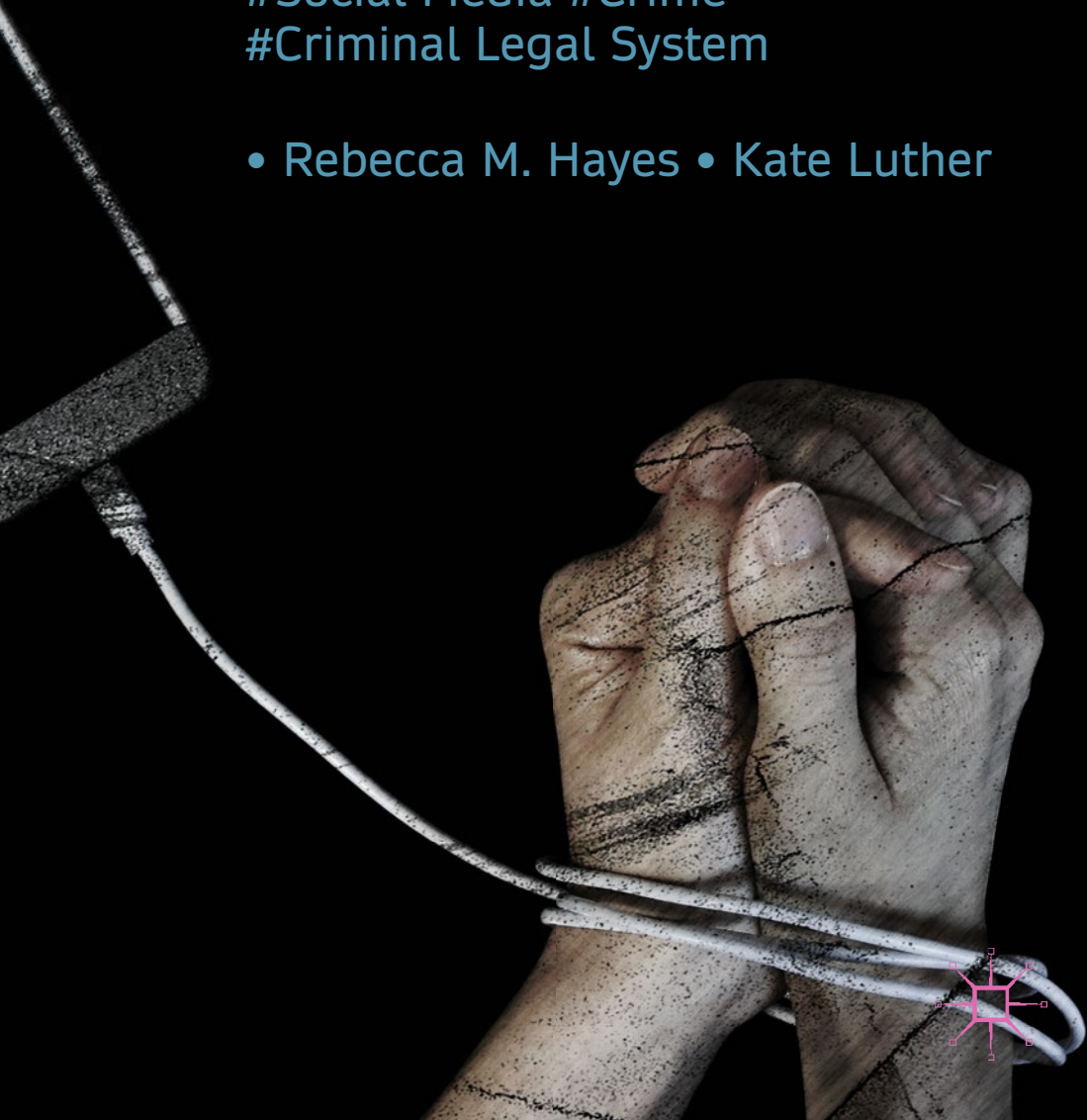# #crime

#Social Media #Crime #Criminal Legal System

• Rebecca M. Hayes • Kate Luther

Palgrave Studies in Crime, Media and Culture

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This series aims to publish high quality interdisciplinary scholarship for research into crime, media and culture. As images of crime, harm and punishment proliferate across new and old media there is a growing recognition that criminology needs to rethink its relations with the ascendant power of spectacle. This international book series aims to break down the often rigid and increasingly hardened boundaries of mainstream criminology, media and communication studies, and cultural studies. In a late modern world where reality TV takes viewers into cop cars and carceral spaces, game shows routinely feature shame and suffering, teenagers post 'happy slapping' videos on YouTube, both cyber bullying and 'justice for' campaigns are mainstays of social media, and insurrectionist groups compile footage of suicide bomb attacks for circulation on the Internet, it is clear that images of crime and control play a powerful role in shaping social practices. It is vital then that we become versed in the diverse ways that crime and punishment are represented in an era of global interconnectedness, not least since the very reach of global media networks is now unparalleled.

Palgrave Studies in Crime, Media and Culture emerges from a call to rethink the manner in which images are reshaping the world and criminology as a project. The mobility, malleability, banality, speed, and scale of images and their distribution demand that we engage both old and new theories and methods and pursue a refinement of concepts and tools, as well as innovative new ones, to tackle questions of crime, harm, culture, and control. Keywords like image, iconography, information flows, the counter-visual, and 'social' media, as well as the continuing relevance of the markers, signs, and inscriptions of gender, race, sexuality, and class in cultural contests mark the contours of the crime, media and culture nexus.

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#Crime

Social Media, Crime, and the Criminal Legal System

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Introduction

We live in a digital culture. It is undeniable and unavoidable. There are few places where one can go in our society without some form of media being present. Today, media impacts all of our social institutions, and the criminal legal system is no exception. Based on the pervasiveness of media, and in particular new media, we set off in this book to explore the connections between media and crime.

We begin each chapter with a real-world example of a crime connected to media. These connections include how new media is utilized to: inform the public about incidents of crime; document criminal motivations by perpetrators; aid law enforcement investigations; and react to injustices in the criminal legal system. Throughout each chapter, we refer back to these examples to explain different concepts. As new media is quickly changing, we recognize that by the time this book is published, some of these examples may seem outdated. We tried to choose examples that address significant issues that will continue to be concerns of the criminal legal system for years to come.

Much of the research we use in this book examines crime and media in Western societies. This is due to the fact that a lot of research is focused on Western societies, primarily the Global North. Where possible, we include research on the Global South, mainly Australia. The literature referenced in these chapters is largely drawn from traditional scholarly sources, yet as a book addressing media we also utilize many media

sources from around the globe and provide specific examples from social media platforms. These examples help to illustrate our arguments and provide the reader with clear connections between media and crime.

We hope this book inspires students of criminology to consider the ways new media shapes perceptions of crime, the commission of crime, and criminal legal system responses. Due to the small amount of research on new media and crime, we ask the reader to consider many questions that are yet to be answered by scholars. By doing this, we want to encourage innovative research that helps to grow the interdisciplinary study of new media and crime.

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#Crime: The Theoretical Underpinnings

On the evening of Friday, November 13, 2015, a group of men killed 130 people and injured hundreds through a series of attacks in Paris. The so-called Islamic State (also referred to as Isis, Isil, or Daesh) claimed responsibility for the attacks at the Bataclan Concert Hall, where the American rock band Eagles of Death played; outside of the Stade de France, which was hosting an international football match; and at multiple restaurants and a bar. Following the attacks, police led raids in both France and Belgium, where many of the men lived, to arrest those associated with the planning and execution of the attacks (BBC 2015a; Reuters 2015). Throughout this chapter, we refer back to these horrific crimes and subsequent investigations to explore the role of new media, to examine the applicability of criminological theory to crimes that transcend borders, and to highlight key concepts in the study of media and crime.

Terrorism is the crime du jour in our global society of the twenty-first century. While efforts to focus on terrorism are negotiated and policies are created, there is a need to discuss the role that media, and in particular new media (e.g. social media), plays in the commission, perception, and reaction to this crime. In response to the Paris terrorist attacks, Rutledge (2015) wrote in her blog post in *Psychology Today*:

> Social media is the terrorist's best and worst friend. Acts of terrorism need to be public to get attention, make a statement and spread fear. Social media amplifies these events, allowing people around the world to instantaneously see and respond to the horror and to feel the sense of vulnerability and chaos. Social media is also the terrorist's worst friend. Social media shows terrorism for what it is, senseless, reprehensible violence. It unites people against their cause.

This quote highlights the importance of new media in the study of crime. The massive assault in Paris was coordinated across borders in Europe and the aftermath of the crime played out on new media platforms throughout the world. The role of new media and how it impacts the act of crime, criminal justice responses not only within a country but also across borders, and perceptions of crime need to be better understood both theoretically and empirically.

There is an extensive body of literature examining legacy media (e.g. traditional media) and crime, and over approximately the past ten years scholars have *begun* to explore the impact of new media on crime. According to Surette and Gardiner-Bess (2014), there has been little research on this relationship, but there are plenty of hypotheses. Throughout this book, we draw from cutting-edge criminological and media studies research on new media, as well as proposing and discussing hypotheses for future research. We pose questions that encourage the reader to consider how new media applies to and expands existing theoretical frameworks and research in our global world that is increasingly interconnected through new media.

As new media is an ever-changing technology, writing this book was a daunting task. Questions about whether our examples would be outdated by the time this went into print were asked, to which we responded, "Yes, of course." New examples will always present themselves as they do in all areas of justice inquiry. Even when examples are no longer fresh, the concepts and issues raised with the "outdated" examples can still be relevant. For example, criminal justice textbooks in the United States commonly discuss the O. J. Simpson trial (see box *O.J. Simpson*), which occurred over 20 years ago, but is still timely for numerous reasons. The role of race and

racism in the trial, which led to much divisiveness in how the trial was viewed by white versus black Americans (Brown et al. 1997), is still relevant in today's criminal justice system. Likewise, the notion of being able to buy your innocence and America's fascination with celebrity status (especially sports celebrities) were also key issues in this case that continue to be relevant. And, most pertinent to this book from the O. J. Simpson trial is how it brought up questions about the role of the media in criminal proceedings. Judge Lance Ito allowed television cameras into the courtroom to capture the entire trial, which contributed to the fascination with the case. Even though the murders of Nicole Brown and Ron Goldman occurred in 1994, this case is part of our collective understanding of how the criminal justice system operates in America (Barak 1996; Brown et al. 1997; Dershowitz 1997). The current interest in the case is evidenced by FX's recent *The People vs. O.J. Simpson: American Crime Story* (2016) and ESPN's *O.J.: Made in America* (2016), which continue to encourage conversations about race, crime, and the media.

O. J. Simpson Orenthal James (O. J.) Simpson, a United States football star, was charged with murdering his ex-wife, Nicole Brown Simpson, and Ronald Lyle Goldman. He was acquitted of their murders in criminal court, but later found liable of battery and wrongful death in civil court. The cases, which occurred during the 1990s, were publicized in a manner that previous cases in the United States had not been. It was one of the first cases where cameras were allowed in the courtroom, which allowed the public a firsthand look at the criminal legal system that previously did not exist, and thus ushered in a new era of media involvement in the criminal legal system. Even more interesting is that these cases brought about questions and discussions about the US legal system, race, gender, and class, which provide a unique look into American society. This case (even 20 years later) is still being discussed and is still presented in many criminal justice texts. There was even an *FX* series on this case in 2016. (For further reading on this case and its impact, refer to Gregg Barak's, 2012 *Representing O.J.: Murder, Criminal Justice and Mass Culture* or Jeffrey Toobin *The Run of his Life: The People v. O.J. Simpson.*)

In the following chapter, we:

1. Define legacy media and new media with particular attention to social media
2. Discuss trends in media consumption
3. Overview a selection of key theories (Social Construction, Moral Panics, and Cultivation Theory) on media and crime, and how/if they are applicable to new media
4. Discuss new theories and concepts that directly apply to new media and crime

Defining Media and Exploring Trends

It is important to establish the distinctions between legacy and new media as even though there is overlap there are differences in the effects of each on the criminal legal system. *Legacy media* includes print media (pamphlets, novels, newspapers, etc.), visual media (television, film), and sound media (radio). *New media* includes the internet, social media, electronic games, and the smartphone. While these definitions are taken partially from Surette (2015), we acknowledge that there are competing definitions of these terms and some overlap between them. For example, traditional print media is now available through social media.

Media began with print, followed by audiovisual, and finally, the digital age emerged (University of Minnesota nd), where media is now commonly accessed through the internet. In a Ted talk, Shirky (2009), a journalism professor who specializes in global networks, discusses how social media is the next big boom that ties all previous media booms together. The printing press, the telephone, the television have all evolved with social media. Everyone has a printing press in their pocket with a smartphone, access to the internet, and a social media account. Media is now almost instantaneous. When something happens in our social world, we can tweet or post an Instagram picture immediately. Shirky provides the example of public officials in China not admitting to an earthquake until three months after it took place. More recently, an earthquake in China was reported on Twitter in real time and public officials were not able to delay their reporting of the event. This made us think about how social

media is impacting crime, the criminal justice system, and the public response. One such example is the recent fatal shooting of Philando Castile by police in Minnesota, the United States, which was livestreamed on Facebook by his girlfriend. Instead of the police being able to control the narrative, Castile's girlfriend was able to shape the narrative with her real-time video (CNN 2016).

Throughout this book we use the term "new media," which encompasses social media (Surette 2013), but we need to spend some time defining social media, which itself has many definitions. The *Oxford Dictionary* defines social media as "websites and applications that enable users to create and share content or to participate in social networking." Similarly, the *Merriam-Webster Dictionary* defines social media as "forms of electronic communication (as Web sites for social networking and microblogging) through which users create online communities to share information, ideas, personal messages, and other content (as videos)" (April 26, 2016). However, in communication studies an accessible commonly used definition is: "Social media are Internet-based channels that allow users to opportunistically interact and selectively self-present, either in real time or asynchronously, with both broad and narrow audiences who derive value from user-generated content and the perception of interaction with others" (Carr and Hayes 2015, p. 50). From Carr and Hayes (2015) here are *some* examples of social media: social network sites (e.g. Facebook and Google Plus), professional network sites (e.g. LinkedIn), Tinder, and Instagram. Here are some examples of *not* social medium: online news services (e.g. NYT online, PerezHilton.com), Wikipedia, Skype, Netflix, E-Mail, Online News, SMS/Texts, Oovoo, Tumblr, and Whisper. Largely, it seems that at least according to Carr and Hayes (2015), when we discuss social media, we are often discussing social networking, which to us is a subset of social media.

According to Wikipedia, here are the top ten most popular social network sites of August 2017: Facebook, YouTube, WhatsApp, Facebook Messenger, WeChat, QQ, Instagram, QZone, Tumblr, and Twitter. Social networks are a subset of social media, and most of the time when people are talking about social media, they are discussing social networks. Blogging and microblogging are also social media, but do not seem to be nearly as popular as they once were. Here is a list of each of some of the popular and common social media:

Student Activity *Define each of these forms of new media and come up with idea of how it can be involved with the commission or control of crime. Additionally, what new media is not listed here? How could this media be involved with the commission or control of crime?*

- Facebook
- Twitter
- LinkedIn
- Pinterest
- Google Plus
- Tumblr
- Instagram
- Vkontakte
- Flickr
- Vine
- Snapchat
- Reddit
- 4chan or 8chan

We are sure that as you are reading this, this list has already changed. Ello, in 2014, for example, attempted to take on the giant moguls at Facebook by offering a minimalistic design and promising an ad-free space. Ello, as of this writing, has not gained popularity, but a change in the technological climate, such as a data breach, could change the social media landscape.

The Changing Mediascape

With legacy media, radio, newspaper, and television all had their day. Now these media are evolving in the new media space, and this comes with some decline. The newspaper business overall continues to decrease in popularity in the United States, with a recent 7% decrease in daily circulation, according to the most recent State of the News Media report (PEW 2016). Some of the other key findings comparing 2014–2015 from this report include a/an:

- 8% increase in cable television viewership, which PEW suggests may be related to interest in the presidential primary
- 5% (late night) and 2% (morning) decrease in local television viewership
- 1% (evening) increase and 2% (morning) decrease in network television viewership

These trends are also mirrored in Europe. For example, in Europe newspapers have also decreased in popularity (De Bens 2004; Lauf 2001). Market research in Belgium highlighted that it is mainly young, single, urbanized men that are not reading newspapers (De Bens 2004). This is not a new decline, as research has demonstrated that in Europe newspaper readership has been on the decline since the 1980s and this is due to age and cohort effects, mostly that young people do not read the news daily (Lauf 2001). Another place where there is a global decline is in television viewership. Media reports argue that there is a decline in overall television viewing as noted in the report by Luckerson (2014) in *Time* magazine, or a recent article on *Screen Media Daily* (2015). Though on the decline, television is still the main source for news consumption with internet being a close second in 9 out of 11 countries (exceptions were Norway and South Korea) in a study by Papthanassopoulos et al. (2013).

The State of the News Media (PEW 2016) report in the United States also highlighted the use of digital media platforms for accessing news media. Although the majority of surveyed Americans "often get news" through television (57%), 38% said that they "often get news" through digital sources. Between 2014 and 2015, the audiences for digital news sources grew and, in particular, much of the growth was due to consumers accessing their news on mobile devices versus desktops. Indeed, regarding television, in 2015 the Nielsen report stated that media usage is moving to mobile and TV-connected devices and the largest growth is among those aged 18–34 and 35–49 (Nielsen Report 2016). The Nielsen report for 2016 stated this breakdown more specifically, according to which media consumption for adults of ages 18–34 is as follows: only 29% of TV, 18% radio, 9% PC, 11% TV-connected devices, 28% smartphones, and 5% tablets (Nielsen Report 2017). Compare that with

adults over 50, where 55% of their consumption is TV, 18% radio, 3% TV-connected devices, 8% PC, 14% smartphones, and 3% tablets. While television viewing is still occurring, there is a shift toward greater use of these platforms.

Another new media trend are podcasts. Coincidently, Serial, "the world's most popular podcast" (Ronson 2014), is about crime and criminal justice—or possibly injustice. Podcasts are still not listened to by the majority of Americans, but they are growing in popularity (PEW 2016). In 2016, 21% of Americans (ages 12 and older) were listening to podcasts, which is a significant increase from 9% in 2008. Although podcasts do not have the audiences of other forms of media, such as television or social media, there is increasing investment in podcasting by news organizations (PEW 2016). The "Serial Effect," referenced in the State of the News Media report (PEW 2016), refers to the growth in podcasting following the popularity of Serial.

This change in news consumption and television viewing among younger people can be broken down further. For example, in the United States, where 69% of adults use social media (PEW 2017), we do see there are some differences in social media usage based on sex, age, education, and income level. According to the Pew Research Center (2017), in the United States:

- Women (72%) use social networking sites more than men (66%)
- 86% of adults aged 18–29 use social media compared with 80% for those aged 30–49, 64% for those aged 50–64, and 34% for those aged 65 and older
- 78% of adults with college degrees use social media compared to 58% of adults with high school degrees or less
- 78% of adults with incomes $75,000 and above use social media in comparison to 60% of adults with incomes below $30,000

In the United Kingdom, according to the Office for National Statistics (2016), we see similar trends with 63% of adults (ages 16 years and

older) using social networking sites such as Facebook and Twitter. Additionally,

- Women (64%) and men (62%) use social networking sites at similar rates
- 91% of individuals of ages 16–24 use social networking sites compared with 89% of individuals of ages 25–34, 75% of individuals of ages 35–44, 66% of individuals of ages 45–54, 51% of individuals of ages 55–64, and 23% of individuals aged 65 and older

Social media sites have not shown any sign of slowing, as the number of worldwide users of social networking sites is expected to reach 2.5 billion by 2018 (Statista 2016). North America has the highest concentration of social networks with 60% of the population having an account. Facebook leads the social networking scene, as the only site with over 1.5 billion active users worldwide. With social networking users logging 101.4 minutes per day on these sites, this demonstrates high and consistent exposure (Statista 2016). Access to social media sites has only increased with the use of smartphones and tablets. Again, the leader here is Facebook with 580 million users in the first quarter in 2015 accessing the site solely through mobile devices.

These numbers all clearly demonstrate that usage is on the rise and evident across the globe. With such popularity of new media, it is even more pertinent to examine the impact this has on crime, definitions of crime, and the criminal justice system.

Theoretical Perspectives for Crime and Media Research

As a field of study, media and crime can be considered a subdiscipline underneath the larger field of criminology. Greer coined the term "News Media Criminology" (2010) when referring to the main theoretical issues and debates in the media, crime, and justice landscape. We venture to call it Media Criminology (Jewkes 2015), instead of News Media Criminology, in order to embrace all media—both legacy and new—that shapes the commission, control, and perceptions of crime. Regardless of the