) notes that crime statistics are presented as happening "now" rather than in relation to an historical upward or downward trend in crime. Because crime news is part of mass media, it must be presented simply so that it can be quickly consumed by a wide and diverse audience. Additionally, time constraints in crime news reporting result in inaccurate, misleading, and simplistic images of crime that perpetuate the status quo. Crime news stories tend to have racial and cultural biases about the worthiness of the parties involved (Loseke 2017) and served for public consumption as a mixed bag of factual reports, rumours,

and speculation (Sacco 1995). As a result, crime news stories are often far from the empirical reality of criminal events.



Canadians walk in remembrance and protest of missing and murdered Indigenous women.

One of the most unsettling trends is the way that the presentation of sympathy-worthy victims functions to reinforce the status quo. Crime news media create and reinforce *cultural biases* in eliciting sympathy for certain types of victims. Victims of crime who are middle-class, white, women or children elicit much more sympathy from audiences than victims who are poor, people of colour, or people who have been in prison or involved in crime (Loseke 2017; Pritchard and Hughes 1997). For example, consider newspaper coverage of women missing and murdered from the Downtown Eastside in Vancouver, British Columbia. Jiwani and Young (2006) conducted a content analysis of newspaper stories on the case and found that news media consistently framed missing and murdered women as "Aboriginal, drug-addicted, sex-trade workers". In contrast, white women who did not fit this stereotype were described as women who did not "belong" in the Downtown Eastside, and who "could have been a university student" (Jiwani and Young 2006:906). Similarly, in a thirty year analysis of Canadian print media, Collins (2014) found that stories about white victims of crime tended to use more fearful language, while victims who were people of colour tended to be blamed for their victimization.

News media reporting tend to reinforce racial and cultural biases and stereotypes about who is 'meant' to be harmed by crime and who is not (Collins 2014). According to Statistics Canada data, Indigenous people represented 28% of homicide victims in 2020 despite representing 5% of the Canadian population more generally. Clearly there is a national crisis of missing and murdered Indigenous women and girls in Canada, yet crime news reporting on this issue is not always proportionate to the magnitude of the problem. One study revealed that these women's stories received three and a half times less newspaper coverage than other victims and less likely to appear on the front page compared to their white counterparts (Gilchrist 2010). In contrast, white people are disproportionately portrayed in morally praiseworthy roles, either as police officers or as innocent victims of crime (Dixon 2017). In the next section, you will see that much of the content of popular cultural crime narratives found in television, movies and music, echo these themes of crime, justice, morality and victim-worthiness.

Box 1.2 Global Crime

Suicide Bombing in Manchester

On May 22, 2017, 22 year old Salman Abedi detonated a shrapnel-laden homemade bomb at Manchester Arena, England following a concert performed by American singer Ariana Grande. The explosion killed Abedi, as well as twenty-two concert-goers, including several children. An additional 119 people were injured. Media sources speculated that the suicide-bombing carried out by Abedi was part of a terrorist attack, that he had recently travelled to Syria where he had been 'radicalized,' and that he had been in contact with ISIS. Manchester police, however, issued a report indicating that they believed Abedi was not part of a terrorist group and had acted alone.

While we may never know Salman Abedi's personal reasons for the attack, researchers have attempted to describe the characteristic and motivations of terror related suicide. In his famous study of suicide, Emile Durkheim (1897) argued that rates of suicide across countries could be explained by levels of social integration and social solidarity. Suicide could be categorized as *altruistic* when it facilitates collective goals, or *fatalistic* such as in the context of excessive state regulation and economic or political oppression (Stack 1979).

In a study of Palestinian suicide terrorists, Ami Pedazhur and colleagues (2003) argue that suicide terrorism could be described as both altruistic

and fatalistic. Compared to non-suicidal terrorists, suicide terrorists tend to have lower socio-economic status and fewer family connections, which may suggest a fatalistic future orientation. Suicide terrorists in their study also tended to have support from a community of Hamas or Islamic Jihadists who provided insulation from "potential cross-pressures that might weaken his resolve" (Pedazhur et al 2003:420).

Though we think of suicide as a highly personal or individual decision, these works show us that suicide – especially in the context of terrorism – have social dimensions as well.

Web links: ***Using statistics to understand crime.***

http://www.statcan.gc.ca/eng/start

Statistics Canada is a government operated website that collects and releases statistics on crime and other issues in Canada.

Popular Culture, Crime and Justice

Crime Content

Criminologists Nicole Rafter and Michelle Brown argue that "it has become increasingly difficult for academic criminology to maintain boundaries between itself and popular culture – to ignore explanations of criminal behavior generated so powerfully and prodigiously by movies, novels, television, and other cultural discourses" (2011:4). Crime-themed popular culture has an undeniable entertainment quality but we ought not to dismiss these narratives as *just* entertainment. Like news media, popular cultural narratives are significant to the study of crime and criminal justice because they represent an "extract of reality" that is reframed, marketed and consumed by an audience (Surette 1998:xv). Popular culture reveal much about the complex interplay between devalued people and behaviours and the dominant ideologies that shape public opinion about how such behaviours ought to be controlled.

Crime themed popular culture engages audiences by presenting a window into the pain of incarceration and victimization as well as the pleasures of criminal involvement. For example, the films *Stoic* (2009), *25th Hour* (2002) and *The Experiment* (2001), each portray the emotional, physical and psychological pain of imprisonment (see Sykes 1958). Other films highlight what criminologist Jack Katz (1988) called the "seductions of crime" - the

gratifying or lucrative aspects of criminal involvement (such as adrenaline rushes, sneaky thrills, or a feeling of moral superiority). Finally, popular cultural content provide many types of biological, environmental and psychological or motivational explanations of crime (Rafter 2006; Welsh, Fleming and Dowler 2011).

For instance, consider the vast number of films and television shows that depict the iconic "predator criminal" (Surette 1994):

- *American Psycho* (2000) features the character Patrick Bateman, a Wall Street businessman, a sociopath who leads a 'secret life' that includes murder, rape and torture.
- *No Country for Old Men* (2007) depicts Anton Chigurh, an emotionless, ruthless killing machine who murders his victims with a cattlegun.
- *Reservoir Dogs* (1991) includes a scene in which the character Mr. Blonde dances to the cheery song "Stuck in the Middle with You" as he cuts off a police officer's ear. As the officer begs for his life, Mr. Blonde douses him with gasoline.
- *The Silence of the Lambs* (1991) tells the story of a serial killer who skins his victims. To find the killer, an FBI agent must solicit the help of murdered and cannibal, Dr. Hannibal Lecter.
- *Nightcrawler* (2014) is a film about amateur photo-journalist and con-man Louis Bloom who shows reckless disregard for his victims and will do anything to get a story.

Depictions of psychopathic killers are particularly disturbing to audiences because they imply that "danger lurks everywhere" (Rafter 2006:105). Films such as these play on the myth of "random violence" by encouraging audiences to believe that violent crime is unexplainable, getting worse and can strike anyone at any time (Best 1999). This is misleading for several reasons:

- In reality, the vast majority of homicide victims are killed by someone that they know. Most often the perpetrator is a family member, acquaintance or current or former spouse.
- Homicide and violent crime in general are relatively statistically rare events in Canada. In 2020, the homicide rate was 1.95 per 100,000 people in the Canadian population.
- The most atypical cases of homicide involve a perpetrator unknown to the victim and even rarer are cases where a perpetrator kills several victims unknown to them.

Still, it is not difficult to generate a long list of popular films that portray homicide as a common crime carried out primarily by anonymous serial killers.

Criminals and Victims

Television shows that claim to be "reality-based" such as *Cops* (1998 – present) and other crime dramas such as *Crime Scene Investigation, Law and Order* and *Without a Trace* present audiences with information about criminal justice processes and people involved in criminal events. Television dramas engage audiences with crime and justice themes through "control talk" that create an 'us versus them' dichotomy. For example, Escholtz and colleagues (2004) note that criminal suspects in television crime shows are often referred to in derogatory ways by police characters, as "deadbeat scum", "low lives," or "riff-raff." This type of control talk reinforces the moral blameworthiness of accused persons while implying that police are the "good guys."

The 'us versus them' dichotomy operates along racial and social class lines as well. Research suggests that police characters (the 'good guys') are more often presented as white and male (Rhineberger-Dunn and Rader 2017) while suspects or criminals are presented as poor and people of colour (Chiricos and Escholtz 2002). One study found that Hispanic characters are 15.5 times more likely, and Black characters are 3.3 times more likely to be portrayed as criminals compared to their white counterparts (Chiricos and Escholtz 2002). Additionally, white characters are more often portrayed as intellectual and powerful (Rhineberger-Dunn and Rader 2017).

Victim characters tend to be sympathetic (Britto et al 2007) and often presented as 'doubly-victimized' by a criminal justice system that fails to penalize offenders (Welsh, Fleming and Dowler 2004). Like crime news media, victims in fictional crime dramas are most often white, young, female and law-abiding (Britto et al 2007). In a study of *Law & Order: Special Victims Unit*, Bitto and colleagues found that greater value was placed on these types of victims. Two-thirds of victim characters in their study were white (Britto et al 2007). In short, crime narratives in popular culture are important they are a source of information about crime that reflect harmful stereotypes and cultural anxieties about victimization and criminal involvement.

Crime Entertainment

Audiences are entertained by crime narratives presented in news (Surette and Otto 2002), movies (Rafter and Brown 2011), television (Escholtz et al 2004;), and music (Steinmetz and Henderson 2012; Gerkin, Rider and Hewitt 2010). However, it would seem that people seek out crime content not only in news and popular media but on their vacations as well (Sacco and Horton 2013). There are a surprising number of tourist attractions that have a crime theme. Examples include defunct correctional facilities that have been converted to hostels, hotels that claim some tangential association with crime, and books that offer self-guided tours of famous locations where crimes have occurred. This phenomenon is sometimes called "crime tourism" (Sacco and Horton 2013) or "dark tourism" (Sharpley and Stone 2009; Walby and Piché 2011; Walby and Piché 2015).

For example, the Carleton County Goal in Ottawa, Ontario, is the location of the last working gallows in Canada. It has been converted into a hostel where travellers are invited to sleep in the cells, take a tour of death row, and have a drink at the hostel's bar, "Mug Shots". A second notable example in the American context is the Lizzie Borden Bed and Breakfast Museum. Borden was tried and acquitted of the axe murder of several family members in 1892, in Fall River, Massachusetts. The Borden home resembles its 1892 condition and tourists from around the world are welcomed to stay in the alleged killer's bedroom. The famous case has been the subject of a broad range of media including books, television shows such as the *Lizzie Borden Chronicles*, and even a Broadway play (http://www.broadway.com/shows/lizzie-borden/).

The Carleton Country Goal and the Lizzie Borden Bed and Breakfast are among many examples of crime-themed attractions (see Sacco and Horton 2013; Sharpley and Stone 2009). On the one hand, it might be that people are attracted to the sites to learn about crimes of the past. On the other hand, such places could be read as symptomatic of a broader trend in social, news and other media that conflate information with entertainment (Surette and Otto 2002). The popularity of crime-themed film, television and public attractions raises the question: How are ideas about crime, victims and people who are criminally involved presented in these contexts, by whom, and why?

The Carleton County Goal Hostel, present day. Weblink: https://lizzie-borden.com/

Box 1.3 "Canadians and Crime"

The CSI Effect

Some people claim that television shows such as *Crime Scene Investigators*, *Criminal Minds*, and others, have increased the evidentiary expectations of juries. In other words, the "CSI Effect" suggests that jurors who watch these fictional shows have higher expectations for scientific evidence because these shows often exaggerate the role of DNA testing and forensic evidence. It is possible that a higher expectation for forensic evidence could result in demands for such evidence - and when it is unavailable or unrealistic - ultimately a decision to acquit the accused person. A related concern is that a heightened expectation of scientific evidence would lead jurors to discredit non-scientific evidence, such as witnesses and expert testimonies.

Fortunately, criminologists have tested whether the "CSI Effect" is empirically supported. One study analyzed surveys from jury-eligible students as well as post-trial jurors and found that "CSI Effect" was not actually happening. In other words, jurors and respondents who watched

these criminal television shows did not increase their evidentiary expectations nor did they ignore non-forensic evidence (Holmgren & Fordham 2011). They did, however, find that jurors who watched the shows were more inquisitive about why certain evidence, particularly forensic evidence, was not presented. The alleged CSI effect might not be giving enough credit to media consumers. In a second study, criminologists found that the extent to which people are affected by this type of media in their decisions about the guilt of accused persons is mediated by whether people think such shows are realistic (Maeder and Corbett 2015). These recent studies do not find evidence to support the claim that television shows are significantly shaping the decision-making processes of Canadian jurors or resulting in wrongful acquittals of guilty persons.

Making Connections: Media and Social Reactions

Responses to Crime Media

Images of criminals in popular culture and news media are important because they offer information about criminal behaviour and reflect the public's fears about crime and victimization. Media offer a host of images and explanations of offenders, victims and criminal behaviour and have the capacity to shape public opinion about crime, its causes and its solutions (Best 1999; Best 2017). Additionally, popular cultural narratives are useful for illustrating a diversity of theoretical perspectives in criminology (see Rafter and Brown 2011; Rafter 2006). In essence, we have been answering the question: How do we know what we know about crime, and what role do media play in creating this knowledge? This line of inquiry is fundamentally constructionist in nature. In this section we will explore how media construct the problem of crime and its solutions.

Crime as socially constructed

In this chapter we have explored competing definitions of crime - as law breaking, as a violation of social norms and as harmful. Different definitions of criminal behaviour should reveal to us that identifying what does and does not fall under the definition of 'crime' is inherently a social process. News and other media play a tremendous role in making claims about crime and criminal justice. As we have seen, news workers operate under stringent deadlines and pressure to present stories that are new or fresh (Best 2017).

Crime news reporting tends to present crime as a problem that involves certain kinds of people called *victims* and other kinds of people called *offenders*.

We have also seen that news media present simplistic constructions of crime that perpetuate stereotypes and that imply that the least frequently occurring crimes (such as murder, terrorist attacks, or suicide bombings) are happening the most. We have learned that exposure to traditional media such as crime news, programs and television are associated with public anxiety about victimization and support for harsher penalties (Roche, Pickett and Gertz 2016). Essentially in asking how crime has been defined by media, we are questioning the very nature of what we 'know' about crime and how it is produced. Social constructionism is a key perspective in the study of crime and criminal justice that hinges on the idea that everything we come to 'know' about reality, including crime, is a product of social activity (Berger and Luckman 1967). In other words, our 'knowledge' of crime, criminals, victims, and the criminal justice system is a result of people making statements about these issues that others in society accept as 'truth'. In this way, crime is *constructed* by people with the power and resources to define it (see Berger and Luckman 1967; Best 2017). Media is one important resource that some people are able to use to shape public perceptions of crime.

Social Problems & Moral Panic

Social constructionists who study crime as a social problem might ask: If crime is widely considered to be a problem, how did we come to accept crime as problematic? What and who is involved in this process? Some scholars argue that it is useful to think of the process of naming problems in terms of people making assertions or grievances about some issue in an attempt to rally support for their position (Spector and Kitsuse 1977; Best 2017; Loseke 2003). A *claim* is a statement of fact, or argument. Claims about crime can include statements about the nature of the problem and statistics that indicate the number of people per year affected, as well as emotional appeals that justify particular steps to address the problem (Best 2017). A *claims-maker* is a person who attempts to persuade others of the problematic nature of some issue, its causes, and solutions or policy implications. Some claims-makers are *moral entrepreneurs*, who are the forefront of problematizing a behaviour that they claim to be fundamentally evil (Becker 1963).

News and other media play a tremendous role in making claims about crime and criminal justice. As we have seen, news workers operate under stringent deadlines and pressure to present stories that are new or fresh (Best 2017). Crime stories tend to present crime as a 'problem' that involves people who are categorized as *victims* and *offenders*. News stories are largely simplistic constructions of crime that perpetuate stereotypes and that imply that the least frequently occurring crimes (such as murder, terrorist attacks, or suicide bombings) are happening the most. Exposure to traditional media such as crime news, programs and television are associated with public anxiety about victimization and support for harsher penalties for offenders (Roche, Pickett and Gertz 2016). Additionally, media plays a special role in the social construction of crime because people with no personal experience with crime or criminal justice are more likely to rely on media for information about crime compared to those who do (Pickett et al 2014).

Public reactions to media claims about crime can be measured with public opinion polls, as well as urban legends, myths and rumours about crime that get circulated in the broader culture (Best 2017; Best and Horiuchi 1985). For instance, one of the most durable crime narratives is "stranger danger." The myth of stranger danger suggests that the biggest threat to our security are criminally motivated, unknown others who wish to victimize us at any opportunity to do so. Over the years, the dangerous stranger has taken on a number of different forms: Halloween sadists who poison children's candy (Best and Horiuchi 1985), indiscriminating rapists who drug women's drinks at bars (Moore 2009), and pedophiles who use Facebook to find and sell children internationally (Best 2017). Some stories, such as the poisoned Halloween candy, originate in the media, are spread through word of mouth and become a durable part of crime folklore (Best and Horiuchi 1985). Other crime mythologies such as the 'roofied' or spiked drink narrative have mixed empirical support but are nonetheless institutionalized in awareness campaigns and believed to be widespread (Weiss and Colyer 2010).

Sometimes the media's claims about crime are so powerful that a collective public panic about some new and disturbing crime issue erupts. Stanley Cohen (1972) coined the term *moral panic* to refer to a behaviour or person who comes to be seen as so immoral, evil or harmful that it captures the attention of the public, who demand that steps be taken to eradicate the person or problem. A moral panic can be described as a public social reaction to some disturbing perceived threat to the moral order of society.

Good and Ben-Yehuda (1994) have identified several characteristics of moral panics: 1) intense public concern over the issue; 2) hostility toward