

The negative effects of the media on the modern day criminal justice system

[Business](#)



The American criminal justice system plays an important part in modern society, but the growing accessibility of both television and social media has had a negative influence on the public's perception of judicial practices.

Throughout our history, evidence of "media circus" trials have been abundant. More recently, fictional television shows such as the CSI: Crime Scene Investigation franchise and Law and Order have provided the public with a glamorized and essentially inaccurate portrayal of the criminal justice system. Of course, the news media is hardly better, as it has the ability to alter the public's perception of real cases and therefore it introduces opportunities for bias among jurors during trials. This prejudice and preliminary "trial by media" can lead to wrongful convictions and wrongful exonerations, as well as a different ruling in the court of popular opinion than in a legal courtroom. The question asked today is how the criminal justice system can avoid the media interference and secure a fair and impartial trial for the defendants, without compromising either the media's First Amendment rights or the defendants' Sixth Amendment rights as given by the Constitution. The simple answer is that we cannot.

Completely ridding the process of this interference is a virtual impossibility considering the connectedness of modern society. However, there is a chance that the media's negative influence could be lessened with the assistance of law enforcement, the court system, and the media itself.

American history includes many instances where the media has attached onto a high profile case and turned it into a media circus. One of the first was the 1807 trial of former Vice President Aaron Burr, shortly after the signing of the Constitution. During the case, newspapers in Virginia detailed the <https://assignbuster.com/the-negative-effects-of-the-media-on-the-modern-day-criminal-justice-system/>

investigation, and as the publicity surrounding the trial grew there was a fear that the exposure would violate Burr's Sixth Amendment rights to a fair and impartial jury (Meringolo, 2011). In a later Supreme Court ruling about the influence of the media on potential jurors, Chief Justice Marshall claimed that "mere exposure to the pretrial publicity was not, in and of itself, enough reason to dismiss a juror, but if that juror could not leave behind his 'strong and deep impressions' in order to fairly 'weigh the testimony' and evaluate the evidence presented during the trial, then that juror could be disqualified" (Meringolo 2011). Over a hundred years later in 1935, Bruno Hauptmann was placed on trial for the kidnapping and murder of the Lindbergh baby. Similar to the Burr case, the media followed and reported on every aspect of the police investigation, and during the trial itself, approximately 700 reporters with 120 cameramen were present in the courtroom (Meringolo, 2011). This exposure led to the judge banning the cameras in the courtroom at the time (Meringolo, 2011). A more recent case involved Casey Anthony, a young mother accused of murdering her two year old daughter.

This case "revitalized the controversy a 'trial by media' can generate, especially when the 'armchair jury' finds differently than the actual jury" (Battaglia, 2012). Even after the trial concluded and Casey Anthony was acquitted, the media continued to portray her as being guilty, and discounted the jury's decision to exonerate her (Battaglia, 2012). In today's society, there is a kind of fascination that goes along with crime. There is, in fact, such a draw towards it that the news glorifies crimes and criminals, and television shows latch onto and exaggerate the more exciting aspects of the

justice system. One interesting side effect of the plethora of realistic crime shows on television is what is known as the “CSI effect.

” Named after the crime show CSI: Crime Scene Investigation, this effect is defined as being when “jurors [confuse] the idealized portrayal of the capabilities of forensic science on television with actual capabilities of forensic science in the contemporary criminal justice system” (Cole & Dioso-Villa, 2011). This can lead to a host of issues in the courtroom, when jurors overestimate the abilities of the scientists to extrapolate certain facts from the evidence. Along with these fictional shows, news broadcasts of current cases can cause just as much damage, if not more. When information about a case or trial is aired for the public to see, many potential jurors become subject to the bias that the media presents. The media has the ability to completely alter a person’s perception of a suspect by presenting them in a certain light. If a compelling story is that a suspect is a monster and should be convicted and sentenced to the full extent of the law, then that is the story the media will put forth.

Especially if the media turns it into a very high profile affair, the public’s opinion will be amplified; thus when the public perceives a defendant as being guilty, but that defendant goes free, the public may reproach the system because of it (Battaglia, 2012). Perception, in the psychological sense, is defined as being “the way you think about or understand someone or something” (“Perception,” 2015). This concept certainly comes into play with the discussion of the media and the criminal justice system, as there can be a large potential for misleading perceptions of the system as the

media coverage increases. One particularly dangerous example of how the media is shifting perceptions is the “armchair jury,” which is the public that has been converted by the media and can reach a different verdict than the real jury (Battaglia, 2012). This armchair jury then has the potential to essentially shame the entire American criminal justice system because of its “ruling” (Battaglia, 2012).

In extreme cases, defendants can be convicted before the trial even starts by the converted public. From all of this arises tension between the media’s right to free speech, and the defendant’s right to a fair and impartial jury, as the public’s perception can severely impact one or both during the course of a trial. If this corruption cannot be completely eradicated from the justice system, what can be done to lessen the effects and ensure a more fair trial for defendants? One of the first steps to be taken should be education for younger generations. Members from law enforcement and the legal system, as well as psychologists, could visit schools and give presentations on how the criminal justice system works, what specifically happens in a courtroom, and the impact of perception on the public as they hear about cases on the news or through social media. The next action that could be taken is a greater separation of the media from the proceedings.

It is true that allowing a filming of a trial in progress can be instructive for the public, and in some cases actually help, along with an actual educational program, to dispel some of the falsities put in place by crime shows that could accurately be called “edutainment.” However, the attempts by the media to cover cases before they go to trial should be prevented if at all

possible. By keeping certain key pieces of information from reporters, such as the identities of suspects, it prevents the reporters from exaggerating those aspects of the case. Without the media reporting on it, the jury's perception of the defendant during a trial would be more neutral. If silencing the media is not possible or practical for the situation, more thorough screenings of potential jury members should be put in place. Members could be selected from a different city than where the crime took place and media coverage has happened, greater in depth questionnaires could be given to all members before final selection, and then the process of voir dire—or the questioning of potential jury members before the trial—could also commence.

Utilizing all three of these techniques could increase the chance of an impartial jury, as well as keep younger generations more informed on the practices of the criminal justice system so that they will be less swayed in the future by the media. The criminal justice system is incredibly important in today's society for a multitude of obvious reasons, but the media has made it so that few people in the general public truly understand how it works, and they are therefore easily misled by false depictions of the system. This is seen throughout history, as the media negatively influences the public's perception of defendants, defense attorneys and prosecutors, and even the scientists who testify in court. If a change can be made in how the criminal justice system is presented and perceived, juries will be more impartial, and trials by media will be less abundant and less influential. There will probably never be a way to prevent the media's impact completely, but with a little extra effort on the part of the criminal justice system and the

media itself, perhaps it can be lessened enough to ensure that all receive a fair trial and the appropriate sentence. After all, it is the public that can either convict or exonerate a suspect, and save or ruin a life, and it is up to the media to help prevent a wrongful decision.