



# CRIMINAL JUSTICE NEWS COVERAGE IN 2012

## Part 1

### Saturation coverage of gun incidents brings out the “best and worst” of American media

By Ted Gest

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One way or another, guns were at the center of crime and justice news in 2012.

Much of the news revolved around three major incidents: the fatal shooting of teenager Trayvon Martin in February, the mass killing in an Aurora, CO movie theater in July, and the massacre of students and teachers at Sandy Hook Elementary School in Newtown CT in December.

Each incident featured some of the best and worst tendencies of news coverage in the Internet-dominated days of the century's second decade. This report will review media treatment of each of them, along with some of the other major issues of the year.

This assessment of news media coverage of crime and justice issues is based in part on a conference call conducted by **Criminal Justice Journalists** on January 25, 2013 with **Amy Mitchell** of the Project for Excellence in Journalism and **James Alan Fox**, a criminologist at Northeastern University; and a subsequent interview with **Mike Cavender**, executive director of the Radio Television Digital News Association. (See accompanying [transcript](#) of the conversation.)

## 1. Trayvon Martin and George Zimmerman

The killing of a black teenager by an Hispanic neighborhood watch volunteer in a residential area of central Florida ordinarily would not command national news coverage, and in fact the death of Trayvon Martin, 17, in Sanford, FL on Feb. 26, 2012, did not at first.

The incident was initially reported only as a short police item by the *Orlando Sentinel* and on a local Fox television affiliate. It was only after Martin's family enlisted help from attorneys and an Orlando public relations representative that the story made the Reuters wire on March 7, CBS "This Morning" on March 8, and later much of the national media, as [recounted](#) in April by the *Washington Post*, which concluded that "the story found the media, rather than vice versa."

As the *Post's* Paul Farhi told it, those articles led to a news conference by the Martin family, which was followed by coverage by the Associated Press, the Huffington Post, and ABC's "Good Morning, America." Then the story hit the cable television talk show circuit, where "hosts on both sides of the political spectrum found something that fit their perspectives," said Tom Rosenstiel, then director of the Project for Excellence in Journalism.

The *New York Times* did a similar story tracing the national media attention, saying, "That Trayvon's name is known at all is a testament to his family, which hired a tenacious lawyer to pursue legal action and to persuade sympathetic members of the news media to cover the case."

The case was portrayed as one that illustrated in racial terms America's divide over gun policies. (Zimmerman was originally identified in press reports as white. His mother in fact is Hispanic, and the family has since maintained that some relatives are black.)

The Sanford police department had declined to charge Zimmerman, apparently because Florida's "stand your ground" law justified his defending himself against a threat by a black teenager who he believed was acting suspiciously.

After a national furor, Zimmerman eventually did face second-degree murder charges, which rated a two-column lead headline in the *New York Times* on April 12, 2012. Unless there is an early plea bargain, the case will not be resolved until well after the event's first anniversary.

The trial currently is set for June 10, 2013.

Still, the episode has focused wide attention on the proliferation of “stand your ground” or “Castle Doctrine” laws in states across the U.S. that had received mostly sporadic news coverage in the past. The measures generally make it harder to prosecute or sue people who use deadly force in self-defense.

The *Washington Post* published a front-page [story](#) on the trend on Sunday, April 8, analyzing FBI statistics and concluding that cases classified as justifiable homicides had risen markedly in the previous six years as states had been enacting stand-your-ground laws.

The story described the new statutes as barriers to the prosecution of genuine criminals, quoting a prosecutor as saying, “It’s almost like we not have to prove a negative—that a person was not acting in self-defense, often on the basis of only one witness, the shooter.”

The *New York Times* told its version of the stand-your-ground tale in a survey [story](#) on April 13, crediting the National Rifle Association (NRA) and a conservative group called the American Legislative Exchange Council for spreading the idea to state legislatures.

Although much of the article contained material critical of the NRA, the newspaper [said](#) that “repeated requests” to speak to the organization about its role in advocating for the laws had met with no response— a phenomenon that would occur again after mass shootings later in the year.

In Florida, the *Tampa Bay Times* paid particularly close attention to the controversy, [reporting](#) that the state’s stand your ground law “is being used in ways never imagined — to free gang members involved in shootouts, drug dealers beefing with clients and people who shot their victims in the back.”

Although Florida policymakers still are reviewing the state law, media coverage of the Martin-Zimmerman case faded after several months, eclipsed in the gun arena by the Aurora and Newtown killings, and did not seem to provoke a prolonged national debate on “stand your ground.”

One factor was that, in the Martin case itself, it was not clear whether Zimmerman would actually be able to benefit from the law in asserting his defense.

The case did involve one major media controversy: NBC’s “Today” program broadcast part of a tape of the 911 call Zimmerman made to police, suggesting that Zimmerman volunteered a racial comment, saying about Martin, “This guy looks like he's up to no good. He looks black.”

It later emerged that a producer had deleted a part of the tape on which a 911 dispatcher had asked Zimmerman if the person who had raised his suspicion was “black, white or Hispanic,” to which Zimmerman responded, “He looks black.”

Zimmerman has sued NBC, asserting that the tape editing showed that the network “saw the death of Trayvon Martin not as a tragedy but as an opportunity to increase ratings, and so set about to create a myth that George Zimmerman was a racist and predatory villain.”

NBC denied deliberate bias against Zimmerman and said, "During our investigation it became evident that there was an error made in the production process that we deeply regret. We will be taking the necessary steps to prevent this from happening in the future and apologize to our viewers."

Still, the NBC incident helped fuel complaints by gun-rights advocates that the media were slanting their reporting by consistently portraying Martin sympathetically.

NBC also faced criticism after sportscaster Bob Costas briefly took a stand questioning U.S. gun culture during a nationally televised broadcast after a Kansas City Chiefs player shot himself and his girlfriend to death. Talk radio host Rush Limbaugh accused Costas of doing the bidding of NBC network officials, but Costas said no one had talked to him in advance about his commentary.

In mid-April, speaking at the NRA’s annual convention, the organization’s executive vice president, Wayne LaPierre, accused the [media](#) of singling out the Trayvon Martin case for excessive coverage while ignoring many other violent crimes.

LaPierre said news organizations “manufacture controversy for ratings” and asserted that the “national news media in this country is a national disgrace”—a stance LaPierre has long maintained.

LaPierre was using exaggerated rhetoric speaking to his own organization, but it’s correct to say that the national media devoted extensive resources to coverage of the Martin-Zimmerman case and didn’t give other fatal shootings during the year equal prominence –until the Aurora and Newtown tragedies.

News reports did draw comparisons to a few other incidents with some similarities that came up later. For example, Michael D. Dunn was charged in the fatal shooting of a black teenager, Jordan Davis, who was listening to loud music in a car at a Florida gas station in November. Dunn was quoted as saying that he shot because he feared that Davis had a gun, but the Associated Press took care to [outline](#) the differences between that case and the shooting of Martin.

## **2. The Colorado Theater Shootings**

The Martin-Zimmerman story had receded from the national headlines by July 20, when a University of Colorado graduate student named James Holmes entered a movie theater

showing of “Batman” in the Denver suburb of Aurora and opened fire with three guns, killing 12 people and injuring 58.

The case drew immediate saturation media coverage, not only because of the horror of the event itself but because it had joined the annals of seemingly inexplicable mass killings in recent decades, headlined by the shootings of students at nearby Columbine High School in 1999.

As in most big cases in which reporters were scrambling for news, there were errors. ABC News, for example, jumped to an incorrect conclusion that the shooter was another man with the same name who was associated with the Tea Party in Colorado. The network later corrected itself.

Because the guns Holmes used—a semiautomatic variation of the military’s M-16 rifle, a pump-action 12-gauge shotgun, and a .40-caliber semiautomatic pistol—are widely available, there was not such a major focus on gun control as there was in the later Newtown, CT., school shooting.

Rather, mental illness emerged as a key policy concern, after it was established that Holmes had seen at least one psychiatrist at the university, who had declined to trigger an alert based on a suspicion that Holmes would prove to be a danger.

All of the facts involving Holmes’ medical consultations have not yet emerged, so it is too early to draw firm conclusions. The media’s reporting on the Aurora case generally was thorough and balanced, with plenty of attention to the many victims in the case.

The Associated Press made news with an interview of Colorado Gov. John Hickenlooper that coincidentally was published the day before the Newtown shootings in December. In it, Hickenlooper changed his earlier stance on gun control and suggested that something might be done to limit availability of large ammunition magazines of the type Holmes used.

*The Washington Post* raised the issue of potential copycat killings after Holmes struck, quoting Northeastern University criminologist James Alan Fox as saying about the media coverage that, “It is shameless, if not dangerous, to transform” an obscure individual like Holmes into “an infamous somebody who may be revered and admired by a few folks on the fringe.” The *Post* reported Fox urging the media to “limit the amount of information reported about criminal suspects, as is the practice in other countries, where the names of victims and suspects are shielded until after a trial” —a practice that does not seem likely to occur in the United States.

Aurora was not the only mass shooting as the year went on. There were two in Wisconsin—in a Sikh temple and a spa—and one in an Oregon shopping mall. Criminologist Fox criticized some in the news media for wrongly suggesting that the number of mass killings in the U.S. had increased in recent years.

Writing for the *Boston Globe* [website](#), Fox said that the annual total had remained about 20 for the last 30 years. He singled out *Mother Jones* magazine for asserting that mass killings were on the rise, mainly by eliminating from its count any incidents with more than one shooter or in which the shooter was related to some of the victims.

In any case, Fox' concern was appropriate that journalists not jump to conclusions about a non-existent trend.

### **3. Sandy Hook Elementary School**

As bad as the other mass shooting incidents earlier in the year had been, they were overshadowed on December 14 when a young Connecticut man, Adam Lanza, broke into the Sandy Hook Elementary School in Newtown and murdered 20 students and 6 teachers before killing himself.

The horrific case caused a national uproar at a level not seen since the fatal shootings of 13 people at Columbine 13 years earlier, which prompted major changes in school safety measures nationwide.

Like most of the other mass shootings in the U.S. in recent years, Newtown was a case where the shooter was quickly identified but his motives were not. In these days of massive news coverage by large numbers of online news organizations, bloggers, and others, there were some serious missteps in the early hours of the Newtown coverage.

Lanza had been carrying identification of his brother, Ryan, so some reports initially used the brother's name as the assailant's. More seriously, many early stories erroneously said that Adam Lanza's mother, Nancy, was a teacher at the school. It quickly became apparent that was incorrect and that he had killed her in the family home before heading to the school.

Reports promptly surfaced of young Lanza's odd behavior as a student but there was no verifiable report of treatment for mental illness. Meanwhile it emerged that his mother kept several guns at home that Lanza had used at the school.

The national shock and dismay over the massacre of 20 defenseless students produced an outpouring of news coverage throughout the year-end holidays.

Beyond reporting of the local repercussions and personalities, much of the journalism turned to whether any different laws or policies on gun acquisition could have prevented the Sandy Hook shooting or could reasonably prevent any like it in the future.

The *New York Times* should be credited for reporting on December 16 that the Justice Department had drafted a "detailed" list of ways to improve the gun background check system

after the 2011 shooting of Rep. Gabrielle Giffords in Tucson but had shelved the plan for political reasons, not wanting to raise it while President Obama was running for re-election.

After Newtown, politicians, including some who had not embraced gun control measures earlier, encouraged much of the new coverage either by proposing specific legislation or saying that the gun problem at least should be discussed after it had been off the political radar screen for nearly two years.

Unlike shooters in many cases, Adam Lanza had no known criminal record, so without that as a factor in the news coverage, the focus turned to two major issues: The types of gun used in the attack (one was a Bushmaster A-15 assault rifle) and Lanza's mental state.

Many media reporters did commendable stories on both of these issues. The *New York Times*, for example, closely examined assault-style weapons in a story on [A-15](#), and another on how the 1994-2004 federal law banning some of them had only a limited impact. One problem was that there has been little research done to determine the effectiveness of that law.

The mental illness angle was repeatedly explored in the weeks after the Newtown shootings, and a series of news reports by various outlets effectively discussed many of the complexities. One of them is that preventing gun sales to the mentally ill requires a database of those who have been institutionalized and that many states have not reported data to the existing national database.

Even then, the facts of the Lanza case, many of which were not known even as this report was written in late January 2013, seemed to confound simple solutions.

With the death of Lanza's mother, who owned the guns used in the school shooting, details of any mental treatment he may have had weren't immediately disclosed. The fact that he had not been institutionalized meant he would not have appeared on a database preventing him from acquiring firearms.

It was not clear that any gun control measures being discussed after Newtown could stop a similar case. Although the media widely reported the pleas of many gun-control advocates for new laws or policies, many stories could be faulted for not making any real connection between Newtown and remedies being discussed.

An example is the issue of background checks, which appears to be one of the most likely to be addressed by policymakers. Both liberals and conservatives have agreed that keeping guns from illegitimate users is a worthy goal. The issue has been debated for years. ,

The NRA entered the debate a week after the killings, when CEO Wayne LaPierre spoke to the media in Washington, D.C., (although no questions were taken from reporters) suggesting that more armed guards at schools would help prevent similar episodes. This idea was treated

seriously in many media accounts, particularly in states like Texas that already had embraced heavy school security.

Few reports attempted to cover the costs and benefits of such an approach, although some stories noted that there had been armed guards at Columbine High School who failed to prevent that school's massacre.

Some news organizations themselves made news in different ways after Newtown.

One widely reported incident occurred on December 23, when David Gregory, host of NBC's "Meet the Press," displayed an empty ammunition magazine of the kind used in Newtown during an interview with LaPierre.

The problem was that even possession of that item was banned in the District of Columbia, where the program originated. Gregory and NBC were not prosecuted, a decision that prompted criticism from gun-rights advocates who complained that the "elite" media were being given a break.

Another controversy was the online publication by *The Journal News*, a Gannett newspaper in Westchester County, N.Y., north of New York City, of a map showing the names and addresses of gun-permit owners in two counties. Gun-rights advocates denounced the action as exposing gun owners to needless publicity, and the newspaper hired armed guards after it received threats.

One of the first mainstream media commentators to question the newspaper's action was *New York Times* media columnist David Carr, who said that the paper's "decision lacked a rationale. It was what we in the business call 'B matter' in search of a lead."

Carr [quoted](#) former *Washington Post* editor Leonard Downie as saying, "My first reaction was, why are they doing this? What is the purpose? You have to have a very high standard when you publish the addresses of people to begin with, even though those are public."

The *Journal News* took the information off its website after New York state legislators prohibited publication of such data in the future as part of a post-Newtown gun control law. The episode was a net loss for the news media's ability to obtain information related to government regulation.

"It should never have been part of an otherwise admirable piece of gun-control legislation," journalism professor Alexa Capeloto of John Jay College of Criminal Justice [wrote](#) in a commentary for *The Crime Report*.

Overall, the news media have offered reasonably balanced coverage of the gun debate so far. Mike Cavender of the Radio Television Digital News Association observes that "the media have been portrayed by gun enthusiasts as in the pocket of the Obama administration, but that is not

borne out by the facts.” He adds that the NRA’s frequent refusal to be interviewed sometimes makes fair coverage impossible.

#### **4. Legalizing Marijuana**

After many years of public debate over the “war on drugs,” decisions by voters in two states—Colorado and Washington—to legalize recreational use of marijuana should have been a big national news story. But it did not turn out that way.

Many stories were done on the votes by print and broadcast outlets, but it so far has not evolved into a narrative suggesting a major shift in drug policy.

One reason was that the development occurred in two relatively less-populated Western states during a presidential election year. There was too much competition from other news. Another was that the general topic has been discussed for many years, first as many states legalized marijuana for medical purposes, and then as Californians narrowly defeated a proposition to legalize recreational pot use.

By 2012, the story seemingly had lost its novelty among many in the media.

A further reason for the lack of prominent news coverage was that it remained unclear whether the federal government would move to block the effectiveness of the Colorado and Washington votes on the ground that they conflict with federal law. Probably to avoid injecting the issue into the presidential campaign, the Obama administration was silent on legalizing pot.

The *Washington Post*, which has followed the issue as closely as has any media outlet, reported that the federal government would likely try to block the Colorado and Washington initiatives but so far, federal officials have not acted. If they do, the news media likely will give major play to a conflict that may take years to be resolved.

#### **5. Police Underreporting Crime**

The *Milwaukee Journal Sentinel* published a notable series of stories starting on May 22 on the city's underreporting of crime, concluding that more than 500 incidents since 2009 had been misreported to the FBI as non-violent crimes.

Correct reporting would have meant that the city should have disclosed an increase in violent crime in 2011 rather than the decrease that was announced.

The newspaper's work was the subject of a case study by Criminal Justice Journalists for the 2013 H.F. Guggenheim Symposium on Crime in America at John Jay College of Criminal Justice. (The case [study](#) is available online.)

The *Journal Sentinel's* work was the latest example of enterprise journalism in the U.S. on this subject, going back at least to stories in the Philadelphia *Inquirer* in the late 1990s on underreporting of sex crimes in that city, and including similar stories in 2009 by the Dallas *Morning News*.

Journalists at the *Journal Sentinel* suggested that news organizations in other cities check their police department's compliance with FBI standards, to make sure that crime statistics are being reported accurately.

## What's Missing in Criminal Justice Coverage

There is no doubt that crime and justice continues to command a large chunk of newspaper space, broadcast time, and online content. Most of it is coverage of spot news stories—single crimes or debates on one big issue, like gun control.

What is rarely seen is an overall look at how criminal justice policy is made on a federal, state, or local level—what decisions are made on how tax money is spent on such major functions as policing, courts, and corrections.

A notable exception was a [story](#) that appeared on the front page of a Saturday edition of the *New York Times* in January, 2013.

Reporter John Tierney was given considerable space to explore the shift of emphasis and expenditures from policing to prisons in recent decades. Using the story of New York City's simultaneous reduction of crime and incarceration rates as a backdrop, it quotes criminologists as concluding that more public investment in policing at the expense of prisons could lead to further drops in the crime rate.

As commendable as the article was, it attempts to cover a wide range of complex subjects in a disjointed fashion, and its placement in a Saturday newspaper with no particular connection to a news event did not guarantee wide readership.

The larger question is why most other news organizations don't even attempt to cover subjects like these.

The answer likely lies in economic pressures in the news industry that have resulted in a reduction in the number of journalists assigned to policy issues, not only criminal justice but others like education and the environment.

The need to cover breaking news online as well as in print and on broadcast television and radio has meant a concentration on single incidents at the expense of systemic examinations of how the criminal justice system works—or doesn't.

This trend is likely to continue, as Criminal Justice Journalists discusses in a companion report for the 2013 Guggenheim crime conference at John Jay College on what may be the “new normal” in U.S. criminal justice coverage. (The case [study](#), “Feeding the Beast,” is available online on *The Crime Report* website.)

Crime rates overall lacked much sustained media attention during the year, primarily because there were few apparently significant changes in rates reported by federal surveys.

As Northeastern University’s James Alan Fox mentions in the annual conference call accompanying this report, in years when crime rates in the nation were much higher, wire services and other media would widely report on both the Federal Bureau of Investigation’s semi-annual Uniform Crime Reports as well as the U.S. Bureau of Justice Statistics’ annual National Crime Victimization Survey (NCVS).

By 2012, such reports got little or no play in newspapers and on broadcast news programs.

This was true even when NCVS last year reported a 17 percent rise in violent crime in 2011, based on interviews with a representative group of U.S. household members asking if they had been victims of crime. The statistics agency was careful to explain that the increase was almost wholly due to the category of “simple assaults,” which may have minimized its news value.

The *Los Angeles Times* did produce a lengthy [story](#) on the report that quoted Florida State University criminologist Eric Baumer as saying that although the numbers might reflect the beginning of a meaningful break in the long-term crime decline, more likely they may have reflected the fact that many more people were interviewed for the survey on 2011 victimizations than for the previous year.

Of course, local media did report if there were unusually large increases in crime numbers in their areas during the year. A notable example was Chicago, where homicides hit the 500 level for the first time since 2008. Newspapers and broadcast outlets in the city and elsewhere gave the [story](#) extensive coverage.

As has been common over the years, murder totals got by far the largest volume of attention among crime categories.

Even if detailed media examinations of criminal justice system problems were few and far between, news organizations around the nation continued to produce exemplary stories on a wide range of crime and justice subjects in 2012. Many of them involved subjects of mostly local interest, but they were circulated nationwide via the **Crime and Justice News** report that appears daily on [The Crime Report](#) website to interested journalists and criminal justice professionals and academics.

A few examples:

- The MLive Media Group in Michigan did a five-part [series](#) on how the U.S. Supreme Court’s consideration of the constitutionality of life sentences without parole for crimes committed by juveniles—which was scheduled for argument and decision after the series was published--could affect the many such cases in Michigan. (The court subsequently declared mandatory life without parole for juveniles unconstitutional.)
- The *Arizona Republic* published a [series](#) on health problems in Arizona prisons, concluding among other things that the homicide rate in the state’s prisons was more than double the national average and that as the state prisoner population rose by less than 6 percent, inmate-on-inmate assaults jumped 90 percent. Daily newspapers in [Seattle](#), [Portland](#), OR and [Las Vegas](#) did extensive coverage of U.S. Justice Department civil-rights investigations of problems in their police departments, particularly allegations of excessive police use of force
- *Mother Jones* magazine published a groundbreaking [report](#) linking ups and downs in U.S. crime rates to levels of leaded gasoline, concluding that “gasoline lead may explain as much as 90 percent of the rise and fall of violent crime over the past half century.”

These and many others like them that appeared around the nation during 2012 establish that exemplary journalism on crime and justice remains alive and well in the U.S. media and is sure to continue for years to come despite the media’s rapid transformation.

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