COLOR OF CHANGE

# NORMALIZING INJUSTICE

## THE DANGEROUS MISREPRESENTATIONS THAT DEFINE TELEVISION'S SCRIPTED CRIME GENRE

A Comprehensive Study of How Television's Most Popular Genre Excludes Writers of Color, Miseducates People about the Criminal Justice System and Makes Racial Injustice Acceptable

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COLOR OF CHANGE
HOLLYWOOD

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# FOREWORD

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# FOREWORD

## by Rashad Robinson

**PRESIDENT, COLOR OF CHANGE**

**"VIEWERS WILL CHANGE THE CHANNEL IF WE MAKE THE CRIME VICTIM BLACK, SO YOU'LL HAVE TO REWRITE THOSE CHARACTERS AND MAKE THEM WHITE INSTEAD."**

That is an order we know some writers have been instructed to follow by showrunners, producers and network executives. It is one of many deeply disturbing stories we have heard while looking at what goes on behind the scenes of one of television's most popular genres—scripted crime and legal series.

It is also just one example of the many forces working against building empathy for Black people in society, shaping both a public mindset and a media environment that enable politicians to scapegoat us without consequence and enable the criminal justice system to continue targeting us for violence, exploitation and abuse without remedy.

In the world of television, everyday people of color are generally perpetrators, not victims. People of color are generally supportive of the system and endorsers of the status quo, not agitators for changing it. Those accused by the police are the ones who cunningly manipulate the system, rather than being manipulated and coerced by it. Junk science like "bite-mark" analysis, and other debunked forensics, infallibly identifies the guilty rather than bolstering cases against the innocent (or even serving as the pivotal blow against them). None of that is true in the real world, but in the world of scripted television these are founding principles.

This is partly how we arrive at a reality—in the very real world—in which public attitudes reflect a deep conviction about crime going up, even when it is actually going down, according to the Pew Research Center.* Not just a fear of crime going up, but the conviction that is, even when it isn't.

We know that the right wing's cries of "liberal Hollywood" are pure mythology. There are certainly many people throughout Hollywood who care about values of justice, equity and freedom, finding every way they can to work toward them and often making personal sacrifices to do so. But there are just as many people, if not far more, especially at the decision-maker level, who simply follow the profit trail to wherever it leads. They are ready to compromise any principle, tread on any group of people and resist any outside pressure in service of their metrics of financial success, no matter what values they espouse in public.

Despite all the statements about inclusion and equity, and all the commitments to ensure authentic and responsible representation, the scripted crime genre provides daily proof of how far we have to go when it comes to rewriting the rules of the industry to ensure authentic, accurate and non-dehumanizing portrayals of Black people and the issues that affect Black people. Hollywood must share in the responsibility for the impact these portrayals have on society.

This research report reveals just how many principles—and how many people—are truly being harmed in the production of crime series. It also offers a roadmap for creating critical changes in the policies and norms that guide the genre—**changes that are far overdue** yet feel increasingly more urgent and viable to writers, critics and advocates alike.

*Gramlich, John. Pew Research Center. (2016). Voters' perceptions of crime continue to conflict with reality. Retrieved from https://pewrsr.ch/2ukgUSI.

## THE JUSTICE SYSTEM'S PR MACHINE

A recent cable network promo for a *Law & Order* marathon featured this voiceover, accompanied by multiple scenes of fans' favorite cops drawing their weapons, breaking down doors and roughing people up: *To enforce the law, sometimes you need a little…disorder.*

Wow. They just said it. This report offers more than a hundred pages of data and analysis suggesting that the scripted crime genre influences the public to grant even more authority to police than they already have: to break the rules, to violate our rights, to cage the beast of crime as they would have us believe it is—racial overtones and all. The report argues that the crime genre glorifies, justifies and normalizes the systematic violence and injustice meted out by police, making heroes out of police and prosecutors who engage in abuse, particularly against people of color. And then the network marketing machine just said it out loud.

Thanks to a decade of communities taking action, today's police, prosecutors and prisons are under increased public pressure to change how they operate, and in many cases are being forced to make long-stalled system changes. As they should be. But the pace of progress is slow. Some efforts to undermine reform are even taking us backwards.

What is preventing a public consensus from taking hold? Even as countless lives have been ruined? Even as hundreds of thousands of people have made their voices heard and their bodies visible, taking organizing for change to the next level? Even as the injustices and inconvenient truths of the system have been laid bare indisputably? Public pressure for change is too often neutralized by the public relations efforts working on behalf of all those who fear losing authority, power and money with reform.

The hysterical rhetoric of political opportunists and the sensational coverage of irresponsible news producers certainly play a large part, especially in their most shamelessly race-baiting and fear-mongering forms.

Yet, there is no stronger public relations force working against reform than scripted television. Whether intended or not, some of the most popular television series of the last three decades have also served as the most effective PR arm for defending the system, especially the police. Network television invented it. Cable television endlessly reinforces it. Streaming television has invented new ways to deliver it.

It is out of control. Most series in the crime and legal genre continue to miseducate the public about crime, race and the system itself. They do so in ways that undermine reform, demonize people of color and serve to legitimize debunked policies, discredited arguments, corrupt decision makers and (what should be) indefensible actions.

In short, they are helping to normalize injustice.

There are certainly important exceptions, as this report highlights, but those exceptions are not powerful enough to change the overall effect. The stray storyline about the corrupt or racist actions of an individual cop usually comes around to validate the system as a whole. The flawed character who is wrong in one scene and then the hero in every other scene and episode all year, likely does not give viewers pause as much as writers may hope.

The few inventive, short-run, "critical success" series that tackle deeper issues of racial injustice have not come to influence the conventions of the genre as a whole, and are largely drowned out by it. Without doubt, bringing new stories and new perspectives to air (from *When They See Us* to *The Watchmen*) can have a profound impact on people. Modeling a new approach presents a critical provocation to the genre, and it can serve as a critical resource and reference point for those trying to drive change.

Yet, the few individual alternatives that exist will be most useful after we change the fundamental incentive structures that sustain the most problematic genre conventions, i.e., when the genre as a whole is compelled to embrace a new approach and starts looking for examples and inspiration to draw from.

## THE NEED FOR NEW RULES

This report, the first of its kind, presents a powerful argument for how and why we need to change the rules. Only a new set of standards will prevent a network executive or showrunner from giving a writer the marching orders cited above. Yet, new standards capable of ending those practices and reshaping the genre will be brought to life only by implementing serious policies at the corporate level and by changing the culture within writers' rooms and network offices. As with every industry, we do not see results when corporate decision makers in Hollywood are left alone to hold themselves accountable.

Series focused on crime and law represent an outsized share of television entertainment across platforms: broadcast, cable and streaming. The viewer attention they command cannot

be underestimated. Series focused on crime and law dominate television, whether scripted, reality, documentary or feature/investigative news programming.

According to data about last year's TV season provided by *Variety*,** more crime shows were on the list of the top 100 most watched shows than shows from any other genre—reality, comedy, sports, news or non-crime drama. Crime shows like *NCIS, Blue Bloods, Chicago P.D.* and *Law and Order: Special Victims Units* had higher total viewership than any other category of show. In the fall 2019 lineup, 21 of the 34 prime-time dramas that aired on the 4 main broadcast networks were series focused on crime and law—more than 60%. On CBS, 11 of 14 dramas were crime-related. That does not even count other series among the 34 dramas that often intersect with plot lines and themes related to criminal justice. (For example, on the fifth broadcast network, the CW, 8 of 12 hour-long series focused on superheroes or mysteries, often featuring similar themes and characters related to criminal justice.)

It's easy to say these shows are gratifying because they quickly get us to feel and direct outrage at certain characters and then resolve our vengeful lust by punishing the people we want punished. But we also love these shows because they actually make us think, unlike a lot of scripted television. They are morality plays that ask us to take sides. They are mysteries that we want to solve on our own before they are solved for us. They take us inside technical fields like the law and let us pretend we could maneuver within them ourselves, and argue our way to whatever outcomes we want.

They get our minds going. They make us think. The question is, are they getting us to think about the right things? Are they getting us to think critically about race and criminal justice, or are they getting us to think in outdated and unproductive ways about those issues? While they stimulate our minds, are they also making us feel the most base-level feelings of anger and outrage, often directed at people of color stereotypes, any "criminal" merely suspected of having committed a crime, and all the legal rules (like the Bill of Rights) that seem to unnecessarily hold law enforcement back—the real crime?

We need a new level of standards and a new sense of responsibility that correspond to the level of influence these series have. Standards for what passes on air. Standards for how the process of story development plays out, including managing the often regressive influence of producers and executives. Standards for who is writing and making decisions about these stories.

**Schneider, Michael. 100 Most-Watched TV Shows of 2018–19: Winner and Losers. *Variety.* Retrieved from https://bit.ly/2G6RNWh.

## BEYOND THE TALKING POINT ABOUT DIVERSITY

Among the many recommendations and solutions offered in this report, the focus on changing the diversity and dynamics of writers' rooms bears highlighting. It is important to understand how what we see on air is shaped by writers' room dynamics, and how writers' rooms dynamics are shaped by corporate policy and practice.

We would never claim that white writers cannot write characters and dialogue for people of color characters. Though, it's important to ask: If the principle that any writer can write any character is so sacred, why is it that we rarely (or never) see it going the other way? And what about when all the people of color characters are written by white writers? What level of imbalance warrants a correction? The Racial Integrity Index introduced in this report offers a powerful metric for assessing the current imbalance.

It is important to address this issue in light of the actual facts: Last season, 86% of the writers across the 19 series we profiled for that season were white, with only 7% Black. Only 4 series had less than 80% white writers. There were 5 series with 100% white writers: *The Blacklist*, *Law & Order: Special Victims Unit* (also nearly 70% male), *Blindspot*, *NCIS and Blue Bloods*. An additional 6 series had or likely had 90–92% white writers: *Bull*, *Criminal Minds*, *NCIS: Los Angeles*, *Chicago P.D.*, *Elementary* and *Brooklyn Nine-Nine*. All series except for *S.W.A.T.* had 15% or less Black writers. There were 9 series with no Black writers at all: 5 on CBS and 3 on NBC.

Even when present, writers of color often do not have authority within a writers' room, let alone in a battle with producers or network executives over issues of race and portrayals of policing. Color Of Change's 2017 report, *Race In The Writers' Room: How Hollywood Whitewashes the Stories that Shape America*, showed how few writers of color there are in television writers' rooms overall. It also showed how writers of color (and their ideas) are marginalized within writers' rooms, and how many writers of color get pushed out of the industry in one way or another before they can attain the level of seniority required to make a true difference.

The industry must be incentivized to move in the direction of empowering writers of color if we are going to end the practices of rampant and dangerous misrepresentation that define the crime and legal genre today.

## THE FACTS OF FICTION

Color Of Change decided to commission this report for two reasons. Firstly, because our 2017 report found that the crime genre was among the least diverse in terms of Black writers of any genre on air, even though the crime genre features representations of Black people so routinely and shapes public attitudes about issues that affect Black people so greatly. Secondly, because we have long been disturbed by obvious patterns of depiction across the genre, from stereotyping to misinformation, not just as staff working at a racial justice organization, but as lifelong television consumers ourselves.

TV dramas are fiction. But there are different types of fiction. There's the fiction of a medical drama showing a team of hospital workers endlessly involved in love triangles, and there's the fiction of a team of doctors espousing anti-vaccination conspiracy theories as fact. The problem with the crime and legal genre is the seemingly limitless prevalence of the latter: truly irresponsible and dangerous misrepresentations.

Ultimately, most of these series license law enforcement to do whatever they think is right to catch the bad guy, and they bend over backwards to justify and rationalize the actions of law enforcement and prosecutors no matter how many people get hurt along the way.

This report is important because, for the first time, it breaks down exactly what these series do and how those decisions can affect viewers in deeply problematic ways.

These series make heroes out of people who violate our rights. They present the powerless as those who actually manipulate the system most. They present a momentary flash of remorse about killing or wrongly jailing us as all the accountability that's needed. They turn racism into a joke, a prompt for eye-rolling. a dubious ploy for the guilty to hide behind and as nothing more than "the race card" that cunning and corrupt characters play. They frame objections to illegal and immoral behavior as the laughable ignorance of the naive who know nothing of "how things really work on the streets." As if most writers on these shows know the authentic reality of the criminal justice system—or "the streets."

When it comes to our criminal justice system, there is a fierce, life-and-death battle playing out between the forces of the status quo and the forces of reform and change. Why is it so contentious, and why does it remain so unresolved? One reason is that there are fundamental differences in belief and motivation underlying those different forces.

One of those differences is between those who think it's not okay for corporations to amplify and profit from racism and those who do (or who simply do not believe it's happening). Another is between those who believe in evidence supporting a different view of crime and punishment than the popular conception and those who believe in their "gut" story (i.e., fantasy) about what causes crime, what prevents it, what punishment should look like and so on.

Another goes deeper. There are those who think racial disparities in the system are immoral and intolerable—the result of longstanding, targeted and structural injustices aimed at people of color. And there are those who think racial disparities don't inherently indicate flaws or unfairness in the system, and that it's okay for them to persist. They might confess to an even deeper belief: that the racial disparities we see, in terms of who is arrested, convicted and sentenced for crime, reflect a genuine difference between white people's level of inherent criminality and that of Black and Latinx people, who therefore need to be controlled—a belief we call racism.

Whatever side executives, showrunners and writers may be on in these debates, and whatever they may believe personally, what is most important is the influence they are having on what other people believe. They affect the beliefs of tens upon tens of millions of Americans and beyond. No doubt, many writers would hope society lands on one side of that debate, even though the stories they air on television lead people to the opposite side. That's simply not good enough.

We hope this report will open up a broader conversation and debate about the systemic impact these shows have when they don't address the root causes of crime or the many factors that fuel crime. This omission, this lack of presenting the full story, makes it easier for the public to call for more police presence, greater sentencing and more prisons instead of to call for investing in programs and policies that will deal with poverty, expand access to health services and improve our public education system as a means to promote more safety and justice.

We hope this report will speak to all those writers who want to be part of telling stories in a way that influences viewers to have a more authentic understanding of the characters, forces and factors that shape the justice system, and in a way that helps viewers reckon responsibly with all the complicated issues bound up in it.

We hope it will also provide people both inside and outside the industry with a framework for assessing where the genre stands today and how it can evolve more quickly and more responsibly.

## THE POWER OF SYMBOLS

Television traffics in symbols. It is a world of symbols, some of which have remained stable for decades and some of which evolve radically from one decade to the next. Some of those changes reflect deeper problems, and it is helpful to mention two of them.

In the crime and legal genre, Black judges are everywhere. The pattern stands in striking contrast to reality. What does it mean? Is this a notable attempt to advance the image of Black professionals and promote the value of a more diversified criminal justice system?

In almost all cases, likely not. Casting Black judges, who almost entirely sit idly in stoic silence as legal proceedings carry on, is much more likely a case of using Blackness as a symbol than it is of creating compelling characters that advance progress. As symbols, Black judges project the legitimacy of the system: lending the credibility, moral weight and moral approval of the story of African American history to brand the drama playing out in front of the viewer—and the real-life system it represents—as fair and just. A stamp of approval.

Using Black actors in this way—voiceless, with no back story, put in place only to project support for a system that is deeply unjust racially—is the invention of white writers and producers. It is an example of a good starting point for unpacking the extent to which white writers, producers and executives have shaped the genre in their image and the extent to which genre conventions must be re-examined and challenged, as much as it may cause tension to face them. This symbology would not be possible in a system in which white writers did not have so much power over, and so few checks on, shaping Black characters.

An even more critical symbol to track in terms of its evolution is the character and role of defense attorneys. Defense attorneys—Perry Mason, Atticus Finch, Matlock—once embodied the character of the American hero, defending the innocent against the many police officers, prosecutors and judges who jumped to conclusions too quickly and stood as symbols of a deeply flawed system. Questioning the motives or carelessness of police was once an important theme. Even in *Columbo*, the story was less about the authority of a police detective to catch a criminal at all costs and more about Columbo's Sherlock-style wit in unraveling the mystery for which viewers already knew the answer. Columbo often saw through the attempts of villains to frame others for their crimes, which the show repeatedly implied too many other police would not catch.

In fact, protectors of the innocent (and of those who had been failed by the law) abounded in the 1980s: from *Murder, She Wrote* to *Highway to Heaven* to *The A-Team*, *The Equalizer*, *Knight Rider* and *The Incredible Hulk*. Some were vigilantes. Almost every one was a white man. But the theme in these shows and many others was clear: the police usually get things wrong, and they cannot be trusted to bring about justice (at least not on their own).

As the prosecutor became the hero in *Law & Order* in the 1990s and 2000s, the character of the defense attorney and other champions of the innocent were corrupted. Now, the prevailing concern was all about protecting the innocent, defenseless public from the scourge of crime and terrorism, not about protecting the innocence of those wrongly accused. In fact, a little "wrongly accusing" here and there was a necessary part of the process.

Defense attorneys became the enablers of "guilty people going free" (by deviously "getting people off"), rather than the last line of ensuring innocent people were vindicated. Whereas the character Dan Fielding on *Night Court* had established the prosecutor as the preeminent sleaze bag, now the defense attorney was the sleaze bag. Surprisingly, this transformation took place on shows that were about defense attorneys and law firms, as well as on shows that merely featured defense attorneys merely to deride them.

And not surprisingly, it also took place as defense attorneys were more often portrayed as people of color. There was the subtle version of this portrayal in which people of color simply followed this newly constructed archetype of the underhanded, scheming white defense attorney. There was also the explicit version that focused on "playing the race card" that was cast in the era following the O.J. Simpson trial—the one trial out of millions that America could not get over.

In all cases, viewers were exposed to a convincing fantasy of criminal justice in which every single defendant was powered by the advocacy of the trickiest, most devoted and most capable defense attorney imaginable, while the prosecutors were on their back feet trying to ensure those lawyers would not get in the way of justice.

The police also became more noble, of course, with viewers being enlisted in building demands for their power and authority to expand—whether in the global spy and terrorism realm or in the city crime realm. (Always those diverse cities, full of crime.)

This was in contrast to the representation of police and policing that preceded these series, even on shows about police that had aired in the decade or decades before.

(Long gone were the days when Andy Griffith, as Mayberry's Sheriff, would remark, "When a man carries a gun all the time, the respect he thinks he's getting might really be fear. So I don't carry a gun because I don't want the people of Mayberry to fear a gun. I'd rather they respect me." Striking fear into the criminal element, and the entire population they were alleged to have come from, was now the point. The criminal element was winning, even as crime was actually going down, and the public needed unrestrained enforcers.)

The format of a series like *Goliath*, in which a lawyer takes on the corruption of both the legal system and corporations on behalf of vulnerable and victimized people, fell out of style. (Even as *Goliath* revived the format, it did not update it—the main character remains in the mold of a white knight.) Across the genre today, the character of the defense attorney is largely presented as causing problems within the system, rather than as a solution to its problems. The result is that the main problem these series now project is the danger of guilty criminals going free, rather than the injustice of innocent people being hurt or punished. And that has expanded to people who are not even legally guilty being represented as needing to be punished, and the acceptance of police, prosecutors, government agents and others causing them harm simply because they deserve it by their very nature. Now, everyone harassed or coerced during the course of a police investigation deserves it, even if they turn out to have nothing to do with the crime at all. No remorse. No problems.

# INTRO

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# INTRODUCTION

**THIS REPORT PRESENTS THE RESULTS OF A LANDMARK RESEARCH STUDY[1] THAT EXAMINED DEPICTIONS OF THE CRIMINAL JUSTICE SYSTEM—AS WELL AS PORTRAYALS OF PEOPLE OF COLOR, WOMEN AND ISSUES OF RACE—IN POPULAR AMERICAN CRIME TV SHOWS.**

The study included 26 different scripted series focused on crime from the 2017–2018 season, broadcast on both networks and streaming platforms.

This study is the product of a collaboration between Color Of Change and the USC Annenberg Norman Lear Center's Media Impact Project. The Lear Center sampled and coded series episodes to create the dataset for the study, and Color Of Change performed both the quantitative analysis of the episode content and the gender/race analysis of the series creators, showrunners and writers.



Aside from its breadth, the study is **unique in three ways:**

**FIRSTLY**

it examined both representations of race and representations of criminal procedure in the fictional worlds of these series.

**SECONDLY**

it examined normativity: the moral standards of behavior established by the series, i.e., the extent to which different actions exhibited by criminal justice professional characters were depicted as justified (right) or problematic (wrong).

**THIRDLY**

it examined series writer diversity and the relationship between writer diversity and onscreen character diversity, as a proxy for authenticity in character and storyline development.

Dana Mastro has published several studies documenting depictions of minorities on scripted television series, including this one: Tukachinsky, R., Mastro, D., & Yarchi, M. (2015). Documenting portrayals of race/ethnicity on primetime television over a 20-year span and their association with national-level racial/ethnic attitudes. *Journal of Social Issues*, 71(1),17–38. https://doi.org/10.1111/josi.12094.

See also Donovan, K. M., & Klahm IV, C. F. (2015). The role of entertainment media in perceptions of police use of force. *Criminal Justice and Behavior*, 42(12), 1261–1281. https://doi.org/10.1177/0093854815604180 and Mastro, D. E., & Robinson, A. L. (2000). Cops and crooks: Images of minorities on primetime television. *Journal of Criminal Justice*, 28(5), 385–396.

Based upon previous research,[2] and the prevalence of persistent public misunderstanding about crime,[3] we were eager to investigate several hypotheses about representations of crime and race on scripted television, mainly:

**DESPITE THE FACT THAT WIDESPREAD RACIAL DISPARITIES IN THE U.S. CRIMINAL JUSTICE SYSTEM ARE WELL-DOCUMENTED AND WELL-RECOGNIZED, SCRIPTED TELEVISION SERIES FOCUSED ON CRIME—SOME OF THE MOST POPULAR AND INFLUENTIAL SHOWS ON TV TODAY—DO NOT DEPICT THE REALITY, CAUSES OR CONSEQUENCES OF THESE DISPARITIES ACCURATELY. IF THAT IS TRUE, THEN THESE SERIES, AND PERHAPS THE GENRE AS A WHOLE, MAY BE A DRIVER OF PERVASIVE MISPERCEPTIONS AND ATTITUDES ABOUT SAFETY, CRIME, PUNISHMENT, RACE AND GENDER AMONG THE TENS OF MILLIONS OF PEOPLE POTENTIALLY INFLUENCED BY SUSTAINED EXPOSURE TO THESE SERIES.**

Decades of research have demonstrated that TV viewing can have profound effects on social attitudes, either enforcing implicit social norms or helping to redefine them.[4] Although the connection between television viewing and public opinion is not always causal, or directly linked, many scholars acknowledge that popular culture influences public opinion and, in turn, the social and political landscape.

Communication scholars have found that media influence increases as the public's direct experience with a problem decreases.[5] Cultivation theorists, in particular, have found that information communicated to viewers via media such as television can influence viewers' perception of social reality in a subtle and cumulative fashion.[6] Given the pervasive presence of crime series in American popular culture, it stands to reason that the social, societal and professional norms depicted in them play a significant role in educating Americans about both the criminal justice system and the many social issues related to it.[7]

Police procedurals and legal dramas are the bread and butter of primetime lineups, drawing the largest audiences in the U.S., in addition to hundreds of millions of viewers annually around the world.[8] These series communicate about the criminal justice system as much as any other popular medium, if not more. Thus, they likely play some role in shaping viewers' fundamental understanding of right and wrong, the role of race and gender in society, how the justice system works and what we should and shouldn't expect from both the system and the people in it.

[2] Including two earlier Lear Center studies: Blakley, J., & Nahm, S. (2011). "The Primetime War on Drugs & Terror: An analysis of depictions of the War on Terror and the War on Drugs in popular primetime television programs." Retrieved from http://bit.ly/2L0P3NJ.

[3] Gramlich, John. Pew Research Center. (2016). Voters' perceptions of crime continue to conflict with reality. Retrieved from https://pewrsr.ch/2ukgUSI.

[4] See Stacks, D. W., Li, Z. C., & Spaulding, C. (2015). Media effects. *International Encyclopedia of the Social & Behavioral Sciences*, 29–34 for a review of impact research on both audience perception and the use of a variety of media, including television, as well as the deliberate use of media to shape audience beliefs and attitudes. Retrieved April, 2019 from http://dx.doi.org/10.1016/B978-0-08-097086-8.95045-1.

[5] Direct experience was therefore a substantial factor in the negotiation of the media message. The power of the media message tended to be heightened in those cases in which there was no direct experience or other knowledge of an issue, and conversely to decrease when people had direct experience. Happer, C., & Philo, G. (2013). The role of the media in the construction of public belief and social change. *Journal of Social and Political Psychology*, 1(1), 321–336. https://doi.org/10.5964/jspp.v1i1.96.

[6] Miller, K. (2005). *Communications theories: Perspectives, processes, and contexts*. New York: McGraw-Hill. Gerbner, G., & Gross, L. (1976). Living with television: The violence profile. *Journal of Communication*, 26(2), 172–199. https://doi.org/10.1111/j.1460-2466.1976.tb01397.x. Gerbner, G., Gross, L., Morgan, M., & Signorielli, N. (1986). *Living with television: The dynamics of the cultivation process*. Hillsdale, NJ: Lawrence Erlbaum Associates. In J. Bryant & D. Zillman (Eds.). (2009). *Perspectives on media effects*. Hillsdale, NJ: Lawrence Erlbaum Associates.

[7] The link between tv depictions of the criminal justice system and misperceptions has been drawn in specific instances in a few articles: Goidel, R. K., Freeman, C. M., & Procopio, S. T. (2006). The impact of television viewing on perceptions of juvenile crime. *Journal of Broadcasting & Electronic Media*, 50(1), 119–139. https://doi.org/10.1207/s15506878jobem5001_7.

[8] Donovan, K. M., & Klahm, C. F. (2015). The role of entertainment media in perceptions of police use of force. *Criminal Justice and Behavior*, 42(12), 1261–1281. https://doi.org/10.1177/0093854815604180.

There are many possible consequences of inaccurate and distorted portrayals. For instance, when these series neglect to depict or acknowledge unjust racial disparities in the criminal justice system—as this report demonstrates most of them do—viewers may be more likely to believe that these problems no longer plague the system (or perhaps never have) in real life.

When they depict police, prosecutors, judges and other players in the system as justified and correct in their intentions and actions, and depict the reality of the system as fair and effective, viewers may be more likely to believe the system is working effectively in real life; moreover, they may become skeptical of those who question its fairness. If series portray white people as victims of crime more often than others, they may affect the level of empathy that viewers feel for the lives of one group of people relative to another. Such portrayals can influence whom we think of as the face of crime victims, and even what justice for crime victims should look like.

When the beloved police, prosecutors and other criminal justice professional characters on these series break the rules or violate someone's rights, viewers may see their actions as normal and rightful if there is no depiction of the many harms their rule-breaking behavior causes: short-term and long-term physical harms, financial harms, life trajectory harms, psychological harms, the many different harms of being denied freedom in numerous forms.

The context in which characters are depicted breaking the rules also matters. It may affect whether viewers think the rules are the problem (i.e., for getting in the way of the characters' pursuit of justice), or the characters are the problem (i.e., for lowering moral standards and causing serious harm by violating the rules of behavior put in place to protect us).[9]

The less we see the harms that result from those actions—and the more we are provided with rationalizing context related to those actions, or even led to experience sympathy for those

committing them—the more those actions may become acceptable in the eyes of viewers, potentially reinforcing their acceptance (and frustrating efforts toward reform) in real life.

The cumulative effects of these and other inaccurate portrayals—whether related to women, people of color or crime and criminal procedure itself—may build an unfounded public faith in the status quo, and even turn the viewing public against urgently needed reforms that criminal justice experts have recommended as necessary, just and effective.

Exposure to consistent inaccurate portrayals may also serve to increase or decrease the empathy viewers have for different types of people and the different realities and experiences they face.[10] For instance: shaping perceptions about whether racial/gender bias has any "real" effect on the lives of people of color and women, or about whether people of color and women are treated unfairly, and if they are, whether or not they "deserve" such treatment.

**THE CENTRAL OBJECTIVE OF THIS STUDY IS TO UNDERSTAND WHAT IS HAPPENING IN THESE FICTIONAL WORLDS, WORLDS WHICH MANY VIEWERS MAY EXPERIENCE AS REALISTIC REPRESENTATIONS OF THE CRIMINAL JUSTICE SYSTEM: WHAT THESE SERIES SAY ABOUT RACE AND ABOUT THE CRIMINAL JUSTICE SYSTEM. IN SO DOING, WE CAN GAIN INSIGHT INTO HOW THEY MIGHT AFFECT THE ASSUMPTIONS AND ATTITUDES OF MILLIONS OF AMERICAN VIEWERS, AND WHETHER OR NOT THOSE EFFECTS FRUSTRATE MOMENTUM FOR JUST REFORMS AND PROGRESS.**

[9] In a phenomenon called parasocial interaction, people become deeply involved or attached to media characters and they begin to respond as if they were interacting with the character or friends with the character in real life, taking the characters perspective and so on. The resulting "relationship" can be persuasive and can impact their emotions, attitudes and behavior. Schiappa, E., Gregg, P. B., & Hewes, D. E. (2005). The parasocial contact hypothesis. *Communication Monographs*, 72(1), 92–115. https://doi.org/10.1080/0363775052000342544. Some recent articles published on this topic include: Hartmann, T., & Goldhoorn, C. (2011). Horton and Wohl revisited: Exploring viewers' experience of parasocial interaction. *Journal of Communication*, 61(6), 1104–1121. https://doi.org/10.1111/j.1460-2466.2011.01595.x. Tian, Q., & Hoffner, C. A. (2010). Parasocial interaction with liked, neutral, and disliked characters on a popular TV series. *Mass Communication and Society*, 13(3), 250–269. https://doi.org/10.1080/15205430903296051. Oliver, M. B., Bilandzic, H., Cohen, J., Ferchaud, A., Shade, D. D., Bailey, E. J., & Yang, C. (2019). A penchant for the immoral: Implications of parasocial interaction, perceived complicity, and identification on liking of anti-heroes. *Human Communication Research*, 45(2), 169–201. https://doi.org/10.1093/hcr/hqy019.

[10] See Tukachinsky, R., Mastro, D., & Yarchi, M. (2015). Documenting portrayals of race/ethnicity on primetime television over a 20-year span and their association with national-level racial/ethnic attitudes. *Journal of Social Issues*, 71(1), 17–38. https://doi.org/10.1111/josi.12094. See also Rosenberger, J. S., & Callanan, V. J. (2011). The influence of media on penal attitudes. *Criminal Justice Review*, 36(4), 435–455. https://doi.org/10.1177/0734016811428779.



## The study focused on the following **research questions:**

### RACIAL DISPARITIES

Do crime procedurals and other crime-focused series produced in the U.S. accurately depict the reality of the criminal justice system, accurately depict racial disparities (e.g., racially biased treatment by authorities, the disproportionate targeting of people of color communities, disproportionate punishment or other outcomes based on race) and depict reforms and other solutions for correcting racial disparities in the criminal justice system?

### CAUSAL CONNECTION

If present, do series portray any specific actions or attitudes of criminal justice professionals as directly resulting in those racial disparities? Do they portray any of the routine practices of the criminal justice system as resulting in racial disparities?

### EQUITABLE BEHAVIOR

Do these series promote just and effective behavioral norms—i.e., good standards of behavior—for criminal justice professionals, especially with respect to reducing racism in the system and addressing its harms?

## The **26 Series** Included

**1 from ABC**
*How to Get Away with Murder*

**3 from FOX**
*Lethal Weapon, 9-1-1, Brooklyn Nine-Nine*

**3 from Amazon**
*Goliath, Bosch, Sneaky Pete*

**5 from NBC**
*Law & Order: SVU, The Blacklist, Chicago P.D., Blindspot, Shades of Blue**

**5 from Netflix**
*Orange is the New Black***, Narcos, Mindhunter, Seven Seconds*, Luke Cage**

**9 from CBS**
*Bull, Blue Bloods, S.W.A.T., Hawaii Five-0, Elementary, Criminal Minds, NCIS, NCIS New Orleans, NCIS Los Angeles*

The research team coded 353 episodes across 26 crime-related scripted television series in the 2017–2018 season, tracking over 5,400 variables and 1,983 individual characters, and collecting other information relevant to the series. For each series, a randomized selection of 70–80% of its episodes were selected for analysis (rounding to the nearest whole episode).

Coders captured data about story elements related to the criminal justice system and the most prominent 15 characters in each episode, including criminal justice professionals (CJPs), persons of interest (POIs) and victims.

The research team also identified and analyzed the race and gender of the 42 creators, 27 showrunners (1 series had 2 showrunners) and 275 writers for the 2017–2018 season of all 26 series. In addition, the research team analyzed the race and gender of the showrunners and writers for the 19 series that continued into the 2018–2019 season and had aired by May 2019.

Finally, the research team identified shooting locations and expert consultants (e.g., hired police or military consultants) for each series.

All episodes examined were broadcast on 1 of the 4 major networks or cable channels, or first made available for viewing on streaming services, between March 2017 and July 2018.

* An asterisk indicates that a series did not continue for the 2018–2019 season.

** A double asterisk indicates that a series has ended since. Though Narcos ended in the 2017–2018 season, Narcos Mexico continued the franchise in the 2018–2019 season. Brooklyn Nine-Nine aired on FOX during the 2017–2018 season but subsequently moved to NBC.



## **Objectives** for the study included:

**01**
Providing objective research evidence to better inform conversations about race/gender and representation on television, as well as the role of diversity behind the camera.

**02**
Providing a new level of scrutiny for the crime genre with respect to those conversations.

**03**
Discerning patterns of depictions among different networks and individual series.

**IN SERVICE OF THE OBJECTIVES ABOVE, THE STUDY IDENTIFIED EXPLICIT DEPICTIONS OF RACIAL DISPARITIES AND RACISM (OR THE LACK THEREOF), WHILE ALSO EXAMINING HOW REPRESENTATIONS OF THE JUSTICE SYSTEM ON TELEVISION COMPARED TO CONDITIONS AND PATTERNS IN THE REAL WORLD JUSTICE SYSTEM (AS DOCUMENTED BY RESEARCH CITED THROUGHOUT THIS REPORT).**

The study also tracked depictions of practices that lead to racial disparities in the real world justice system (e.g., racial profiling, coercion of suspects, unwarranted force, abuses of power and corruption), and determined how they were represented—or rendered invisible—for television viewers.

# The Coding Process

To complete the coding of episodes, 17 graduate and undergraduate students from the University of Southern California were trained to use the coding guide and subsequently asked to code a sample episode using the initial codebook. Over a period of 3 weeks, the sample episode coding process ensured coders reached a consistent level of understanding and identified areas for improvement in the coding guide (codebook). Upon the Lear Center finalizing the codebook, coders began the period of watching and coding all 353 episodes.

As with all content coding, there is natural rate of error: failing to identify and record every instance of a particular depiction the codebook called for tracking; mislabeling a particular character name or element of a scene; etc. Errors may have affected, for example, the rank order of a particular series in a given table, but would not affect the overall findings.

An additional note on coding: This study aimed to examine viewer exposure relative to certain storylines and character depictions as an entry point for a larger discussion about the role this genre may play in shaping public attitudes and beliefs. Accordingly, the codebook focused on instances of depiction as the most accurate reflection of how viewers would experience their exposure to content in an episode. For example, if 2 police officer characters were depicted as violating someone's rights in a given moment during an episode, then the coder would code 2 instances of "wrongful action" because a viewer was exposed to the actions of 2 separate characters, even if they took place at the same time. Another example: if a Latina police officer character appeared regularly throughout a season as a main character, coders would count the presence of a Latina police officer once for each episode in which she appeared, because that is how a viewer would register their exposure to that character—i.e., coders counted the number of times that a viewer was exposed to a Latina police officer character while watching the series, rather than counting her as a single character in the series overall.

Lastly, a disclaimer: **Color Of Change regularly engages writers and showrunners in conversations about their portrayals of race. Color Of Change also consults to specific writers' rooms, providing reference information and stories on a range of issues, whether to inform individual episodes or series development overall.** Color Of Change provided such consulting to Seven Seconds during its development. Though Seven Seconds is featured in this study, all findings related to Seven Seconds (and all series in the study) concern only the episodes examined and are solely based on the data created by the coding process and surfaced by the various analyses applied to the dataset, and are not influenced by any other source.



# Key Terms & Definitions

Many common terms used throughout this report express a specific meaning, and reference specific characteristics, in the context of the report. The following definitions provide a guide:

### "CRIMINAL JUSTICE PROFESSIONAL CHARACTERS" (CJPS)

refers to police officers, prosecutors, judges, wardens, corrections officers, FBI or other government agents, medical examiners, forensics staff, defense attorneys and any other characters that represent roles in the real world justice system—people with official authority and formal responsibility relative to crime investigation and resolution.

### "PERSON OF INTEREST CHARACTERS" (POIS)

refers to people who were at some point identified by CJPs as a possible suspect or focus of a criminal investigation in a given episode.

There are two types of Victim characters, clearly marked in any finding or discussion of victims throughout the report:

### CRIME VICTIMS

(i.e., crimes depicted at any point during a given episode, as well as crimes that drive the main plot of a given episode)

### VICTIMS OF "WRONGFUL ACTIONS"

(i.e., actions taken by CJPs, as described immediately below, whether or not they are depicted as being crimes or violations, or as having victims).

### "FEATURED CHARACTERS"

refers to any Criminal Justice Professional character (CJP), Person of Interest character (POI), Crime Victim character or Main Credits character with 3 or more lines of dialogue in a given episode examined.

# Key Terms & Definitions

**"WRONGFUL ACTIONS"**
refers to any of 23 specific actions identified for the coding and analysis of CJP behavior that were depicted as being committed by CJPs (and only by CJPs). The seven categories of wrongful action, as well as the specific actions that comprise each category, are listed in the Appendix.

**"PHYSICAL FORCE"**
refers to person-on-person force, but not instances of government agents using artillery or other types of force to break into a home or building, blow something up, etc. "Excessive Force" refers only to physical force.

**"GOOD GUY"**
characters were coded as such when they were depicted as people who acted in a way that helps others or contributes to the community, and when they maintained this status from the beginning to the end of an episode. That is, a character that seems good at first but is then revealed to be a villain would not be a "good guy" character. "Bad Guy" characters were characters that both remained bad throughout an episode or at some point during the episode became primarily bad.

Throughout the report, gender representations are divided into the categories of men and women. Writers across all series created a binary world with respect to gender: there were no gender non-conforming characters, and very, very few LGBTQ characters.

**AN ADDITIONAL NOTE FOR THE READER: THROUGHOUT THE REPORT, WHEN SPECIFIC SERIES ARE LISTED IN A PARAGRAPH OR BULLET LIST, THEY ARE ORDERED BY PREVALENCE OF THE DATA POINT BEING DISCUSSED, FROM MOST TO LEAST.**

**All Images** used in the report are the sole property of the networks the series belong to. The still photos are used under educational fair use guidelines, for the explicit purpose of supporting this research report.



> **"Despite the fact that widespread racial disparities in the U.S. criminal justice system are well-documented and well-recognized, scripted television series focused on crime—some of the most popular and influential shows on TV today—do not depict the reality, causes or consequences of these disparities accurately. If that is true, then these series, and perhaps the genre as a whole, may be a driver of pervasive misperceptions and attitudes about safety, crime, punishment, race and gender among the tens of millions of people potentially influenced by sustained exposure to these series."**

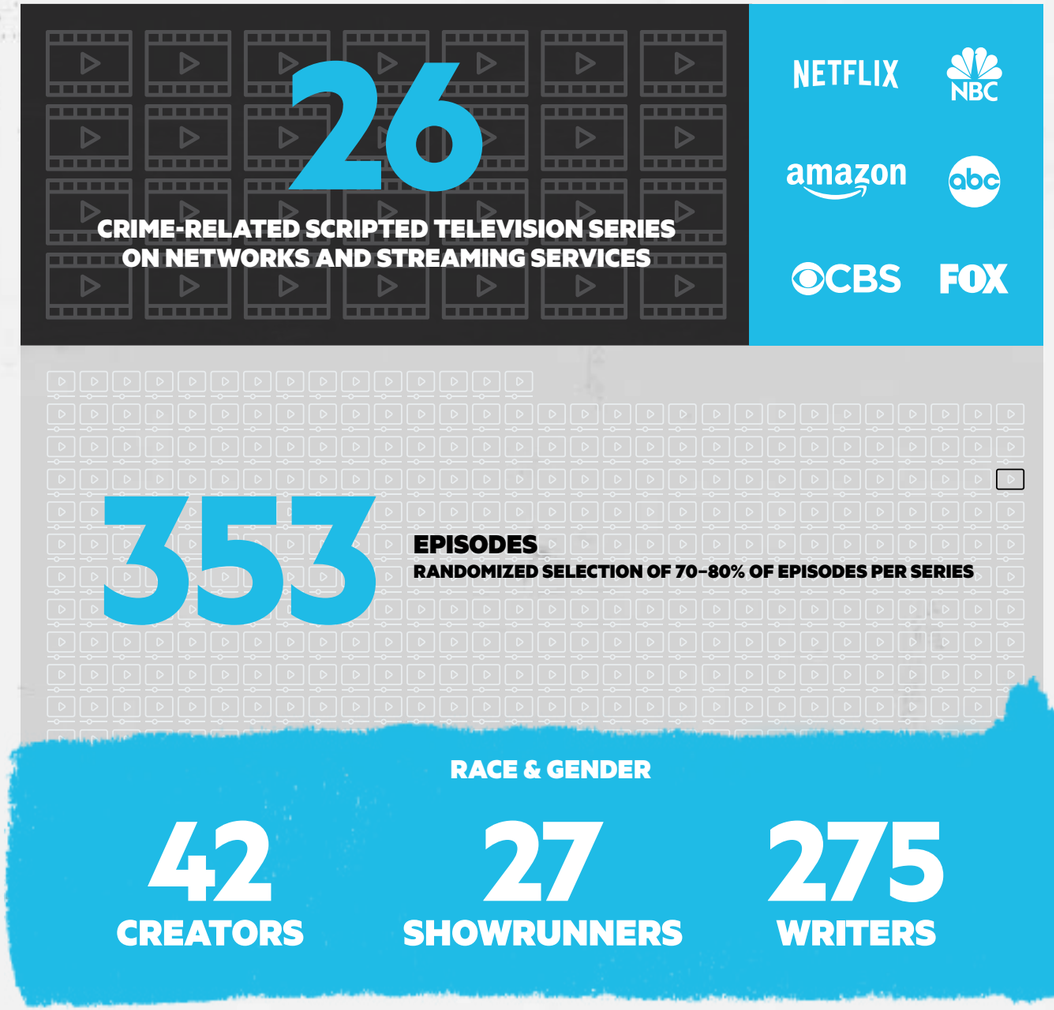
COLOR OF CHANGE
HOLLYWOOD

# KEY FINDINGS

## AT A GLANCE

COLOR OF CHANGE

# Study Scope






## 01

## Normalizing Injustice as Standard Practice & Cultural Norm

The great majority of series that represented Criminal Justice Professionals (CJPs) committing wrongful actions did so in a way that normalized them—making bad actors seem good and wrongful actions seem right. Most series depicted CJP wrongful actions as routine, harmless, necessary—or even noble—in the pursuit of justice, rather than as problematic, harmful, counterproductive or warranting judgment and accountability. Series generally framed wrongful actions as merely the cost of doing business when it comes to solving crimes, catching the bad guy and fighting for justice.

**18 of 26 series depicted "Good Guy" CJPs committing more wrongful actions than did those CJPs depicted as the "Bad Guys,"** thereby framing wrongful actions as relatable, forgivable, acceptable and ultimately good. Most series conveyed the idea that whatever a CJP does is inherently "right" and "good" by virtue of it being done by a CJP, especially a beloved main character.

**The "Good Guy" Endorser Ratio across those 18 series was 8 to 1.**

The Ratio compares the number of wrongful actions committed by "Good Guy" CJP characters to the number of wrongful actions committed by "Bad Guy" CJP characters. *Blue Bloods* and *Lethal Weapon* had "Good Guy" Endorser Ratios of 36 to 1 and 34 to 1, respectively, while *Law & Order: Special Victims Unit* and *Elementary* had "Good Guy" Endorser Ratios of 20 to 1 and 19 to 1, respectively. Only 3 series bucked that norm: *Seven Seconds*, *Goliath*, *Orange is the New Black*.

**64% of depictions of acknowledging wrongful actions featured a person of color or a woman,** which may have conveyed the idea that acknowledging wrongful actions is a behavior relegated to people of color and women characters, not a behavior that should be equally expected from white men. Across the genre, it was the norm for CJPs to commit wrongful actions, but it was not the norm for CJPs to challenge them—that is, committing wrongful actions was part of what all CJPs were depicted as doing as part of their job, but challenging (or even acknowledging) wrongful actions was not.

**Several series seemed to use people of color characters as validators of wrongful behavior** by either depicting people of color CJPs as perpetrators or supporters of wrongful actions, or by depicting them as tacit endorsers. The Person of Color Endorser Index highlights the series that depicted a relatively high number of wrongful actions going unacknowledged, while at the same time prominently featuring the presence of people of color CJPs. The series that exhibited this pattern the most were *Lethal Weapon*, *Elementary*, *The Blacklist*, *Blindspot*, *Blue Bloods*, *Chicago P.D.* and *Law & Order: Special Victims Unit*. The series with the highest rates of people of color CJP characters committing wrongful actions were *Luke Cage*, *9-1-1*, *How to Get Away with Murder*, *Lethal Weapon* and *Elementary*.

## 02

# Misrepresenting How the Criminal Justice System Works & Rendering Racism Invisible

Consistently, series omitted stories and references about the harms that legal criminal justice procedures and practices cause, generally misrepresented key aspects of how the criminal justice system works and did not represent the status quo system as necessitating reform. There were also few depictions or conversations about racial disparities in the criminal justice system or in terms of crime itself. Race was also largely invisible as an issue in the workplace and in the lives of characters, though several series featured central characters played by people of color. The genre is far behind so many of the conversations taking place across the country today when it comes to race, gender and the criminal justice system, rather than out in front of them.

**Across almost all series, wrongful actions specifically associated with racial bias—and prevalent in real life—were conspicuously absent with respect to depictions of CJP behavior,** as were general wrongful actions being carried out in a racially biased way: racial profiling and excessive force by police, prosecutor abuse (e.g., coerced plea bargains, over-charging), abuse by judges (e.g., over-sentencing, setting out-of-reach bail).

**Consistently, series depicted the standard, day-to-day practices of criminal procedure (and their outcomes) as race neutral, when in reality they are not.** Standard criminal justice practices (such as money bail, surveillance, plea bargaining and incarceration) were depicted as neither targeting people of color, nor causing adverse effects for people of color, in any disproportionate way compared to white people.

**Almost all series conveyed the impression that change is not needed:** they depicted a system that does not actually have serious problems related to race, gender, violence and the abuse of power. While many series explicitly or implicitly portrayed the system as ineffective, the nature of the ineffectiveness was often related to police, prosecutors and others not having enough power and authority. The prevalent message was that the pursuit of justice is hampered by the rules, often characterized as unnecessarily bureaucratic or even too lenient in favor of suspects. The prevalence of surveillance, money bail and other "standard" practices in the justice system were either presented as harmless or misrepresented entirely.

**Though ever-present in discussions of the criminal justice system in real life, in 353 episodes across 26 series, there were only 6 discussions mentioning innovations or reforms related to the criminal justice system.** Each time, the person advocating for reform was a person of color. The surprising scarcity of these stories demonstrated the need for more of them, and also the need for a more diverse approach—one that does not always rely on people of color to carry this responsibility on their own, and one that does not always depict white CJPs as reflexively defensive, dismissive or playing the role of the defender or vindicator of the status quo.

**Viewers were least likely to see victims of crimes portrayed as women of color. Black women were rarely portrayed as victims: 9% of all crimes, and 6% of primary crimes.** The likelihood that primary crime victims were white men was 35%, white women 28%, men of color 22% (Black men 12%) and women of color 13%. *Law & Order: Special Victims Unit* had the second highest level of depictions of women victims but the lowest level of depictions of people of color victims.



## 03

# Excluding People of Color & Women Behind the Camera

**There were 275 writers, 27 showrunners and 42 creators who were credited for the 26 series examined in the 2017–2018 season.**

**81% of showrunners (21 of 26 series) were white men,** the exceptions being *Criminal Minds*, *Shades of Blue*, *Orange is the New Black*, *Seven Seconds* and *Luke Cage*.

**At least 81% of writers were white, with only 9% Black; across the genre, 20 of 26 series had either no Black writers or just 1 Black writer.** Setting aside *Seven Seconds* and *Luke Cage*, both on Netflix and since canceled, the median ratio of white writers to writers of color across all 26 writers' rooms was 6 to 1.

**There were 3 series that had 100% white writers (*NCIS*, *Blue Bloods*, *Mindhunter*) and an additional 6 series that had, or likely had, more than 90% white writers (*The Blacklist*, *Law & Order: Special Victims Unit*, *Blindspot*, *9-1-1*, *Elementary*, *Criminal Minds*).** There were 18 series that had about 80% white writers or more. *Seven Seconds* and *Luke Cage* were the only series with more than 50% people of color writers.

**Only 37% of writers across the genre were women; just 11% of writers were women of color.** Only 5 series had 50% or more women writers: *Orange is the New Black*, *Bull*, *Mindhunter*, *How to Get Away with Murder*, *Criminal Minds*.

**CBS and NBC, the two leading networks in the genre in terms of the number and popularity of crime series, did not lead at all on inclusion**—they exhibited the common pattern of exclusion across the genre, and aired 8 of the 11 series that were the least diverse with respect to race.

**There were 19 series that continued into the 2018–2019 season and had aired by May 2019:**

**86% of writers were white, with only 7% Black.** Only 4 series had less than 80% white writers and 5 series had 100% white writers (The Blacklist, Law & Order: Special Victims Unit, Blindspot, NCIS and Blue Bloods).

**The Racial Integrity Index ranked each series by the number of its depictions of featured people of color characters relative to the percentage of people of color writers in its writers' room.** The Index assesses the relationship between writers' room diversity and series content in the crime genre, i.e., who is representing the lives of people of color and women—their realities, behaviors, relationships, motivations, thoughts, feelings and more. Most series ranked low or very low in terms of the Racial Integrity Index. Narcos on Netflix had the worst Racial Integrity Index score, with an average of 11.5 depictions of featured people of color characters per episode and 80% white writers.

**The series that had the worst Racial Integrity rankings were: *Narcos* (NETFLIX), *9-1-1* (FOX), *Chicago P.D.* (NBC), *Hawaii Five-0* (CBS), *Criminal Minds* (CBS), *The Blacklist* (NBC) and *NCIS* (CBS).**

# THE "GOOD GUY" ENDORSER RATIO

## WRONGFUL ACTIONS COMMITTED BY "GOOD GUY" CJP CHARACTERS VS. "BAD GUY" CJP CHARACTERS

**Almost all series depicted bad behavior as being committed by good people, thereby framing bad actions as relatable, forgivable, acceptable and ultimately good. Remarkably, the data show that scripted crime series depicted "Good Guy" Criminal Justice Professionals committing wrongful actions far more than they depicted "Bad Guys" doing so. The likely result? Viewers feeling that those bad behaviors are actually not so bad, and are acceptable (even necessary) norms.**

This chart shows the ratio of bad actions committed by "Good Guys" vs. bad actions committed by "Bad Guys". It's mostly "Good Guys" doing bad things in almost all series for which a ratio was possible to assess.

In this way, most crime series teach us to expect and accept wrongful actions as rightful and justifiable—the leeway that all good and well-meaning people deserve, all part of the characters' heroic pursuit of justice, regardless of who gets hurt in the process.

Most series conveyed the idea that whatever a CJP does is inherently "right" and "good" by virtue of it being done by a CJP, especially a beloved main character. We call this pattern of "Good Guy" characters normalizing wrongful actions the Good Guy Endorser Effect.

**COLOR OF CHANGE**
**HOLLYWOOD**

* Indicates series for which zero wrongful actions committed by "Bad Guy" CJPs were logged. In order to express the Endorser Effect as a ratio, we have represented this side of the ratio as 1. But there is an even stronger "Good Guy" Endorser Effect for those 4 series compared to series with 1 or more "Bad Guy" wrongful actions depicted.

# PERSON OF COLOR ENDORSER INDEX

| NETWORK | SERIES | GAP BETWEEN THE DEPICTIONS AND ACKNOWLEDGEMENT OF WRONGFUL ACTIONS | AVR # OF POC CHARACTERS PER EPISODE | RACIAL ENDORSEMENT INDEX |
|---|---|---|---|---|
| NETFLIX | SEVEN SECONDS | -11.13 | 2.13 | -236* |
| NBC | THE BLACKLIST | -2.59 | 3.59 | -93 |
| FOX | LETHAL WEAPON | -1.76 | 3.24 | -57 |
| NBC | SHADES OF BLUE | -0.9 | 4.7 | -42 |
| CBS | BLUE BLOODS | -1.71 | 2.12 | -36 |
| abc | HOW TO GET AWAY WITH MURDER | -0.58 | 4.83 | -28 |
| NBC | CHICAGO P.D. | -0.82 | 3.06 | -25 |
| CBS | ELEMENTARY | -1 | 2.5 | -25 |
| NBC | BLINDSPOT | -1.35 | 1.71 | -23 |
| FOX | BROOKLYN NINE-NINE | -0.35 | 4 | -14 |
| NBC | LAW & ORDER: SVU | -0.72 | 1.89 | -14 |
| NETFLIX | NARCOS | -0.43 | 2.57 | -11 |
| CBS | HAWAII FIVE-0 | -0.22 | 4.78 | -11 |

## DEPICTIONS OF UNACKNOWLEDGED WRONGFUL ACTIONS ACCOMPANIED BY A STRONG PRESENCE OF PEOPLE OF COLOR CJP CHARACTERS

BY SERIES

| NETWORK | SERIES | GAP BETWEEN THE DEPICTIONS AND ACKNOWLEDGEMENT OF WRONGFUL ACTIONS | AVR # OF POC CHARACTERS PER EPISODE | RACIAL ENDORSEMENT INDEX |
|---|---|---|---|---|
| CBS | BULL | -0.06 | 4.47 | -3 |
| NETFLIX | ORANGE IS THE NEW BLACK | -0.6 | 0.4 | -2 |
| NETFLIX | MINDHUNTER | -0.13 | 0.13 | 0 |
| NETFLIX | LUKE CAGE | 0 | 2.89 | 0 |
| amazon | GOLIATH | 0 | 1 | 0 |
| amazon | SNEAKY PETE | 0 | 0.25 | 0 |
| CBS | NCIS | 0.06 | 2.94 | 2 |
| CBS | NCIS: NEW ORLEANS | 0.06 | 3.94 | 2 |
| FOX | 9-1-1 | -0.25 | 1 | 3 |
| CBS | NCIS: LOS ANGELES | -0.17 | 3.06 | 5 |
| CBS | S.W.A.T | -0.12 | 4.35 | 5 |
| amazon | BOSCH | - | 4.25 | N/A** |
| CBS | CRIMINAL MINDS | - | 3.71 | N/A** |

In Seven Seconds, the representation of unacknowledged wrongful actions in the presence of POC CJP characters is a deliberate plot device and one of the main story drivers of the show.

**N/A No depictions of wrongful actions were recorded in the episodes coded for these shows

# RACIAL INTEGRITY INDEX

| NETWORK | SERIES | RACIAL INTEGRITY INDEX SCORE | AVG # OF POC CHAR. PER EPISODE | TOTAL # OF WRITERS (2017-18) | % WHITE WRITERS | % BLACK WRITERS | % TOTAL POC WRITERS |
|---|---|---|---|---|---|---|---|
| NETFLIX | NARCOS | -110 | 11.43 | 10 | 80% | 10% | 20% |
| FOX | 9-1-1 | -75 | 6.88 | 11 | 91% | 9% | 9% |
| NBC | CHICAGO P.D. | -69 | 7.18 | 10 | 80-90% | 0% | 10% |
| CBS | HAWAII FIVE-0 | -60 | 6.61 | 12 | 75-83% | 0% | 17% |
| CBS | CRIMINAL MINDS | -58 | 5.41 | 10 | 90% | 0% | 10% |
| NBC | THE BLACKLIST | -57 | 5.06 | 15 | 93% | 7% | 7% |
| CBS | NCIS | -56 | 4.67 | 10 | 100% | 0% | 0% |
| amazon | BOSCH | -54 | 5.25 | 7 | 86% | 14% | 14% |
| CBS | BULL | -53 | 5.00 | 9 | 89% | 0% | 11% |
| CBS | ELEMENTARY | -52 | 4.81 | 10 | 90% | 0% | 10% |
| CBS | NCIS: NEW ORLEANS | -49 | 5.17 | 14 | 79% | 7% | 21% |
| FOX | BROOKLYN NINE-NINE | -48 | 4.53 | 17 | 88% | 12% | 12% |
| FOX | LETHAL WEAPON | -45 | 4.65 | 15 | 80% | 20% | 20% |

# FEATURED POC CHARACTERS VS. PERCENTAGE OF POC WRITERS

| Network | SERIES | RACIAL INTEGRITY INDEX SCORE | AVR # OF POC CHAR. PER EPISODE | TOTAL # OF WRITERS (2017-18) | % WHITE WRITERS | % BLACK WRITERS | % TOTAL POC WRITERS |
|---|---|---|---|---|---|---|---|
| CBS | BLUE BLOODS | -44 | 3.71 | 8 | 100% | 0% | 0% |
| CBS | NCIS: LOS ANGELES | -44 | 4.44 | 11 | 82% | 9% | 18% |
| CBS | S.W.A.T. | -43 | 7.18 | 12 | 50-58% | 25% | 42% |
| amazon | GOLIATH | -41 | 4.00 | 7 | 86-100% | 0% | 0% |
| NBC | LAW & ORDER: SVU | -37 | 3.33 | 14 | 93-100% | 0% | 0% |
| NBC | BLINDSPOT | -36 | 3.29 | 12 | 92% | 0% | 8% |
| NETFLIX | ORANGE IS THE NEW BLACK | -26 | 3.10 | 10 | 70% | 0% | 30% |
| amazon | SNEAKY PETE | -12 | 2.00 | 8 | 50-75% | 0% | 25% |

| NETWORK / SERIES TITLE | 2017–2018 SEASON WRITERS | 2017–2018 SEASON SHOWRUNNER & CREATORS | 2018–2019 SEASON WRITERS | 2017–2018 SEASON RACIAL INTEGRITY INDEX SCORE | 2017–2018 SEASON GOOD GUY ENDORSER RATIO | 2017–2018 SEASON PERSON OF COLOR ENDORSER INDEX |
|---|---|---|---|---|---|---|
| NBC **LAW & ORDER: SVU** | WRITERS 14 TOTAL<br>RACE — POC: 0%* — WHITE: 93%* — NN: 7%*<br>RACE & GENDER — WM: 57% — WW: 36%* — NN: 7%* | BLACK WRITERS 0%*<br>MEN WRITERS 57% [8]<br>SHOWRUNNER 1 WHITE MAN<br>CREATORS 1 WM | WRITERS 12 TOTAL<br>RACE — POC: 0% — WHITE: 100%<br>GENDER — M: 67% — W: 33% | -37 | 20:1 | -14 |
| CBS **NCIS** | WRITERS 10 TOTAL<br>RACE — POC: 0% — WHITE: 100%<br>RACE & GENDER — WM: 80% — WW: 20% | BLACK WRITERS 0%<br>MEN WRITERS 75% [8]<br>SHOWRUNNERS 2 WHITE MEN<br>CREATORS 2 WM | WRITERS 11 TOTAL<br>RACE — POC: 0% — WHITE: 100%<br>GENDER — M: 82% — W: 18% | -56 | N/A | 2 |
| CBS **BLUE BLOODS** | WRITERS 8 TOTAL<br>RACE — POC: 0% — WHITE: 100%<br>RACE & GENDER — WM: 75% — WW: 25% | BLACK WRITERS 0%<br>MEN WRITERS 75% [6]<br>SHOWRUNNER 1 WHITE MAN<br>CREATORS 1 WM, 1 WW | WRITERS 8 TOTAL<br>RACE — POC: 0% — WHITE: 100%<br>GENDER — M: 75% — W: 25% | -44 | 36:1 | -36 |
| NBC **CHICAGO P.D.** | WRITERS 10 TOTAL<br>RACE — WHITE: 80%* — POC: 10%* — NN: 10%*<br>RACE & GENDER — WM: 50%* — WW: 30% — BW: 10% — NN: 10% | BLACK WRITERS 0%*<br>MEN WRITERS 60% [6]<br>SHOWRUNNER 1 WHITE MAN<br>CREATORS 4 WM | WRITERS 10 TOTAL<br>RACE — WHITE: 80% — POC: 10% — NN: 10%<br>GENDER — M: 60% — W: 40% | -69 | 4:1 | -25 |
| NETFLIX **MINDHUNTER** | WRITERS 7 TOTAL<br>RACE — POC: 0% — WHITE: 100%<br>RACE & GENDER — WM: 43% — WW: 57% | BLACK WRITERS 0%<br>MEN WRITERS 43% [3]<br>SHOWRUNNER 1 WHITE MAN<br>CREATORS 1 WM | | - | N/A | -0 |
| amazon **GOLIATH** | WRITERS 7 TOTAL<br>RACE — POC: 0%* — WHITE: 86%* — NN: 14%*<br>RACE & GENDER — WM: 43%* — WW: 43% — NN: 14%* | BLACK WRITERS 0%*<br>MEN WRITERS 57%* [4]<br>SHOWRUNNER 1 WHITE MAN<br>CREATORS 2 WM | | -41 | 9:1 (BAD GUYS TO GOOD GUYS) | 0 |
| NBC **THE BLACKLIST** | WRITERS 15 TOTAL<br>RACE — WHITE: 93% — POC: 7%<br>RACE & GENDER — WM: 73% — WW: 20% — MOC: 7% | BLACK WRITERS 7% [1]<br>MEN WRITERS 80% [11]<br>SHOWRUNNER 1 WHITE MAN<br>CREATORS 1 WM | WRITERS 14 TOTAL<br>RACE — POC: 0% — WHITE: 100%<br>GENDER — M: 64% — W: 56% | -57 | 4:1 | -93 |
| NBC **BLINDSPOT** | WRITERS 12 TOTAL<br>RACE — WHITE: 92% — POC: 8%<br>RACE & GENDER — WM: 58% — WW: 33% — WOC: 8% | BLACK WRITERS 0%<br>MEN WRITERS 58% [9]<br>SHOWRUNNER 1 WHITE MAN<br>CREATORS 1 WM | WRITERS 12 TOTAL<br>RACE — POC: 0% — WHITE: 100%<br>GENDER — M: 67% — W: 33% | -36 | 8:1 | -23 |
| FOX **9-1-1** | WRITERS 11 TOTAL<br>RACE — WHITE: 91% — POC: 9%<br>RACE & GENDER — WM: 82% — WW: 9% — WOC: 9% | BLACK WRITERS 9% [1]<br>MEN WRITERS 82% [9]<br>SHOWRUNNER 1 WHITE MAN<br>CREATORS 3 WM | WRITERS 12 TOTAL<br>RACE — WHITE: 83% — POC: 17%<br>GENDER — M: 82% — W: 18% | -75 | 2:1 | 3 |

| NETWORK / SERIES TITLE | 2017–2018 SEASON WRITERS | 2017–2018 SEASON SHOWRUNNER & CREATORS | 2018–2019 SEASON WRITERS | 2017–2018 SEASON RACIAL INTEGRITY INDEX SCORE | 2017–2018 SEASON GOOD GUY ENDORSER RATIO | 2017–2018 SEASON PERSON OF COLOR ENDORSER INDEX |
|---|---|---|---|---|---|---|
| CBS **ELEMENTARY** | WRITERS: 10 TOTAL<br>RACE: WHITE: 90% / POC: 10%<br>RACE & GENDER: WM: 70% / WW: 20% / WOC: 10%<br>BLACK WRITERS: 0%<br>MEN WRITERS: 70% [7] | SHOWRUNNER: 1 WHITE MAN<br>CREATORS: 1 WM | WRITERS: 11 TOTAL<br>RACE: WHITE: 82% / POC: 18%<br>GENDER: M: 73% / W: 27% | -52 | 19:1 | -25 |
| CBS **CRIMINAL MINDS** | WRITERS: 10 TOTAL<br>RACE: WHITE: 90% / POC: 10%<br>RACE & GENDER: WM: 50% / WW: 40% / WOC: 10%<br>BLACK WRITERS: 0%<br>MEN WRITERS: 50% [5] | SHOWRUNNER: 1 WHITE MAN<br>CREATORS: 1 WM | WRITERS: 11 TOTAL<br>RACE: WHITE: 91% / POC: 9%<br>GENDER: M: 55% / W: 45% | -58 | N/A | N/A |
| CBS **BULL** | WRITERS: 9 TOTAL<br>RACE: WHITE: 89% / POC: 11%<br>RACE & GENDER: WM: 33% / WW: 56% / WOC: 11%<br>BLACK WRITERS: 0%<br>MEN WRITERS: 33% [3] | SHOWRUNNER: 1 WHITE MAN<br>CREATORS: 2 WM | WRITERS: 12 TOTAL<br>RACE: WHITE: 92% / POC: 8%<br>GENDER: M: 33% / W: 77% | -53 | N/A | -3 |
| FOX NBC **BROOKLYN NINE-NINE** | WRITERS: 17 TOTAL<br>RACE: WHITE: 88% / POC: 12%<br>RACE & GENDER: WM: 59% / WW: 29% / MOC: 6% / WOC: 6%<br>BLACK WRITERS: 12% [2]<br>MEN WRITERS: 65% [11] | SHOWRUNNER: 1 WHITE MAN<br>CREATORS: 2 WM | WRITERS: 12 TOTAL<br>RACE: WHITE: 92% / POC: 8%<br>GENDER: M: 75% / W: 25% | -48 | N/A | -14 |
| amazon **BOSCH** | WRITERS: 7 TOTAL<br>RACE: WHITE: 86% / POC: 14%<br>RACE & GENDER: WM: 71% / WW: 14% / WOC: 14%<br>BLACK WRITERS: 14% [2]<br>MEN WRITERS: 71% [5] | SHOWRUNNER: 1 WHITE MAN<br>CREATORS: 1 WM | WRITERS: 8 TOTAL<br>RACE: WHITE: 88% / POC: 12%<br>GENDER: M: 63% / W: 37% | -54 | N/A | N/A |
| CBS **HAWAII FIVE-0** | WRITERS: 12 TOTAL<br>RACE: WHITE: 75%* / POC: 17%* / NN: 8%*<br>RACE & GENDER: WM: 58% / WW: 17%* / WOC: 17% / NN: 8%*<br>BLACK WRITERS: 0%*<br>MEN WRITERS: 58% [7] | SHOWRUNNER: 1 WHITE MAN<br>CREATORS: 1 WM, 1 BM, 1 LM | WRITERS: 15 TOTAL<br>RACE: WHITE: 73% / POC: 27%<br>GENDER: M: 67% / W: 33% | -60 | N/A | -11 |
| CBS **NCIS: LOS ANGELES** | WRITERS: 11 TOTAL<br>RACE: WHITE: 82% / POC: 18%<br>RACE & GENDER: WM: 64% / WW: 18% / MOC: 18%<br>BLACK WRITERS: 9% [1]<br>MEN WRITERS: 82% [9] | SHOWRUNNER: 1 WHITE MAN<br>CREATORS: 1 WM | WRITERS: 11 TOTAL<br>RACE: WHITE: 82% / POC: 9% / NN: 9%<br>GENDER: M: 82% / W: 18% | -44 | 8:1 | 5 |
| FOX **LETHAL WEAPON** | WRITERS: 15 TOTAL<br>RACE: WHITE: 80% / POC: 20%<br>RACE & GENDER: WM: 53% / WW: 27% / MOC: 13% / WOC: 7%<br>BLACK WRITERS: 20% [3]<br>MEN WRITERS: 67% [10] | SHOWRUNNER: 1 WHITE MAN<br>CREATORS: 1 WM | WRITERS: 11 TOTAL<br>RACE: WHITE: 82% / POC: 18%<br>GENDER: M: 55% / WW: 45% | -45 | 34:1 | -57 |
| NETFLIX **NARCOS** | WRITERS: 10 TOTAL<br>RACE: WHITE: 80% / POC: 20%<br>RACE & GENDER: WM: 70% / WW: 10% / MOC: 10% / WOC: 10%<br>BLACK WRITERS: 10% [1]<br>MEN WRITERS: 80% [8] | SHOWRUNNER: 1 WHITE MAN<br>CREATORS: 1 WM, 1 LM | | -110 | 5:1 | -11 |

| NETWORK / SERIES TITLE | 2017–2018 SEASON WRITERS | 2017–2018 SEASON SHOWRUNNER & CREATORS | 2018–2019 SEASON WRITERS | 2017–2018 SEASON RACIAL INTEGRITY INDEX SCORE | 2017–2018 SEASON GOOD GUY ENDORSER RATIO | 2017–2018 SEASON PERSON OF COLOR ENDORSER INDEX |
|---|---|---|---|---|---|---|
| CBS<br>**NCIS: NEW ORLEANS** | WRITERS: 14 TOTAL<br>RACE: WHITE: 79% / POC: 21%<br>RACE & GENDER: WM: 50% / WW: 29% / MOC: 14% / WOC: 7% | BLACK WRITERS: 7% [1]<br>MEN WRITERS: 64% [9]<br>SHOWRUNNER: 1 WHITE MAN<br>CREATORS: 1 WM | WRITERS: 13 TOTAL<br>RACE: WHITE: 69% / POC: 23% / NN: 8%<br>GENDER: M: 54% / W: 46% | -49 | 6:1 | 2 |
| amazon<br>**SNEAKY PETE** | WRITERS: 8 TOTAL<br>RACE: WHITE: 50%** / POC: 25%** / NN: 25%**<br>RACE & GENDER: WM: 50%** / MOC: 13%** / WOC: 13%** / NN: 24% | BLACK WRITERS: 0%**<br>MEN WRITERS: 50%** [4]<br>SHOWRUNNER: 1 WHITE MAN<br>CREATORS: 2 WM | WRITERS: 6 TOTAL<br>RACE: WHITE: 83% / POC: 17%<br>GENDER: M: 50% / W: 50% | -12 | N/A | 0 |
| NETFLIX<br>**ORANGE IS THE NEW BLACK** | WRITERS: 10 TOTAL<br>RACE: WHITE: 70% / POC: 30%<br>RACE & GENDER: WM: 20% / WW: 50% / WOC: 30% | BLACK WRITERS: 0%<br>MEN WRITERS: 20% [2]<br>SHOWRUNNER: 1 WHITE WOMAN<br>CREATORS: 1 WW | | -26 | 6:1<br>(BAD GUYS TO GOOD GUYS) | -2 |
| abc<br>**HOW TO GET AWAY WITH MURDER** | WRITERS: 11 TOTAL<br>RACE: WHITE: 45%** / POC: 36%** / NN: 19%**<br>RACE & GENDER: WM: 27%** / WW: 18%** / MOC: 9%** / WOC: 27% / NN: 19%** | BLACK WRITERS: 27%** [3]<br>MEN WRITERS: 45% [5]<br>SHOWRUNNER: 1 WHITE MAN<br>CREATORS: 1 WM | WRITERS: 11 TOTAL<br>RACE: WHITE: 45% / POC: 28% / NN: 27%<br>GENDER: M: 45% / W: 55% | - | 2:1 | -28 |
| CBS<br>**S.W.A.T.** | WRITERS: 12 TOTAL<br>RACE: WHITE: 50%* / POC: 42%* / NN: 8%*<br>RACE & GENDER: WM: 33%* / WW: 17% / MOC: 25%* / WOC: 17% / NN: 8%* | BLACK WRITERS: 25%* [3]<br>MEN WRITERS: 67%* [8]<br>SHOWRUNNER: 1 WHITE MAN<br>CREATORS: 1 WM, 1 BM | WRITERS: 15 TOTAL<br>RACE: WHITE: 53% / POC: 40% / NN: 7%<br>GENDER: M: 67% / W: 43% | -43 | N/A | 5 |
| NBC<br>**SHADES OF BLUE** | WRITERS: 9 TOTAL<br>RACE: WHITE: 56% / POC: 44%<br>RACE & GENDER: WM: 33% / WW: 22% / MOC: 22% / WOC: 22% | BLACK WRITERS: 11% [1]<br>MEN WRITERS: 56% [5]<br>SHOWRUNNER: 1 MOC<br>CREATORS: 1 MOC | | - | N/A | -42 |
| NETFLIX<br>**LUKE CAGE** | WRITERS: 8 TOTAL<br>RACE: WHITE: 38% / POC: 63%<br>RACE & GENDER: WM: 25% / WW: 13% / MOC: 38% / WOC: 25% | BLACK WRITERS: 63% [5]<br>MEN WRITERS: 63% [5]<br>SHOWRUNNER: 1 BLACK MAN<br>CREATORS: 1 BM | | - | 4:1 | 0 |
| NETFLIX<br>**SEVEN SECONDS** | WRITERS: 8 TOTAL<br>RACE: WHITE: 38% / POC: 62%<br>RACE & GENDER: WM: 25% / WW: 13% / MOC: 25% / WOC: 38% | BLACK WRITERS: 25% [2]<br>MEN WRITERS: 50% [4]<br>SHOWRUNNER: 1 ASIAN WOMAN<br>CREATORS: 1 AW | | - | 16:1<br>(BAD GUYS TO GOOD GUYS) | -236 |

* 1 WRITER OF KNOWN GENDER BUT UNKNOWN RACE
** 2 WRITERS OF KNOWN GENDER BUT UNKNOWN RACE
○ NN = RACE NOT KNOWN

WM = WHITE MAN
WW = WHITE WOMAN
MOC = MEN OF COLOR
WOC = WOMEN OF COLOR
LM = LATINX MAN
AW = ASIAN WOMAN

COLOR OF CHANGE
HOLLYWOOD

# RECOMMENDATIONS

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# RECOMMENDATIONS

**ALL TOTALED, THE STUDY FINDINGS REVEAL A SERIOUS AND SYSTEMIC PROBLEM CONCERNING THE STORYTELLING CONVENTIONS OF CRIME-RELATED SCRIPTED SERIES ON AMERICAN TELEVISION PLATFORMS. THESE PROBLEMS, AND THEIR INFLUENCE OVER VIEWERS, HAVE PROFOUND IMPLICATIONS FOR ANYONE WHO CARES ABOUT JUSTICE, FAIRNESS AND EQUITY IN THE REAL WORLD.**

At some level, accuracy and authenticity are not that complicated. As the report shows, almost all series in the crime and legal genre are set in cities. The "urban experience" and "inner city communities" serve as the ever-present backdrop. So how many writers come from that experience and know it directly? Not through a police consultant or press release, not through something that once happened to their friend, and not through an article they read in the paper. How many writers truly known the communities, contexts and realities they depict every week, and know them from the perspective of what the communities in that "backdrop" go through?



The challenge, however, is that systemic problems require systemic solutions and simple changes are not so simple. That is why explicit, clear and meaningful changes in policy and practice are critical. And that is why diversity, for example, cannot be an afterthought, a gradual process or a voluntary act of charity when the time is right.

Individual new series driven by new approaches, such as the limited run series *The Red Line* on CBS and *Unbelievable* on Netflix, can and should continue to challenge crime genre conventions, push the genre forward and bring new stories to light. The likely cumulative effects of the genre status quo, however, cannot be balanced out by one or two progressive and innovative series. There are more than two dozen scripted crime and legal series currently airing, as well as myriad series in constant rotation through syndication on cable and streaming platforms. Novel series may demonstrate the way forward, but they cannot fulfill the mandate for more responsible, ethical and authentic programming alone.

**WE NEED NEW STANDARDS TO BE SOCIALIZED AND IMPLEMENTED ACROSS THE INDUSTRY. THOSE STANDARDS MUST BE BACKED UP BY MEANINGFUL INCENTIVES THAT REWARD RESPONSIBLE STORYTELLING, AS WELL AS BY REAL CONSEQUENCES THAT HOLD EXECUTIVES ACCOUNTABLE WHEN THEY ENABLE (OR EVEN ENCOURAGE) DEMONSTRABLY HARMFUL STEREOTYPES AND INACCURACIES TO GO UNCHECKED.**

At the same time, the many showrunners and writers who want to do better must be supported in doing so. They must be given the time, talent, resources and approval required to break convention and change course. In particular, veteran writers must be given the space to reflect on their past experiences, identify their defaults and speak honestly about the full range of incentives they know must change across the industry in order for them to successfully change course as writers.

In consultation with crime series writers and producers, and criminal justice experts, Color Of Change has developed viable and urgent recommendations in two categories: Series Practices and Industry Practices.

In 2020, Color Of Change will be launching a guide with concrete advice, resources and solutions that will help writers and decision makers across the industry make progress on these recommendations and other issues they themselves identify. For now, this section focuses on the overall roadmap.

1. SERIES PRACTICES

## WHAT TO STOP DOING

**EACH SECTION OF THIS REPORT PROVIDES DETAIL AND CLARITY ON WHAT EXECUTIVES, SHOWRUNNERS AND WRITERS SHOULD STOP DOING. IN PRACTICE, MUCH OF THE REPORT READS LIKE A CHECKLIST OF WHAT TO AVOID.**

### A.

Internalizing and working to avoid the most dangerous depictions that define genre convention today must be the first order of business. That may begin with a writers' room, under a showrunner's leadership, developing (or revisiting) their own checklist of practices to avoid, which they may already have.

For instance, the average public defender spends an average of 6 minutes total with each client. You would never know it from watching crime series, especially the series that take the most serious, real-life tone. There should be another way to represent the field of defense attorneys, rewriting the current convention of depicting every accused person—no matter their age or class—as having access to the most rigorous defense counsel imaginable. Maybe the relationship between the accused and their attorney is not what writers want to explore, but they can certain avoid misrepresenting the level of access to capable defense that all accused people have.

### B.

Writers must embrace new perspectives about their common storytelling practices and motifs, including those from junior writers. That means inviting debate within the writers' room about these issues at a different level than currently exists, and working together to push back on executive, producer and even showrunner pressure where necessary. Change will happen only when writers are able to work together to redefine the culture within their writers' rooms, and where possible, to challenge the networks and production companies that enable these patterns to persist.

### C.

Writers' rooms would benefit from conducting an independent audit. Whether using the metrics and analyses offered in this report or others, writers and showrunners should be able to see the broader patterns in their work and identify problems and points of change through an independent lens. Setting in place a formal benchmark or assessment can be a helpful tool, especially when it comes to accurately, authentically and responsibly depicting race, gender and the justice system at large.



## WHAT TO START DOING

**IN ADDITION TO WHAT EXECUTIVES, SHOWRUNNERS AND WRITERS SHOULD STOP DOING, WHAT THEY CAN START DOING SHOULD BE JUST AS CLEAR. THE SOLUTIONS BEGIN WITH A SIMPLE MANDATE: START TELLING THE TRUTH, ESPECIALLY WHEN IT COMES TO RACE AND THE REALITIES OF PEOPLE OF COLOR IN THE SYSTEM AND IN SOCIETY.**

If fiction is the lie that tells the truth, the fiction of the TV crime genre is largely the lie that tells the lie. Crime series, and the executives that ultimately control them, must commit to telling the truth about race in society, and telling the truth about the criminal justice system overall.

### A.

The reality of race in society, and in the criminal justice system, is rich material offering endless stories, characters and information to represent. Crime writers must begin to seek out and tell these stories, and must also begin to routinely integrate facts about racial disparities in the justice system, the consequences (i.e., harm) of those disparities and the policies and practices that cause them—including the actions of characters currently represented as righteous heroes.

### B.

Series must proactively revisit any written or unwritten policies they may have concerning the portrayal of law enforcement, the type of characters they cast as white or nonwhite (per the example cited at the top of the Foreword), or any other convention that guides their work that may also have implications for viewers' attitudes about race or the efficacy and equity of the justice system overall.

### C.

Writers' rooms can also set goals relative to representation: new characters they commit to introduce, information they aim to integrate into dialogue and so on. It is difficult to make progress with measures of progress, and being explicit (even if just within the writers' room) about goals for a season can help everyone track success when it comes to representation.

As the report states: when series writers shy away from explicit depictions of racial profiling and other racially biased practices—including explicit discussions about their prevalence, consequences and wrongfulness—they erase an important reality and miss an important opportunity to bring viewers into contact with that reality in a productive way. By doing so, they construct a sanitized version of the criminal justice system that implies there is no racial bias when it comes to who is targeted by police, charged by prosecutors, convicted in court and serving in prison.

Mythologizing the criminal justice system—implying that justice gets done because the rules get broken, that abuse and harm are rare, that racial bias and systemic racism do not exist, that current police methods keep people safe and are necessary for solving crimes—is dangerous. Inaccuracies and myths about the justice system deny viewers the opportunity to reckon with the truth, and undermine the forces working for reform and working against injustice, especially racial injustice.

## INCLUDING NEW WRITERS, SOURCES & SOURCE MATERIALS

**TO START TELLING THE TRUTH, EXECUTIVES, CREATORS, SHOWRUNNERS AND WRITERS MUST START INCLUDING THE PEOPLE AND PERSPECTIVES FROM WHICH NEW AND MORE TRUTHFUL STORIES EMERGE.**

They must shift from an isolated to a collaborative mindset and proactively seek perspectives and information beyond what they already know, especially when it comes to race. They must also cease relying so heavily on police consultants and other self-interested defenders of the public fantasy about the criminal justice system.

Many writers may learn about the criminal justice system from other writers, or from past experience working on other series. Writers' rooms must break the cycle by:

- **Hiring people with different and more true-to-life understandings of criminal justice, and greatly diversifying (by race, gender and experience) both the ranks of decision makers and the ranks of creative talent.**
- **Immersing in criminal justice issues through exposure to community groups, advocacy and research organizations, and everyday people affected by the system, all of which have real-world stories and information to share. That includes inviting more people from the outside into writers' rooms to brief writers on critical issues, share stories, collaborate on storylines and so on.**

Executives must support inclusive hiring and story collaboration as the guiding standard, not an occasional exception, and must implement clear policies, performance goals and outcome measures to that effect.



## 2. INDUSTRY PRACTICES

**RECOMMENDATIONS AT THE INDUSTRY LEVEL PARALLEL RECOMMENDATIONS AT THE WRITERS' ROOM LEVEL, TAKING THOSE IDEAS TO SCALE IN A WAY THAT CHANGES THE RULES FOR EVERYONE.**

**Corporate incentives and directives must change. Corporate decision makers at the network and platform level, who ultimately control what airs and who produces it, must learn more about the effects of their work beyond the profit margin and must also begin to take responsibility for rectifying long-standing problems across the genre that have persisted for far too long.**

**At the same time, Hollywood's major non-studio institutions, professional associations and guilds, and informal affinity groups have an important role to play:**

- **Speaking out in support of the need for change**
- **Inviting advocates to share insight and experience with their members**
- **Convening to develop a new set of ethical guidelines for the crime genre**
- **Setting standards and rules for their own production companies**
- **Supporting one another in struggles against network interference**
- **Challenging network or producer assumptions about audience tastes and receptivity**
- **Identifying and challenging consistently inappropriate behavior on the part of specific showrunners, producers and executives**

**These are absolutely essential actions for building momentum and moving the industry in the right direction. The resources and leadership required to realize them in full should be identified, encouraged and materially supported by Hollywood institutions and allies in philanthropy alike.**

**In terms of policy change at the corporate level, however, there are clear next steps.**

## ESTABLISH AN INDEPENDENT AUDITOR

**NETWORK, PLATFORM AND PRODUCTION COMPANY EXECUTIVES MUST EMBRACE THE ROLE OF AN INDEPENDENT INDUSTRY AUDITOR WHO CAN COLLABORATE WITH ALL INTERESTED PARTIES TO DELIVER A MEANINGFUL ASSESSMENT AND PLAN FOR CHANGE.**

During this process, executives must engage in conversations with experts and advocates in order to establish a collaborative and productive working relationship. An independent auditor could:

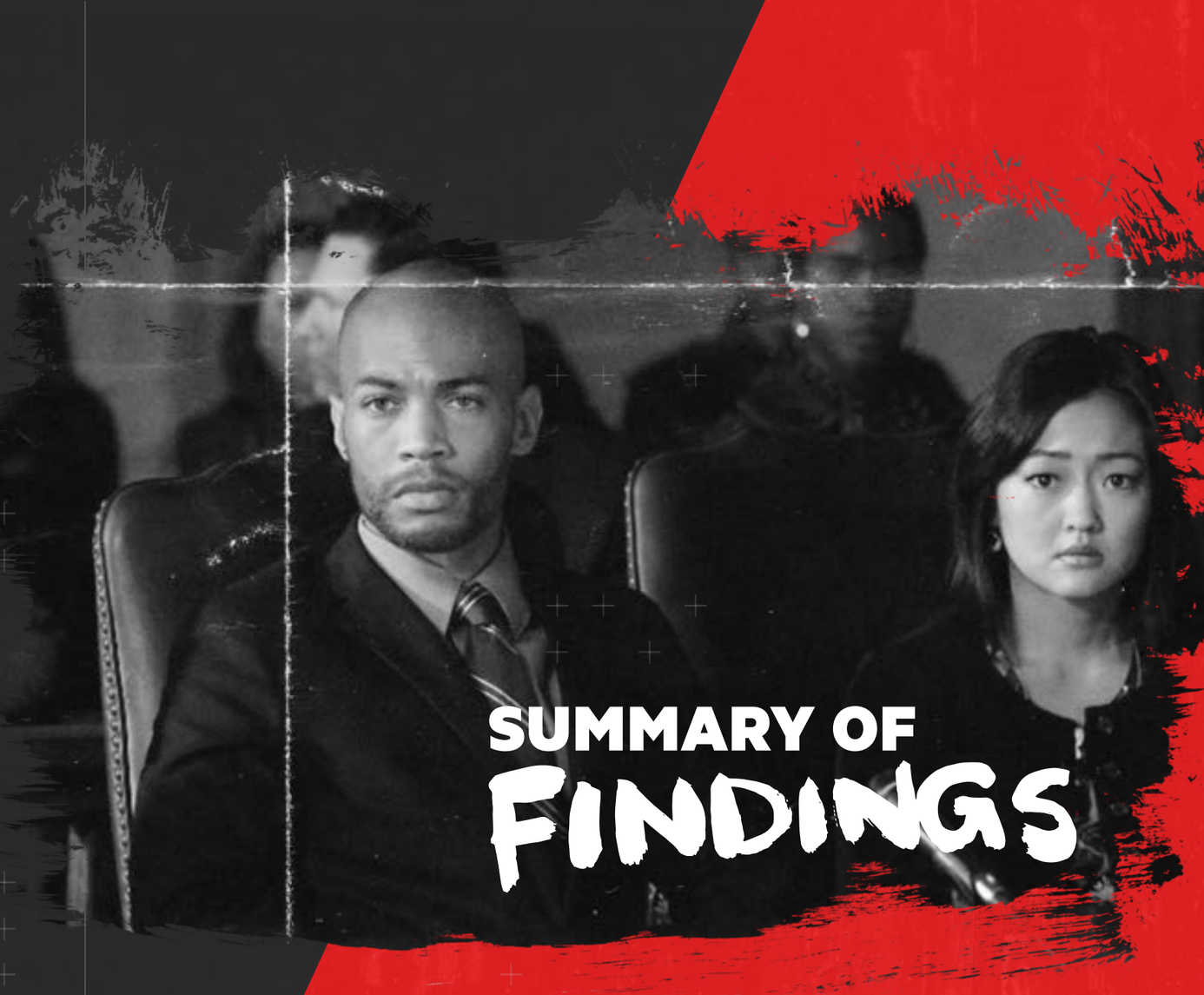
- **Set standards across the industry for both ethics and accuracy in front of the camera and racial and gender diversity behind it. Standards for content might include:**
- **Evaluating the percentage of people of color characters who are given a backstory compared to white characters, and**
- **Evaluating the degree to which people of color characters are given a context to credibly voice issues of race and racism.**
- **Set meaningful, viable goals for change and evaluate progress in aligning with those standards over time—a mix of public and private goals, as appropriate.**
- **Identify counterproductive incentives and practices in specific parts of the industry, from the hiring and casting process to the role corporate executives play in the "notes" and editing process.**
- **Investigate the worst offenders—whether individual producers or entire networks—and determine an appropriate course of action for change.**

As an outgrowth of that process, an industry-wide ombuds office might be established, as well. Such an office could be supported by all the major networks, platforms, studios, advertisers and industry institutions.

## SET NEW STANDARDS OF TRANSPARENCY

**NETWORK, PLATFORM AND PRODUCTION COMPANY EXECUTIVES MUST ALSO ENSURE TRANSPARENCY WITH RESPECT TO:**

- **Hiring practices related to production, writers' rooms and set dynamics.**
- **Scripting and casting practices, relative to racial diversity.**
- **Any written or unwritten standards and practices affecting the content of these series, such as commitments networks have made to portray law enforcement in a certain light, especially as part of the agreements they make pertaining to their ability to shoot in certain cities or to use the logos and settings of certain police departments or government agencies.**
- **Contracts with cities and law enforcement in production locations.**



# SUMMARY OF FINDINGS

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# SUMMARY OF FINDINGS

**WE KNOW THAT AMERICANS' PERCEPTIONS OF CRIME ARE VERY MUCH AT ODDS WITH THE REALITY OF CRIME IN AMERICA. AS JUST ONE EXAMPLE: WHILE THE CRIME RATE HAS DROPPED PRECIPITOUSLY OVER THE LAST 20 YEARS, THE NUMBER OF PEOPLE WHO SAY THAT THERE IS "MORE CRIME IN THE U.S. THAN A YEAR AGO" HAS STEADILY RISEN.[11]**

Public perceptions are similarly distorted when it comes to who and what drive crime, the most effective means of ensuring public safety, and numerous other issues.

What causes the distortion? Many forces—from news media coverage to political rhetoric to online misinformation—may help manufacture and sustain it. How do entertainment media factor in?

Criminal Justice Professional characters on television (CJPs) are often regarded in the public realm as some of the most powerful, trusted and entertaining characters on television. This study investigated whether or not their actions—and several other key elements of crime series storytelling—may be providing a vehicle for popularizing and confirming false perceptions about the criminal justice system, perhaps even contributing to a highly problematic "conventional wisdom" about the justice system that runs contrary to fact.

[11] Pew Research Center, Public Perception, 2016



Overall, the findings of this study strongly suggest that the scripted crime television genre plays a deeply concerning role in popularizing distorted representations of crime, justice, race and gender, thereby reinforcing erroneous understandings.

In front of the camera, depictions propagate and reinforce many false perceptions, while rendering many important realities invisible. Behind the camera, the genre stands out as one of the least diverse in terms of the race and gender of its showrunners and writers.[12]

It would be a mistake to read these findings as either chastisement or pessimism. By using data to map out the content patterns and storytelling conventions across the genre, we have also revealed inspiring examples of creative, entertaining and thoughtful storytelling about race and the justice system that provide a glimpse of the enormous opportunities for showrunners and writers to channel rich material into their storytelling—fuller and more accurate representations that make for compelling dramatic and comedic content.

Not all series (or networks) are the same. Examples of series and scenes that run counter to the current norms illuminate a pathway for change. Portraying and tackling the failures and realities of the justice system—rather than ignoring them or rationalizing them—can add entertainment value for viewers.

Though with important exceptions, findings across the board demonstrated that executives, producers, creators, showrunners and writers developed scripted crime series that:

- Created a world in which people do not experience race-based or gender-based injustices in the criminal justice system, and in which there is no bias in the system and the system does not disproportionately target, affect or harm people of color.
- Created a world in which race, racial identities and racism are not particularly relevant to people's experiences in society and in life overall.
- Promoted illegal, unethical and immoral behavior by CJPs as harmless and victimless, and as either unnoteworthy, un-problematic or justifiable.
- Wrongful actions by CJPs were rarely acknowledged, challenged or debated, and almost never led to any form of accountability.
- Viewers were regularly exposed to wrongful actions as routine practice; people of color and women CJPs were often depicted as implicitly endorsing them.
- Wrongful actions were presented as ultimately good and forgivable actions on the part of "good guys" in noble pursuit of the "bad guys" and any limitations or accountability for those actions would only impede the pursuit of justice and the ability of CJPs to keep good people safe.
- Created a world in which criminal justice reforms and alternative criminal justice practices do not exist, nor do any credible champions or success models for reform; rather, reformers are naive, ignorant, corrupt or in some other way easily dismissed.
- Excluded people of color and women from writers' rooms, and from positions of authority within writers' rooms (i.e., creators and showrunners).

There was an interplay across the genre between the **invisibility** of unjust practices and the **normalization** of them. Rarely, however, were they explicitly recognized as prevalent, judged as wrong, depicted as harmful, tackled, rectified and taken seriously as requiring prevention.

Myriad opportunities were missed. In the fictional worlds of the majority of these series, reform and system change—or even debates about new ways of thinking—had no dramatic or comedic currency. Nor did the realities of the system and the problems they cause.

The genre is far behind so many of the conversations taking place across the country today when it comes to race, gender and the criminal justice system, rather than out in front of them.

[12] Color Of Change. (2017). *Race in the writers' room*. Los Angeles, CA: Hunt, D. Retrieved from http://bit.ly/2WT71Ej.

SECTION 01

# Normalizing Injustice as Standard Practice & Cultural Norm

## REPRESENTING UNJUST ACTIONS AS ROUTINE, HARMLESS, ACCEPTABLE OR NECESSARY

1. **The great majority of series that represented Criminal Justice Professionals (CJPs) committing wrongful actions did so in a way that normalized them—making bad actors seem good, and wrongful actions seem right.** Most series depicted CJP wrongful actions as routine, harmless, necessary—or even noble—in the pursuit of justice, rather than as problematic, harmful, counterproductive or warranting judgment and accountability.

One normalizing convention consistent across 18 of the 26 series examined was making wrongful actions seem right by depicting bad actions as being committed by "Good Guy" characters, thereby framing wrongful actions as relatable, forgivable, acceptable and ultimately good. Most series conveyed the idea that whatever a CJP does is inherently "right" and "good" by virtue of it being done by a CJP, especially a beloved main character.

Two other pervasive conventions of normalizing wrongful actions were: the lack of CJPs acknowledging wrongful actions as being wrong; and series framing wrongful actions as merely the cost of doing business when it comes to solving crimes, catching the bad guy and fighting for justice.

**The "Good Guy" Endorser Ratio** illustrates the first pattern, which compares the number of wrongful actions committed by "Good Guy" CJP characters to the number of wrongful actions committed by "Bad Guy" CJP characters. Across the 18 series in which this pattern was evident, on average, 8 "Good Guy" CJP characters committed a wrongful action for every 1 "Bad Guy" CJP character who did so—an average "Good Guy" Endorser Ratio of 8 to 1. *Blue Bloods* and *Lethal Weapon* had "Good Guy" Endorser Ratios of 36 to 1 and 34 to 1, respectively, while *Law & Order: Special Victims Unit* and *Elementary* had "Good Guy" Endorser Ratios of 20 to 1 and 19 to 1, respectively. Only 3 series bucked that norm: *Seven Seconds*, *Goliath* and *Orange is the New Black*.

**In total, there were 3 times as many depictions of CJP characters *committing* wrongful actions as characters (of any type) *acknowledging* them**; moreover, acknowledgment often included encouraging or excusing wrongful actions, rather than objecting to them.

All groups of CJPs were depicted as *committing* wrongful actions more than *acknowledging* wrongful actions, and standing by in the face of wrongful actions more often than acknowledging them, whether white, Black, Latinx, Asian/Pacific Islander (API), women or men. A clear majority of depictions of acknowledging wrongful actions featured a person of color or woman—64% combined—which may have conveyed the idea that acknowledging wrongful actions is a behavior relegated to people of color and women characters, not a behavior that should be equally expected from white men.

**Across the genre, it was the norm for CJPs to commit wrongful actions but it was not the norm for CJPs to challenge them.** That is, committing wrongful actions was part of what all CJPs were depicted as doing as part of their job, but challenging (or even acknowledging) wrongful actions was not.

**Almost all series conveyed the impression that change is not needed: they depicted a system that does not actually have serious problems related to race, gender, violence and the abuse of power.** While many series explicitly or implicitly portrayed the system as ineffective, the nature of the ineffectiveness was often related to police, prosecutors and others not having enough power and authority. The prevalent message was that the pursuit of justice is hampered by the rules, often characterized as unnecessarily bureaucratic or even too lenient in favor of suspects.

2. **Several series seemed to use people of color characters as validators of wrongful behavior by either depicting people of color CJPs as perpetrators or supporters of wrongful actions, or by depicting them as tacit endorsers.**

The Person of Color Endorser Index highlights the series that depicted a relatively high number of wrongful actions going unacknowledged, while at the same time prominently featuring the presence of people of color CJPs. The series that exhibited this pattern the most were: *Lethal Weapon*, *Elementary*, *The Blacklist*, *Blindspot*, *Blue Bloods*, *Chicago P.D.* and *Law & Order: Special Victims Unit*. The series with the highest rates of people of color CJP characters committing wrongful actions were: *Luke Cage*, *9-1-1*, *How to Get Away with Murder*, *Lethal Weapon* and *Elementary*.

3. **It was exceptionally rare for CJPs to face any consequences for wrongful actions, or even face the threat of consequences.** While representations of wrongful actions proliferated across the genre, representations of accountability did not. If acknowledged at all, wrongful actions were mostly excused. Other times, a CJP character's own remorse or guilt was represented as "punishment enough" and a substitute for real accountability.

**Out of 453 wrongful actions committed by CJPs, only 13 were depicted as being investigated: 3.7% of all wrongful action depictions.** Across all 353 episodes, there were only 6 CJP characters depicted as being charged with crimes related to their wrongful actions (on *NCIS: New Orleans*, *Bull* and *Seven Seconds*), and only 4 CJP characters depicted as being suspended for their behavior—3 with pay (on *NCIS: Los Angeles*, *How to Get Away with Murder* and *Lethal Weapon*).

No CJP characters were depicted as being fired, being convicted or facing legal punishment for engaging in wrongful behavior, with 1 exception. On *Seven Seconds*, the depiction of just 1 police officer from a group of bad actors being found guilty, and given a minimal sentence, served as a testament to the *lack* of justice for victims, disincentives for officers and appropriate accountability.

4. **Many wrongful actions prevalent in the criminal justice system in real life were conspicuously absent—notably, those that constitute racial and gender bias or harm.**

By shying away from explicit depictions of racial profiling and other racially biased practices—including explicit discussions about their prevalence, consequences and wrongfulness—series writers erased an important reality and missed an important opportunity to bring viewers into contact with that reality in a productive way.

**Neither people of color nor women were depicted disproportionately as the target of (or suffering the harm of) illegal or unethical CJP behavior,** counter to reality in the case of many types of wrongful action. In particular, Black people were not depicted as being victimized by CJPs more than white people, or even as much as white people.

**Across almost all series, wrongful actions specifically associated with racial bias—and prevalent in real life—were conspicuously absent with respect to depictions of CJP behavior, as were general wrongful actions being carried out in a racially biased way,** e.g., racial profiling, prosecutor abuse (e.g., coerced plea bargains, over-charging), abuse by judges (e.g., over-sentencing, setting out-of-reach bail). Among the 397 instances of depicting a Person of Interest character (POI) as a person of color, just 1% (4 instances) involved racial profiling.

**Excessive force was represented as rare, and also as not harmful, both of which are misrepresentations that mask the reality of police violence and that may serve to either excuse it, dismiss it or lead viewers to believe that claims of systemic police violence** made by communities and advocates in real life are overblown and not credible. There were 45 instances of CJPs using excessive physical force when engaging suspects and POIs, across all 353 episodes. Excessive force was represented as being perpetrated by white CJPs predominantly. But it was not represented as affecting people of color disproportionately, or women much at all, such that it may be harder for viewers to imagine CJPs committing acts of violence against women in real life. Consequences for CJPs for perpetrating excessive force were rarely represented.

**5. Series on NBC and CBS demonstrated a clear pattern:**

**Series on NBC tended to more frequently depict wrongful actions** than other series, but explicitly or implicitly justified them—thereby normalizing them.

**Series on CBS tended to not depict wrongful actions** as often as other series—thereby invisibilizing them. (The exception was *Blue Bloods*, which exhibited the pattern of normalization rather than invisibilization.)



SECTION 02

# Misrepresenting How the Criminal Justice System Works

## PROPAGATING INACCURATE UNDERSTANDINGS ABOUT CRIMINAL JUSTICE PRACTICES & THEIR HARMS

**1. One feature consistent across the series was omitting stories about the harms that *legal* criminal justice procedures and practices cause, and omitting any acknowledgment or reference to the harms they cause.**[13] The criminal justice system itself was not depicted as harmful, "broken" or having adverse effects on our lives, whether money bail, surveillance, plea bargaining or any other practices that define the day-to-day activities of the justice system.

The harmful effects of the system itself, and what police, prosecutors, judges and other CJPs do as a matter of course—i.e., the default, status quo, legal practices and procedures that define the criminal justice system—were not presented to viewers in the great majority of these series, even though there are many opportunities to make great television by reckoning with them.

**2. Another features consistent across the series was depicting the standard, day-to-day practices of criminal procedures (and their outcomes) as race neutral, when in reality they are not.** Standard criminal justice practices—such as money bail, surveillance, plea bargaining and incarceration—were depicted as neither targeting people of color, nor causing adverse effects for people of color in any disproportionate way compared to white people.

**3. In addition to misrepresenting criminal procedures (both how the system actually works and the adverse effects of how it works), series misrepresented key aspects of crime itself.** Series by and large did not represent people of color and women as victims of crime in society. The genre as a whole, however, overrepresented crime as taking place mostly in cities (or as being concentrated in cities), which may have influenced attitudes toward people of color and others who are associated with populating cities disproportionately.

**Viewers were least likely to see victims of crimes portrayed as women of color. Black women were rarely portrayed as victims:** in 9% of all crimes, and 6% of primary crimes. The likelihood that primary crime victims were white men was 35%, white women 28%, men of color 22% (Black men 12%) and women of color 13%. *Law & Order: Special Victims Unit* had the second highest level of depictions of women victims but the lowest level of depictions of people of color victims.

**The vast majority of crime series take place in cities, and 78% of all episodes were set in cities.** Just 13% of all episodes were set in the suburbs or small towns. The portrayal of city life is one element of these series that made race present in a clear way, though not necessarily in an accurate, fair or helpful way. It may have helped promote and exacerbate the association of cities with danger, and therefore the stereotype of people of color as dangerous. Murder was the most common crime committed across all series—episodes often featured multiple crimes, but murder was the primary crime committed 60% of the time across all series. (In the real world, of course, most cases reported and investigated by police are not homicides.) This high "TV murder rate" may create a false but firm impression among many viewers over time: murder is common in cities, and cities are dangerous places.

**Overall, crime rates have decreased while the number of crime series on TV has increased,** which is perhaps one of many reasons why most people do not think crime has decreased at all.

SECTION 03

# Rendering Racism Invisible

## FAILING TO RECOGNIZE RACISM, RACIAL DISPARITIES & EXPERIENCES OF RACIAL INJUSTICE

**1. There were few depictions or conversations about racial disparities in the criminal justice system. Race was also largely invisible as an issue in their work and as part of series characters' lives and experiences, though several series featured central characters played by people of color.**

Counter to what would be realistic, there were no representations of meaningful racial tension on the job among CJPs; no representations of racial discrimination in hiring, promotion or the treatment of people of color CJPs; and rarely any references to race in portraying character backstories or personal life storylines. Racist language was extremely rare, as well, and in all 6 instances of offensive language, there were no consequences for the offending CJP.

There were a few notable examples of series addressing issues of race. Examples cited in Section 3.1.2 stood out as exceptions to the general absence across the series of any conversations about racial disparities, even as such topics drive so much conversation about the system in real life today.

**2. Though ever-present in discussions of the criminal justice system in real life, in 353 episodes across 26 series, there were only 6 discussions mentioning innovations or reforms related to the criminal justice system.** Each time, the person advocating for reform was a person of color. The surprising scarcity of these stories demonstrated the need for more of them, and also the need for a more diverse approach—one that does not always rely on people of color to carry this responsibility on their own, and one that does not always depict white CJPs as reflexively defensive, dismissive or playing the role of the defender or vindicator of the status quo. Taken as a whole, crime series generally did not make room for the representation of system problems and reforms beyond policing (and rarely even addressed policing).

**Advocates for Reform:** In reality, activists and advocates play an important role in developing solutions to systemic problems. With just 20 of 353 episodes depicting activists and advocates, however, they did not constitute a significant presence in storytelling either way, a missed opportunity to depict how changes in the criminal justice system should and could come about. The very few portrayals that were featured included advocates and activists across a range of causes and political orientations: from anti-immigrant activists protesting a mosque on Blue Bloods, to Hall of Fame NBA player Scottie Pippen advocating for the wrongly imprisoned on Lethal Weapon. In addition to individual activists or advocates, small groups or crowds of protesters were also occasionally featured in certain scenes in a few series:

**System Reforms:** Just 1 storyline focused on a CJP fighting for a slate of police reforms, on *S.W.A.T.* There was 1 storyline in *Blue Bloods* that focused on community policing, as well as 2 other storylines (in *S.W.A.T.* and *Chicago P.D.*) that reflected the practice but did not explicitly call it community policing. Just 1 scene raised the issue of sentencing reform, in the context of depicting over-sentencing as unnecessary, harmful and unjust, on *Seven Seconds*. The case for public defender reform was made in 1 episode, in a crossover between *How to Get Away with Murder* and *Scandal*.

**It was exceptionally rare for a series to not only recognize a criminal justice practice as unjust, but to specify its harm—**in the case of public defender reform above, explaining how those who accept a plea deal get stuck with a lasting police record, which limits their opportunities in life long after their case has been resolved.

**3. Very few episodes contained moments—substantive or superficial—that included mentions of race or racism outside the criminal justice system.** The analysis suggests that writing conventions across the genre filtered out depictions of racism as a prominent feature of the criminal justice system (possibly also related to racial homogeneity in writers' rooms and the role network/production executives play in finalizing content). It also seemed taboo for most series to name, discuss or depict racism in society at all.

SECTION 04

# Excluding People of Color & Women Behind the Camera

## LIMITING THE TYPES OF PEOPLE WHO CREATE AND SHAPE CONTENT

**1. There were 275 writers, 27 showrunners and 42 creators who were credited for the 26 series examined in the 2017–2018 season.**

**81% of showrunners (21 of 26 series)** were white men, the exceptions being *Criminal Minds*, *Shades of Blue*, *Orange is the New Black*, *Seven Seconds* and *Luke Cage*.

**At least 81% of writers were white, with only 9% Black; across the genre, 20 of 26 series had either no Black writers or just 1 Black writer.** Setting aside *Seven Seconds* and *Luke Cage*, both on Netflix and since canceled, the median ratio of white writers to writers of color across all 26 writers' rooms was 6 to 1.

There were 3 series that had 100% white writers (*NCIS*, *Blue Bloods*, *Mindhunter*) and an additional 6 series that had, or likely had, more than 90% white writers (*The Blacklist*, *Law & Order: Special Victims Unit*, *Blindspot*, *9-1-1*, *Elementary*, *Criminal Minds*). There were 18 series that had about 80% white writers or more. *Seven Seconds* and *Luke Cage* were the only series with more than 50% people of color writers.

**Only 37% of writers across the genre were women;** just 11% of writers were women of color. Only 5 series had 50% or more women writers: *Orange is the New Black*, *Bull*, *Mindhunter*, *How to Get Away with Murder* and *Criminal Minds*.

Notably, there was no correlation between increased gender diversity and increased racial diversity. While several shows with more women writers than typical also had more people of color writers than typical, several did not.

**CBS and NBC, the 2 leading networks in the genre in terms of the number and popularity of crime series, did not lead at all on inclusion—**they exhibited the common pattern of exclusion across the genre, and aired 7 of the 9 series that were the least diverse with respect to race.

**On CBS:**

- ***NCIS* was 100% white and 80% male.**
- ***Blue Bloods* was 100% white and 75% male.**
- ***Elementary* was 90% white and 70% male.**
- ***NCIS: Los Angeles* was 82% white and 82% male.**

**On NBC:**

- ***The Blacklist* was 93% white and 80% male.**
- ***Law & Order: Special Victims Unit* was 93–100% white and 57% male.**
- ***Blindspot* was 92% white and 58% male.**
- ***Chicago P.D.* was 80–90% white and 60% male.**

There were 19 series that continued into the 2018–2019 season and had aired by May 2019: 86% of writers were white, with only 7% Black. Only 4 series had less than 80% white writers and 5 series had 100% white writers (*The Blacklist, Law & Order: Special Victims Unit, Blindspot, NCIS and Blue Bloods*).

**2. The Racial Integrity Index ranked each series by the number of its depictions of featured people of color characters relative to the percentage of people of color writers in its writers' room.** The Index assesses the relationship between writers' room diversity and series content in the crime genre, highlighting the prevalence of the gap.

When white writers are writing the majority of people of color characters, but never vice versa, it prevents access to opportunities and growth for people of color and women writers in the industry, and can perpetuate distorted and harmful representations of the lives of people of color and women—their realities, behaviors, relationships, motivations, thoughts, feelings and more.

Most series ranked low or very low in terms of the Racial Integrity Index. Narcos on Netflix had the worst score, with an average of 11.5 depictions of featured people of color characters per episode and 80% white writers. The series that had the worst Racial Integrity rankings were:

- **-110: *Narcos* (NETFLIX)**
- **-75: *9-1-1* (FOX)**
- **-69: *Chicago P.D.* (NBC)**
- **-60: *Hawaii Five-0* (CBS)**
- **-58: *Criminal Minds* (CBS)**
- **-57: *The Blacklist* (NBC)**
- **-56: *NCIS* (CBS)**

**3. Two influences outside the writers' room may influence content development: consultants and arrangements with city film offices.** Police, FBI or military personnel consulted on 17 of the 26 series examined.

Series that rely on police, news stories or other official material will get a distinctly different view of the criminal justice system, and the many different types of people involved in it, compared to those series whose writers are briefed by reform advocates, academics, survivors of abuse and others who can speak to issues that authorities choose not to acknowledge or promote. (The chart in Section 4.3 indicates the names and types of consultants for those series.)

Most series filmed in either Los Angeles or New York for the 2017–2018 season, regardless of where their series was set. The relationship with cities, and their influence over the portrayal of policing and other aspects of content and storytelling, will be the subject of further investigation.



**"Myriad opportunities were missed. In the fictional worlds of the majority of these series, reform and system change—or even debates about new ways of thinking—had no dramatic or comedic currency. Nor did the realities of the system and the problems they cause."**

COLOR OF CHANGE
HOLLYWOOD

# COMPLETE FINDINGS

COLOR OF CHANGE

## SECTION 1

# Normalizing Injustice as Standard Practice & Cultural Norm

### REPRESENTING UNJUST ACTIONS AS ROUTINE, HARMLESS, ACCEPTABLE OR NECESSARY

Summary: Making Wrongful Actions Seem Right

### OVERVIEW

What types of behaviors are viewers of crime series exposed to, when it comes to the actions and overall role of Criminal Justice Professionals (CJPs)? What is represented as right or wrong, good or bad? What are viewers asked to accept as normal?

This report classified actions taken by featured CJP characters as "wrongful" when they were clearly identifiable as unjust, illegal or immoral, whether by virtue of violating constitutional rights, abusing authority and power, causing unwarranted harm or violating any other clearly defined principle of law, ethics or morals. That is: behavior that police, prosecutors, judges and other authorities would officially admit they should not be engaging in. (Not all wrongful actions imaginable were coded for the study—see the full list below.)

Given the nature of the genre, in which police officers, FBI agents and other government investigators and enforcers represent the majority of leading characters, most wrongful actions in our data set were committed by law enforcement CJPs.



Across 353 episodes in the 26 series examined, there were 453 instances of CJPs committing a wrongful action, analyzed in different ways throughout this section. There were 7 distinct categories for the 23 types of individual wrongful actions coded. The following percentages indicate each category's share of the total instances of CJP wrongful actions. In each category, specific series were responsible for a strong share, plurality or even majority of wrongful actions coded.

**Coercion & Intimidation: 28%**
**Most Instances:** ***Lethal Weapon, Blue Bloods, Blindspot***

**Violence & Abuse: 20%**
**Most Instances:** ***Seven Seconds, The Blacklist, Chicago P.D., 9-1-1***

**Lying & Tampering: 19%**
**Most Instances:** ***Seven Seconds, Chicago P.D., Blindspot***

**Rule Violations: 13%**
**Most Instances:** ***Seven Seconds, The Blacklist***

**Corruption: 11%**
**Most Instances:** ***Seven Seconds***

**Illegal Search: 7%**
**Most Instances:** ***The Blacklist, Elementary***

**Overt Racism: 2.2%**
**Most Instances:** ***Seven Seconds***

Without doubt, the actual depictions, and the overall exposure to wrongful actions as experienced by viewers, were higher. That is for 3 reasons:

1. Wrongful actions were coded only when committed by featured CJP characters, i.e., characters voicing 3 or more lines. On Narcos, for instance, various non-CJP main characters in the drug trade were often depicted as bribing police officers (corruption), but those instances were not coded when the police officers were incidental to the scene and the focus was on the non-CJP character committing the act.

2. The standard for coding most wrongful actions was conservative—a high bar. For example: requiring that there be explicit identification of sexual harassment in order to code it, rather than mere suggestion or casual depiction; requiring willful, dramatic and extreme physical aggression to qualify as excessive force, rather than routine use of physical force to subdue a POI.

3. Content analysis did not take into account episode recaps—the short "previously on" sequences at the beginning of many episodes that rebroadcast plot-relevant scenes from previous episodes. Recaps often feature the most dramatic scenes, including scenes in which crimes, victims and wrongful actions are depicted, thus increasing exposure to viewers.

Wrongful actions ranged from genre conventions (e.g., police interrogating suspects without a defense lawyer present), to series-specific conventions (e.g., a chronically corrupt character, a character whose sleuthing is defined by illegal entry and search), to specific episode or season plot drivers (e.g., the shooting of someone without cause).

Coders looked for and logged a set of specific CJP behaviors, almost all of which showed up in the data set. (See the Appendix for a list of specific wrongful actions by category.)

## TOPLINE FINDINGS

A few series explicitly represented wrongful actions as wrong: by associating them with "Bad Guy" characters; by depicting other characters acknowledging those actions as wrong in some way (see below); by showing the adverse consequences of wrongful actions; or by depicting CJPs being held accountable for their actions in some way. For example, *Seven Seconds* was an entire series devoted to highlighting the wrongful actions all too common in policing and the courts today.

Yet, much more typically in the episodes examined, series did not represent wrongful actions at all; represented them as non-issues; represented them as associated with "Good Guy" characters, i.e., as forgivable; depicted other CJP characters as supporting them; or explained them away as necessary in the pursuit of justice, "worth it" as a means to an ends or ultimately harmless.

The context in which wrongful actions are portrayed can greatly influence what viewers conclude about them. As this Section outlines, the series that normalized wrongful actions, as opposed to problematizing them, did so in different ways.

What distinguished the very few shows that broke the norm was their ability to depict representations of wrongful behaviors and practices by CJPs in line with their occurrence in the real world—neither ignoring their prevalence nor endorsing or justifying them. Rather, these very few series engaged with the "wrongfulness" of CJP wrongful actions in an explicit way.

Research findings demonstrated 4 clear and consistent patterns relative to the representation of wrongful behavior on the part of Criminal Justice Professional (CJP) characters:

1. **The great majority of series that represented CJPs committing wrongful actions did so in a way that normalized them—**making bad actors seem good, and wrongful actions seem right. Most series depicted CJP wrongful actions as routine, harmless, necessary—or even noble—in the pursuit of justice, rather than as problematic, harmful, counterproductive or warranting judgment and accountability.

One normalizing convention consistent across 18 of the 26 series examined was making wrongful actions seem right by depicting bad actions as being committed by "Good Guy" characters, thereby framing wrongful actions as relatable, forgivable, acceptable and ultimately good. Most series conveyed the idea that whatever a CJP does is inherently "right" and "good" by virtue of it being done by a CJP, especially a beloved main character.

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**Across the genre, it was the norm for CJPs to commit wrongful actions but it was not the norm for CJPs to challenge them.** That is, committing wrongful actions was part of what all CJPs were depicted as doing as part of their job, but challenging (or even acknowledging) wrongful actions was not.

**Almost all series conveyed the impression that change is not needed: they depicted a system that does not actually have serious problems related to race, gender, violence and the abuse of power.** While many series explicitly or implicitly portrayed the system as ineffective, the nature of the ineffectiveness was often related to police, prosecutors and others not having enough power and authority. The prevalent message was that the pursuit of justice is hampered by the rules, often characterized as unnecessarily bureaucratic or even too lenient in favor of suspects.

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3. **It was exceptionally rare for CJPs to face any consequences for wrongful actions, or even face the threat of consequences.** While representations of wrongful actions proliferated across the genre, representations of accountability did not. If acknowledged at all, wrongful actions were mostly excused. Other times, a CJP character's own remorse or guilt was represented as "punishment enough" and a substitute for real accountability.

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4. **Many wrongful actions prevalent in the criminal justice system in real life were conspicuously absent—notably, those that constitute racial and gender bias or harm.**

By shying away from explicit depictions of racial profiling and other racially biased practices—including explicit discussions about their prevalence, consequences and wrongfulness—series writers erased an important reality and missed an important opportunity to bring viewers into contact with that reality in a productive way.

**Neither people of color nor women were depicted disproportionately as the target of (or suffering the harm of) illegal or unethical CJP behavior**, counter to reality in the case of many types of wrongful action. In particular, Black people were not depicted as being victimized by CJPs more than white people, or even as much as white people.

**Across almost all series, wrongful actions specifically associated with racial bias—and prevalent in real life—were conspicuously absent with respect to depictions of CJP behavior, as were general wrongful actions being carried out in a racially biased way,** e.g., racial profiling, prosecutor abuse (e.g., coerced plea bargains, over-charging), abuse by judges (e.g., over-sentencing, setting out-of-reach bail). Among the 397 instances of depicting a Person of Interest character (POI) as a person of color, just 1% (4 instances) involved racial profiling.

**Excessive force was represented as rare, and also as not harmful, both of which are misrepresentations that mask the reality of police violence** and that may serve to either excuse it, dismiss it or lead viewers to believe that claims of systemic police violence made by communities and advocates in real life are overblown and not credible. There were 45 instances of CJPs using excessive physical force when engaging suspects and POIs, across all 353 episodes. Excessive force was represented as being perpetrated by white CJPs predominantly. But it was not represented as affecting people of color disproportionately, or women much at all, such that it may be harder for viewers to imagine CJPs committing acts of violence against women in real life. Consequences for CJPs for perpetrating excessive force were rarely represented.

Series on NBC and CBS demonstrated a clear pattern:

**Series on NBC tended to more frequently depict wrongful actions** than other series, but explicitly or implicitly justified them—thereby normalizing them.

**Series on CBS tended to <u>not</u> depict wrongful actions as often as other series**—thereby invisibilizing them. (The exception was *Blue Bloods*, which exhibited the pattern of normalization rather than invisibilization.)

In total, there were 453 distinct depictions of CJPs engaged in wrongful action, 242 depictions of people neither supporting nor acknowledging the wrongful actions of CJPs that they witnessed, and 167 depictions of characters acknowledging CJPs' wrongful actions (often by encouraging or excusing them, or simply noting them, rather than objecting to them).

In terms of viewer exposure to wrongful actions: 15 of 26 series depicted wrongful actions about once or more per episode on average, 5 of which aired on NBC. In terms of the omission of wrongful actions: 11 series depicted CJPs engaged in wrongful actions less than once per episode on average, 5 of which aired on CBS. (See the critical context on these 2 different patterns, provided below and in Section 1.8.)

In terms of viewer exposure to the acknowledgment of wrongful actions: there were 7 series that depicted wrongful actions regularly but rarely or never depicted acknowledgment of those wrongful actions, 3 of which aired on NBC.

There were only 8 series that regularly depicted wrongful actions being acknowledged. Yet, few series depicting the acknowledgment of wrongful actions, whether regularly or not, depicted the acknowledgment (or the acknowledger) as being in the right. The more typical pattern featured minimizing or dismissing the acknowledgment of wrongful actions, as well as the people who voiced those acknowledgments.

The findings related to depictions of wrongful action demonstrated how the patterns of normalization and invisibilization of injustice played out across the genre in different ways, and how those patterns might affect viewers in different ways. The findings also suggest how to best tackle and solve the challenges articulated above.

**What might viewers think?**

For viewers trying to make sense of the claims they hear in real life about the criminal justice system being seriously racially biased, these depictions might suggest to them that the system is actually not biased at all, or even that those claims are unfounded, unfair and wrong to bring up. Depending on the context of a particular series, this attitude among viewers could be the effect of viewers either seeing those actions represented as routine, harmless and necessary, or viewers not seeing wrongful actions represented at all, and concluding that the idea of pervasive injustice across the system is, in fact, the fiction.

Viewers might think: *Everything I see police do seems right, and they're telling me it's right, so what's the problem?* Or they might think: *I see things that I thought weren't supposed to happen, but if all these people of color and women are in on it, how could it be a problem having to do with race or gender? Wouldn't those characters say something about it if it was bad, or if they didn't agree that these actions are okay?*

Or viewers might think: *I see a very fair system. I don't see rules being broken or people being treated unfairly or harmfully. What's the problem? People shouldn't be so upset.*

**What should writers do?**

So what should writers do? A writer working in this genre might think: *I'm damned if I do, damned if I don't. If I show bad behavior, it's a problem. If I don't show bad behavior, it's also a problem.* Those are fair and important questions, which are always asked when media representations are challenged for their harmful impact. In this case, the answer has to do with the story presented around the wrongful actions.

What likely most influences the impression left on viewers is whether or not there is acknowledgment. When wrongful actions are depicted, are they acknowledged as being wrong and harmful actions that should be opposed and rooted out, rather than normalized? When wrongful actions are absent, are they acknowledged as real, prevalent and harmful in society and in the criminal justice system overall, even if they are not part of the plotline of an episode?

What distinguished the very few series that broke the norm was their ability to create compelling drama or comedy by depicting unjust behaviors and systemic issues in a way that reflects their occurrence in the real world—neither ignoring them nor justifying them. These very few series regularly engaged with the "wrongfulness" of CJP wrongful actions in an explicit way.

## SECTION 1.1

# Extremely Rare Depictions of Accountability

In the typical series in this genre, efforts to identify and hold CJPs accountable for any of the wrongful actions they commit—big or small—were rarely depicted. Actual consequences were even rarer—e.g., losing a job, being demoted, paying a fine, losing social status, going to jail.

Essentially, the logic conveyed was that what CJPs do is good, by definition. Even when what they do is bad, it serves an ultimate good purpose and should be excused.

As discussed in later sections of this report, the recognition of the reality of racial injustice that pervades the criminal justice system was practically nonexistent in these fictional worlds. Even wrongful actions depicted as unrelated to race (though they may be highly correlated to racial bias in real life[14]) were rarely depicted as problems warranting any accountability. Subsequently, there were few stories for which accountability was even a relevant question, conversation topic or storyline—whether the wrongful action involved race or not.

If acknowledged at all, wrongful actions were mostly excused before ever rising to the level of accountability. Sometimes, in a pattern of normalizing the lack of accountability, a CJP character's own remorse or guilt, or facing disappointment from their peers or the public, was represented as "punishment enough" and a substitute for real accountability. Accountability may have been referred to, or may have been referenced as a potential outcome or risk, or even as an unfair burden that CJPs face in a system that is out to get them, but it was rarely depicted.

In the 353 episodes examined, No CJP characters were depicted as being fired, being convicted or facing legal punishment for engaging in wrongful behavior, with 1 exception. On *Seven Seconds*, the culminating episode explicitly depicted a courtroom verdict and minimal sentence levied against just 1 police officer, from among a group of bad actors, as inadequate—i.e., an example of the lack of meaningful and appropriate accountability, justice for victims and disincentives for officers.[15]

[14] Balko, R. (2018, Sept 18). There's overwhelming evidence that the criminal-justice system is racist. Here's the proof. *The Washington Post*. Retrieved from https://wapo.st/2FldH85.



Only 8 CJP characters were depicted as being investigated, including those who were investigated and then cleared. *Seven Seconds*, a series explicitly dealing with police accountability, featured 4 of the 8 total characters investigated.

Out of 453 wrongful actions committed by CJPs, only 13 wrongful actions were depicted as being investigated: 3.7% of all wrongful action depictions.

Separately, across all 353 episodes, there were only 6 CJP characters in total depicted as being charged with crimes related to their wrongful actions, on *NCIS: New Orleans*, *Bull* and *Seven Seconds*.

There were only 4 CJP characters in total depicted as being suspended for their behavior—3 with pay, 1 without pay—on *How to Get Away with Murder*, *Lethal Weapon* and *NCIS: Los Angeles*. CJPs were depicted as being punished by suspension for excessive verbal aggression (1 instance), mishandling evidence (1 instance) and forcing a confession (2 instances).

Several wrongful actions were not depicted as being investigated or charged in any of the episodes in which they appeared:

- Questioning without a Lawyer
- Coercing Decisions
- Dissuading Suspect from Calling a Lawyer
- Denying Access to a Lawyer
- Knowingly Lying to a Suspect
- Planting Evidence
- Bribery
- Failure to Read Miranda Rights (Explicitly Stated)
- Searching without a Warrant (Explicitly Stated)
- Racist Language
- Racial Profiling (Explicitly Stated)

Nor was it common in the storytelling to even raise the issue of accountability, or depict debate about wrongful actions. For example, 93% of instances of CJPs questioning suspects without a defense lawyer present were never objected to or acknowledged by any other character.

In some cases, the type and degree of acknowledgment, such as raising a question only to laugh it off, served to position wrongful actions as naughty but ultimately acceptable as bad boy behavior—something like a guilty pleasure for viewers.

In the "An Inconvenient Truth" episode of *Lethal Weapon*, Detective Zach Bowman, played by Andrew Creer, hired Russian hackers from the dark web to illegally surveil a POI in order to locate him. He shared his misgivings—acknowledging the potential of being held accountable for his actions—with Detective Martin Riggs, played by Clayne Crawford (and based on the character originally played by Mel Gibson in the movie franchise). Set against the lighthearted, comedic tone that defines much of the series, they had this exchange:

**Bowman:** I did something bad, and I'm ready to face the consequences … I paid someone to hack into the LTE hotspot in Herb's car and record off his hands-free mic. I just thought it would help us find him.

**Riggs:** And that's what you're worried about? I did, like, 7 illegal things before I got here this morning.

**Bowman:** Really?

**Riggs:** All right, what do we got?

## THE PRESENTATION OF ACCOUNTABILITY

In short-arc series on television broadly, institutional accountability has been a strong theme, as well as a plot-driver: exposing and fighting the harm caused by a corporation; taking on a crime boss; exposing and bringing down a national political conspiracy or local political machine; even exposing police corruption, as depicted in the series Shades of Blue examined in this study.

Of the 26 series examined, however, only Seven Seconds took on the institution of the criminal justice system itself: focusing the drama on whether or not it is actually possible to hold police accountable for their actions, while depicting the many barriers to doing so.

*Seven Seconds*, like *When They See Us*, *The Good Fight* and *Unbelievable* more recently, was notable in the study for having used the failures of accountability in the system to drive storytelling, rather than ignoring them. It did so in the same way that many recent popular, character-driven documentary series have done (e.g., *The Case Against Adnan Syed*, *Making a Murderer*), and in the way that many scripted series have done when it comes to highlighting institutional failures and harms in parts of society outside of criminal justice. *Seven Seconds*, however, was canceled by Netflix after its first season.

## ACCOUNTABILITY: EPISODE EXAMPLES

### 1. JUST TRUST THE GOOD GUYS

In the episode "The Travel Agency (No. 90)" of *The Blacklist*, there was a sobering exchange about police accountability between lead character Raymond (Red) Reddington, who is white and played by James Spader, and FBI Agent Harold Cooper, who is Black and played by Harry Lennix.

The episode featured a complex story outside of the main series plot. Agent Cooper was trying to find and protect the son of a deceased friend, the backstory for which was revealed throughout the episode: the son witnessed a white police officer unjustly shoot and kill his father—an off-duty Black police officer—during a traffic stop. When the white officer was acquitted of any wrongdoing, the son fell into an emotional tailspin and a battle with drug addiction. The son had recently witnessed his drug dealer murder someone, which led him to be targeted by the drug dealer. Agent Cooper was about to find and execute the drug dealer when he was cautioned by Reddington, who himself was featured in an earlier scene torturing someone to extract information about the whereabouts of the son (see Section 1.3.2).

**Agent Cooper:** Almost every cop I've served with, Black or white, I'd be proud to call them my brother. It tears me up knowing what so many people in my community think of them. Just like it tears me up knowing that the cops who kill my other brothers will almost never be held responsible.

**Reddington:** Harold, your justice system protects those cops as it will protect you, no matter what you do to Zeke Wilson [the drug dealer].

**Agent Cooper:** Zeke Wilson is a bloodsucking scum who preys on people like Isaiah [the son].

**Reddington:** Yes. And if you choose to hold him responsible for what happened to Isaiah's father, or for all the people of color who are killed for saying the wrong thing or looking the wrong way, you can do that. You may be Black, Harold, but you carry a badge, and like it or not, that means you're a made man. Your justice system will protect you, just like it protected the cop who killed Isaiah's father.

**Agent Cooper:** Is that your observation or your advice?

**Reddington:** My observation is that you came to this party with an unregistered handgun. My advice would be, as Isaiah's father got 6 bullets, I'd give Zeke Wilson 12, order a ribeye, raise a glass of Chateau Latour—a toast to a job well done.

**Agent Cooper:** Sounds like a plan.

**Reddington:** Yes, if I were going in there. But I'm not. You're taking it from here, Harold. And while your system won't hold you to account for whatever you choose to do, your conscience will.

In the series overall, the character Raymond Reddington drives the plot: he was a former government agent who became a traitor, criminal and "most wanted" fugitive, who then voluntarily became an FBI informant. As a wise and knowing outsider/insider, he helps the FBI track down a roster of the most dangerous criminals in the world—the blacklist. In this truth-telling moment, both characters expressed how "the system" does not hold police officers accountable for unjustly killing Black people, while Reddington emphasized that police officers are not held accountable for breaking the law and causing harm at all, including in the pursuit of revenge and security for those victimized by police violence. (Reddington's dialogue also presented a powerful and unchallenged claim: that Black people in law enforcement are protected by the system just as much as white people, rather than being treated any differently.)

In the context of the entirety of the episode, and the series generally, the question remained unanswered as to whether or not the lack of oversight of the actions and judgments of law enforcement is good or bad—on the whole—in terms of the pursuit of justice.



### 1. DON'T GET IN THEIR WAY

A scene in the "Homecoming" episode of *Chicago P.D.* expressed a more typical attitude about accountability that is pervasive in the genre. The series star and team leader, Sergeant Hank Voight, who is white and played by Jason Beghe, delivered the following lines about "dirty cops" to his former partner, Denny Woods, the department's independent auditor, who is Black:

"You don't get it, do you? After all this time. The difference between dirty and necessary. That, like it or not, you and all your self-righteous friends in the Ivory Tower, you need people like me out on the streets, doing the things regular cops are unwilling to do, going the extra mile to make sure the truly evil, the truly dangerous, go away. I thin the herd for the greater good."

In this speech, Sergeant Voight expressed a recurrent theme in police procedural dramas: all is fair, and ultimately good and forgivable, in pursuit of the bad guy; moreover, accountability only holds back the pursuit of justice and the ability to keep good people safe. In many of these series, it didn't matter what rules were broken, what rights were trampled or what crimes were committed, as long as "justice was served" and the hero put the bad guy away.

### 3. IT'S NOT ABOUT RACE, NO ACCOUNTABILITY NEEDED

The "Reform" episode of *Chicago P.D.* presented a typical example of how the prospect of accountability for wrongful actions was depicted across the genre. (It is important to note that cases in which wrongful actions were acknowledged as even potentially problematic were rare).

In both an overall storyline and a specific scene, the prospect of accountability for wrongful actions was raised, only to be dismissed. In the storyline: by "proving" that a white police officer should not be held responsible for the death of a Black girl, a death he caused when he fired his gun at someone else. In the end, it was affirmed, "If you're teaching a class at the Academy on how to handle this situation, you'd say, 'Do it the way Halstead did it.'"

In the specific scene: by excusing a white police officer's aggression against a young Black man as necessary, warranted and justified in the larger pursuit of justice—i.e., an acceptable norm for policing—even when a Black officer raised questions about it.

Thus, the lack of accountability was represented as appropriate and just, while actions harmful to Black people—i.e., wrongful actions for which a Black person was the victim—were presented as necessary means for CJPs in the course of their investigative and enforcement pursuits.

That is, even in the very rare episode that grappled with race and represented racial injustice, the series did not clearly indicate that the acts of racial injustice were a problem in need of correction, and the white CJPs were not determined to be guilty of racist conduct or held accountable in any way for the harm they caused to Black people. In fact, they were affirmed.

A deeper dive into the specific scene reveals how the moral logic of many of these series works—i.e., how they render accountability inappropriate and irrelevant, and aggression necessary. In the scene, 2 cops, 1 white and 1 Black, approached a young Black man walking across a courtyard with his son. When the man said he didn't want to answer any questions, the white cop pulled his gun and ordered the man to get on his knees. The man reached for his phone instead, saying he wanted to record the confrontation.

The white officer then pointed his gun at the man, and ordered him not to put his hands in his pocket, to which the man replied "Or what? You gonna shoot me? Kill me in front of my son over a phone?" At that point, the onus to defuse the situation fell on the Black police officer, the white officer's partner. He firmly but politely asked the man to show the police what they needed to see in order to dismiss him as a suspect of the crime they were investigating. The man did so, and the officers moved on.

The 2 officers, who are close partners and main characters, had a short but serious conversation in a follow-up scene concerning the racial dynamics of the confrontation, which revealed the profound difference in their perspectives:

**White officer:** Hey, Kev, you know, before that guy and his kid, I was just doing my job, right? I'm questioning a murder suspect. He's noncompliant, puts his hands in his pockets? Come on.

**Black officer:** I mean, he got noncompliant because you were a little belligerent, that's all. It's okay.

**White officer:** All right, well, you know what? Next time, I'm gonna offer him a blueberry scone.

**Black officer:** Dog, look, bottom line is, it's not easy for a Black man to get on his knees for a white cop, especially with his son right there.

**White officer:** What if he was the offender and I'm out there soft-pedaling, being all politically correct, and I take two to the chest or you do? What then? No, I'm not gonna let that happen. In this situation, I think it's better to ask for forgiveness than permission.

What would a typical viewer conclude about what is right and wrong here? Which perspective would they embrace? Is it just as likely that a viewer would come away feeling that racial bias is a necessary tool of policing as they would feeling that it's dangerous, unfair and wrong? The series may briefly raise the question, but it does not present a clear answer.

In fact, the perspective of justifying racial bias gets full airing: not letting "being all politically correct" get in the way of putting Black people in danger so that white police officers can feel safe getting answers to any questions they're asking, on any terms they want.

What norm did this scene and dialogue reinforce? Was this a depiction of the unjust reality of failed accountability, or a rationalization for it?

Depicting conversations about race can serve a powerful social purpose: educating viewers about the reality of the role of race in society, and modeling how to engage with people whose lives and identities lead them to have very different perspectives. A majority of Black and white people think most people are uncomfortable talking about race issues with someone of a different race.[16] Other research shows that entertainment narratives can prompt conversations about difficult topics.[17] Accordingly, modeling cross-race conversations by depicting them taking place on TV may help catalyze those difficult conversations in the real world, or at least prompt thinking or conversation about the topic of race and the difficulty people have talking about it.

Those conversations can also have a very different effect, however, depending on how authentic those conversations are and which perspectives are given greater force, credence and weight in the scene. In the worst cases, centering and promoting the white perspective, miseducating people on an issue, discrediting a legitimate argument or grievance, or misrepresenting how Black people think and feel. It often comes down to who is writing the dialogue and directing the scene.

[16] Dutton, S., De Pinto, J., & Salvanto, A. (2015). Poll: What do Americans feel about race relations? *CBS News*. Retrieved from https://cbsn.ws/2FjX4d6.

[17] Impact studies of TV storylines by the Lear Center's Hollywood, Health & Society program often find an increased likelihood of viewers having conversations about topics depicted in the show. A list of these studies, and a summary of findings from more than 20 of them, can be found here: http://bit.ly/2Flvk7V.

## SECTION 1.2

# Rare Acknowledgment or Challenges Related to Wrongful Actions

The data demonstrate how depicting wrongful actions as routine and acceptable has become standard practice in this genre, potentially helping to normalize injustice in the hearts and minds of viewers. Two pervasive conventions of normalizing wrongful actions were: the lack of CJPs acknowledging wrongful actions as being wrong; and series framing wrongful actions as merely the cost of doing business when it comes to solving crimes, catching the bad guy and fighting for justice. An equally concerning pattern illustrates the specific role of people of color and women characters in creating this impression.

Across the 26 series, 42% of episodes depicted CJPs *committing* 1 wrongful action or more. Only 19% of episodes depicted CJPs *acknowledging* a wrongful action. In total, there were 3 times as many depictions of CJP characters *committing* wrongful actions as characters (of any type) *acknowledging* them.

It is also very important to note that acknowledging an action as wrongful does not mean it was condemned or challenged in any way. Actions coded as *acknowledgment* fell along a wide spectrum—from merely noting that an action was somehow out of bounds or not allowed, to questioning whether the action should be undertaken, to outright challenging or opposing it. Many acknowledgments of an action as wrongful were represented as not being serious, or were represented as not being taken seriously by the other characters; the number of acknowledgments that seriously called out wrongful behavior was extremely low. (See Section 1.8 for additional details and analysis concerning the acknowledgment of wrongful actions.)

All groups of CJPs were depicted as *committing* wrongful actions more than *acknowledging* wrongful actions, whether white, Black, Latinx, Asian/Pacific Islander (API), women or men. All CJP groups were also depicted as standing by in the face of wrongful actions (i.e., not supporting them, not acknowledging them) more often than *acknowledging* wrongful actions.

On the whole, *committing* wrongful actions was conveyed as a norm for CJPs, whereas *acknowledging* wrongful actions was not. Wrongful actions were rarely acknowledged as wrongful by the characters. Their tacit endorsement of these actions helped normalize them, perhaps also leaving viewers with a dangerous misunderstanding: that criminal justice professionals require these practices to function effectively (i.e., to solve crimes and ensure safety).

*Shades of Blue* served as an extreme case of the way in which depicting wrongful behavior without depicting *acknowledgment* of it can normalize the idea that police may simply need to go over the line sometimes, even if what they are doing is clearly wrong. In one instance, Lieutenant Wozniak, played by Ray Liotta, engaged in Russian Roulette with persons of interest he was questioning before killing them both. In another instance, a suspect who was bleeding out was denied a lawyer, denied painkillers and had a detective kick him in his bullet wound twice—all in order to get information out of him. These behaviors passed without stated or meaningful objection, even though the lead character of the series, a morally challenged and compromised police officer played by Jennifer Lopez, appeared disturbed.

## NORMALIZING COMMITTING WRONGFUL ACTIONS, MARGINALIZING CHALLENGING THEM

Perhaps one of the most important findings of this study is identifying the following pattern: across the genre, it was the norm for CJPs to commit wrongful actions but it was not the norm for CJPs to challenge them. That is, committing wrongful actions was part of what all CJPs were depicted as doing as part of their job, but challenging (or even acknowledging) wrongful actions was not.

With respect to race and gender, depictions of CJP characters *committing* wrongful actions were split between white men (55%) and people of color and women (combined, 45%). That is, *committing* wrongful actions was something that viewers saw all types of CJPs do.

On the other hand, a clear majority of depictions of *acknowledging* wrongful actions featured a person of color or a woman—combined, 64%. In Blue Bloods, for example, Detective Maria Baez, who is Latina, was repeatedly depicted as calming down her partner Detective Danny Reagan, who is white, when he lost his temper and exhibited excessive verbal or physical force.[18]

This disparity may have conveyed the impression that *acknowledging* wrongful actions is a behavior driven by (or relegated to) people of color and women characters, but is not a behavior that should be equally expected from white men. While at the same time, *committing* wrongful actions was associated with all CJP characters across race and gender—the very definition of a cultural norm, to be expected from (and endorsed by) everyone.

It may have also reinforced the idea that wrongful actions are not tied to issues of race and gender. A viewer might think: *If these actions were engaged in across the board, including by CJP people of color and women, how could CJP actions be racist or misogynistic?*

It is worth emphasizing that the wrongful actions we coded were not those committed by inherently flawed "everyday" characters. We examined criminal justice professional characters—the heroes and norm-setters in these fictional worlds—and their rate of engaging in illegal, unethical and immoral behaviors that make the criminal justice system more unjust in real life, especially for people of color.

[18] Sometimes the wrongful actions acknowledgment had to do with ethics and rules, not explicit acts of violence and abuse. In *Sneaky Pete*, when a senior corrections officer and a warden discover a paperwork discrepancy related to an incarcerated character's release date, indicating that he should have already been released, the senior corrections officer, who is Black, initially questioned the orders of the warden, who is white, to break procedure and release the man without acknowledging the error. After additional pressure from the warden, he eventually complied, but by making a deal that involved the warden paying off another corrections officer to look the other way so that both the cover-up of their error and the breaking of procedure could not be traced back to him.

SECTION 1.3.1

# Normalizing Wrongful Actions

### IMPLICIT AND EXPLICIT ENDORSEMENT OF WRONGFUL ACTIONS BY HERO CHARACTERS

Each series that represented wrongful actions consistently (i.e., at least once every other episode) expressed a unique pattern. Some series depicted just 1 or 2 types of wrongful action in a concentrated way, while others depicted a mix of different types.

One convention was consistent across almost all series: depicting bad behavior (i.e., wrongful actions) as being committed by good people ("Good Guy" CJPs), thereby framing bad actions as relatable, forgivable, acceptable and ultimately good. In this genre, the "Good Guy" CJPs, often main characters who lead the series and play to a viewer's affections, do a wide range of bad things. (See the codebook definition of "Good Guy" and "Bad Guy" in the Introduction.)

Most series conveyed the idea that whatever a CJP does is inherently "right" and "good" by virtue of it being done by a CJP, especially a beloved main character. **We call this pattern of "Good Guy" characters normalizing wrongful actions the Endorser Effect.**

A major storyline in *Sneaky Pete* involved one of the main "Good Guy" characters, Officer Taylor Bowman, played by Shane McRae, staging the murder scene of a crooked cop who was killed in a car accident that involved Bowman's grandmother. In order to lead other police officers to think the crooked cop's death was a hit, and remove his grandmother from any suspicion, he re-staged the scene: shooting the cop's dead body and repositioning it. With viewer's sympathy on his side throughout, he later made other attempts to divert the investigating officer's suspicion away from his grandmother. Similar stories, in which a law enforcement agent who is a main "Good Guy" character commits illegal actions in order to protect someone they care about, also played out on *NCIS: New Orleans* and *NCIS: Los Angeles*.

Another typical example involving the mistreatment of POIs or everyday people on the street: The episode "Ka Hana A Ka Makua, O Ka Hana No Ia A Keiki" of *Hawaii Five-0* featured main character "Good Guy" Detective McGarrett, the leader of the Five-0 team and a former Navy officer, played by Alex O'Loughlin, throat-punching a bouncer who got in his way, and later, refusing to give a phone call to a POI he had taken into custody.

*Blindspot* featured an explicit conversation related to the very issue of the "Good Guys" doing bad things. While Agent Zapata, played by Audrey Esparza, was administering a truth serum to a POI, someone who was also in law enforcement and also a woman, the POI noted the irony of a law enforcement agent doing something criminal to exact information from someone about a crime. They discussed the question of where "the line" is and what it means to go over it. Agent Zapata was engaged in the conversation, which was clearly uncomfortable for her. Yet, her moment of reflection seemed to serve as meaningful absolution in itself, because she continued with her wrongful actions. The implication was that her thoughtfulness and guilt was, in itself, enough accountability for her actions, and enough to preserve her status with viewers as one of the "Good Guys" (in spite of, or even because of, her choices).

When viewers see "Good Guy" CJP characters engaging in wrongful actions consistently over time, they may be influenced to judge those practices and behaviors as normal, rightful and helpful—or at least justifiable—rather than as wrongful or harmful. And those attitudes can persist in their thinking about the real world, long after the episode is over.

Remarkably, the data show that it was mostly the "Good Guys" who engaged in wrongful behavior, which may contribute to the perception that those behaviors are acceptable norms. To the extent that these series influence what we should and shouldn't expect from law enforcement and other actors in the system, most of them teach us to expect and accept wrongful actions as rightful and justifiable—all part of the characters' rightful pursuit of justice, and the leeway that all good and well-meaning people deserve.[19]

## NORMALIZING INJUSTICE: THE "GOOD GUY" ENDORSER RATIO

In 18 of 26 series, CJP characters depicted as the "Good Guys" committed more wrongful actions than those depicted as the "Bad Guys". (There were 3 series that demonstrated the opposite pattern, and 5 series that did not demonstrate a pattern either way.[20])

On average, the ratio of "Good Guys" committing wrongful actions to "Bad Guys" doing so across those 18 series was nearly 8 to 1. That is 8 "Good Guy" CJP characters committing a wrongful action for every 1 "Bad Guy" CJP character doing so. This pattern of depiction is a major indicator of the extent to which the majority of series in this genre normalized injustice: making wrongful actions seem right.

Only 3 series bucked that norm: *Seven Seconds*, *Goliath* and *Orange is the New Black*. They consistently depicted wrongful actions as associated with "Bad Guy" CJP characters, and never or rarely with "Good Guy" CJP characters. In doing so, those series may have had the effect on viewers of leveling criticism of wrongful actions rather than offering endorsement of them—both in fiction and, implicitly, in real life.

Not all series that depicted wrongful actions committed mostly by "Good Guy" CJPs did so at the same level, as The "Good Guy" Endorser Ratio graphic demonstrates. *Blue Bloods*, *Lethal Weapon*, *Law & Order: Special Victims Unit* and *Elementary* had the highest "Good Guy" Endorser Ratios.[21]

[19] In real life, we have seen how this thinking—i.e., excusing wrongful behavior because someone is deemed to be otherwise good—is actively guiding judges in sentencing, most notably in regard to young white men's sexual violence against women, most recently: https://nyti.ms/2YeUJeU.

[20] The 5 series: *Sneaky Pete* and *NCIS* did not depict wrongful actions committed by clearly "Good Guy" or "Bad Guy" CJP characters, *S.W.A.T.* depicted just 1 such wrongful action, and *Criminal Minds* and *Bosch* did not depict CJP wrongful actions in the episodes examined.

[21] The depiction of just one CJP wrongful action over the course of the season could have created a major dramatic moment and left a strong impression on viewers, depending on what it was.

Series with few wrongful actions, however, did not offer enough data to calculate a "Good Guy" Endorser Ratio. In addition, wrongful actions committed by characters coded as "Ambiguous" (i.e., neither entirely "Good" nor "Bad") were not included in The "Good Guy" Endorser Ratio. For instance, Lieutenant Matt Wozniak on Shades of Blue, played by Ray Liotta and coded as an "Ambiguous" CJP, violently forced a drug dealer to overdose on the pills he was selling, but that wrongful action was not included in this analysis.

From a data perspective, the following series did not depict enough CJP wrongful actions overall (or enough wrongful actions committed by clearly "Good Guy" or "Bad Guy" CJP characters) to warrant a series-specific "Good Guy" Endorser Ratio: Sneaky Pete, NCIS, S.W.A.T., Shades of Blue, Hawaii Five-0, Mindhunter, Bull and Brooklyn Nine-Nine. Bosch and Criminal Minds did not depict CJP wrongful actions in the episodes examined.

It is also important to note that the character Luke Cage was not coded as a CJP—he was a vigilante superhero operating outside the justice system—and so the actions of Luke Cage were not included in The "Good Guy" Endorser Ratio or in the analysis of CJP wrongful actions overall. Wrongful actions were committed by other characters who were CJPs.

# THE "GOOD GUY" ENDORSER RATIO

## WRONGFUL ACTIONS COMMITTED BY "GOOD GUY" CJP CHARACTERS VS. "BAD GUY" CJP CHARACTERS

**Almost all series depicted bad behavior as being committed by good people, thereby framing bad actions as relatable, forgivable, acceptable and ultimately good. Remarkably, the data show that scripted crime series depicted "Good Guy" Criminal Justice Professionals committing wrongful actions far more than they depicted "Bad Guys" doing so. The likely result? Viewers feeling that those bad behaviors are actually not so bad, and are acceptable (even necessary) norms.**

This chart shows the ratio of bad actions committed by "Good Guys" vs. bad actions committed by "Bad Guys". It's mostly "Good Guys" doing bad things in almost all series for which a ratio was possible to assess.

In this way, most crime series teach us to expect and accept wrongful actions as rightful and justifiable—the leeway that all good and well-meaning people deserve, all part of the characters' heroic pursuit of justice, regardless of who gets hurt in the process.

Most series conveyed the idea that whatever a CJP does is inherently "right" and "good" by virtue of it being done by a CJP, especially a beloved main character. We call this pattern of "Good Guy" characters normalizing wrongful actions the Good Guy Endorser Effect.

**COLOR OF CHANGE**
**HOLLYWOOD**

* Indicates series for which zero wrongful actions committed by "Bad Guy" CJPs were logged. In order to express the Endorser Effect as a ratio, we have represented this side of the ratio as 1. But there is an even stronger "Good Guy" Endorser Effect for those 4 series compared to series with 1 or more "Bad Guy" wrongful actions depicted.

## SECTION 1.4

# Normalizing Wrongful Actions

### IMPLICIT AND EXPLICIT ENDORSEMENT OF WRONGFUL ACTIONS BY PEOPLE OF COLOR CHARACTERS

Viewers were exposed to consistent depictions of people of color and women CJPs committing wrongful actions when they watched any number of series in the genre. It is no surprise: many series depicted wrongful actions consistently, and several series are (or are becoming) more racially and gender diverse in terms of their CJP characters.

Representations of race and gender played an important role in normalizing wrongful actions, including a pattern of presenting people of color and women characters as implicitly endorsing them. The intersection of CJP wrongful actions and race and gender played out in several ways.

When viewers see people of color committing or supporting wrongful actions, it may have a stronger normalization effect with respect to those actions. For instance, the effect may be very different when an all-white group of police officers assaults or disparages a Black person, compared to a group of officers in which there is even just 1 Black officer participating in doing so. The mere presence of the Black officer may leave the impression—especially with white viewers—that the incident could not be an instance of racial bias, discrimination or injustice.[22] When we take into account that 46% of the depictions of police captains, chiefs, commissioners and other high-ranking members of the police force in the series examined featured people of color, the endorsement and normalization effect could be even stronger.

[22] Levin, J., & Thomas, A. R. (1997). Experimentally manipulating race: Perceptions of police brutality in an arrest: A research note. *Justice Quarterly*, 14(3), 577–586. https://doi.org/10.1080/07418829700093481. Eschholz, S., Blackwell, B. S., Gertz, M., & Chiricos, T. (2002). Race and attitudes toward the police: Assessing the effects of watching "reality" police programs. *Journal of Criminal Justice*, 30(4), 327–341. https://bit.ly/2sDzZyJ.



For example, in the episode "The Travel Agency (No. 90)" of *The Blacklist,* FBI helper and lead character Raymond Reddington, who is white and played by James Spader, prepared to torture a POI by injecting him with fentanyl. Standing by, supporting the effort, was another lead character: the head of the covert FBI task force at the center of the series, Agent Harry Cooper, who is Black and played by Harry Lennix.

Before the torture scene, Agent Cooper had apprehended the POI by forcing his way into a drug den, engaging in a shootout (during which an addict he used as a human shield was shot and killed), and chasing the POI until Raymond and his enforcer intervened to punch him unconscious. The POI was a young Black man.

In the torture scene, the POI looked up at Agent Cooper as Red approached him and exclaimed, "You're a cop, man, you gonna stand there and let him shoot me up?" Agent Cooper simply restated who they were looking for, and then said, "We think you know where he is. Tell us, or you overdose. If you argue, you overdose. If the next syllable out your sorry ass mouth doesn't point us in the direction of Isaiah Hill, you overdose. Am I clear?" As Raymond pressed the needle in, the POI gave up information. Later in the episode, Agent Cooper punched out another "scum" before arresting him.

In the episode "Make Me Kai" of *Hawaii Five-0*, Captain Lou Grover, who is Black and played by Chi McBride, threatened to withhold medical assistance from a dying suspect in order to coerce her into giving him information about where she had hidden the antidote he needed to save his friends' lives. He did this in front of another police officer, who gave no indication that this action was unacceptable—the clear implication being that his behavior was justified because of the dire circumstances in which it occurred.

In other instances, the people of color who were present and who provided implicit endorsement were not authority figures but rather supporting characters of various types. For example: in the episode "It Serves You Right to Suffer" of *Elementary*, Sherlock Holmes, played by Jonny Lee Miller, breaks into a car while accompanied by his occasional sidekick Shinwell Johnson, who is Black and played by Nelsan Ellis, merely because it offered the "best view" of an apartment Holmes wanted to surveil. As he often does, Shinwell Johnson served as a validator: he questioned the action but ultimately deferred to Holmes. (In many other instances of Elementary, wrongful actions were endorsed by the main character and partner of Sherlock Holmes during his time working for the NYPD, Dr. Joan Watson, played by Asian American actor Lucy Liu.)

In no way are we attempting to somehow penalize series with diverse casts. Yet, from the perspective of what viewers are exposed to, it is helpful to understand which series depicted a high percentage of instances of wrongful actions being committed or validated by people of color CJPs, even if those series are groundbreaking for featuring people of color leads. The pattern may convey an implicit endorsement of those behaviors, or convey an understanding of those behaviors as race neutral—i.e., neither committed more or less by people of color, nor affecting people of color more or less, nor warranting any objection on the grounds of racial bias.

There were 10 series that depicted CJPs committing about 1 wrongful action per episode or more, and depicted people of color CJPs committing about a quarter of them or more, 4 of them on CBS. (Of the series depicting CJPs committing about 1 wrongful action per episode, only Goliath depicted all the CJPs committing them as white.)

## NORMALIZING INJUSTICE: THE PERSON OF COLOR ENDORSER INDEX

We also analyzed the pattern of wrongful actions committed by CJPs that went unacknowledged—specifically by or in the presence of people of color CJPs—and created an index to illustrate it.

We calculated the level of implicit Racial Endorsement by tallying the number of depictions of *Acknowledged* and *Unacknowledged* wrongful actions for each series. We then created an episode average for each of these, and recorded how many more depictions of wrongful actions going *Unacknowledged* there were than of wrongful actions being *Acknowledged*, per episode. The Person of Color Endorser Index is the product of multiplying this number by the average number of people of color per episode.

There were 7 series that depicted wrongful actions regularly, depicted infrequent acknowledgment of those actions and also prominently featured people of color CJPs, 4 of them on NBC. *Lethal Weapon*, *Elementary* and *The Blacklist* ranked highest in The Person of Color Endorser Index, which is not surprising given the number of people of color CJPs featured as main characters in the series.

Why is this pattern so important? It may have created a context in which viewers were exposed to unacknowledged wrongful actions while people of color were standing by (or even participating in them). In so doing, the presence of people of color may have explicitly or implicitly endorsed or helped to justify harmful actions that disproportionately affect people of color in the real world. Accordingly, these series may have contributed to the effect of normalizing injustice in a particularly compelling and enduring way.



## Significant Percentages of Wrongful Actions Committed by Black & POC CJP Characters, By Series

| Network | Series | Depictions of Wrongful Actions, Average per Episode | % committed by BLACK CJPs | % committed by total POC CJPs |
|---|---|---|---|---|
| NETFLIX | Luke Cage[23] | 0.89 | 100% | 100% |
| FOX | 9-1-1 | 1.25 | 70% | 70% |
| abc | How to Get Away with Murder | 1.50 | 44% | 67% |
| FOX | Lethal Weapon | 2.12 | 47% | 47% |
| CBS | Elementary | 1.19 | 16% | 42% |
| CBS | NCIS: Los Angeles | 0.72 | 38% | 38% |
| CBS | NCIS: New Orleans | 1.17 | 29% | 29% |
| NBC | The Blacklist | 3.53 | 12% | 25% |
| CBS | Blue Bloods | 2.18 | 3% | 24% |
| NETFLIX | Seven Seconds | 12.25 | 0% | 23% |

[23] The character Luke Cage was not coded as a CJP and so the actions of Luke Cage himself were not included in this ratio or in the analysis of CJP wrongful actions overall.

## The Person of Color Endorser Index

| Network | Series | Gap Between the Depictions and Acknowledgement of Wrongful Actions | Avr # of POC Characters Per Episode | Racial Endorsement Index |
|---|---|---|---|---|
| NETFLIX | Seven Seconds | -11.13 | 2.13 | -236* |
| NBC | The Blacklist | -2.59 | 3.59 | -93 |
| FOX | Lethal Weapon | -1.76 | 3.24 | -57 |
| NBC | Shades of Blue | -0.9 | 4.7 | -42 |
| CBS | Blue Bloods | -1.71 | 2.12 | -36 |
| abc | How to Get Away with Murder | -0.58 | 4.83 | -28 |
| NBC | Chicago P.D. | -0.82 | 3.06 | -25 |
| CBS | Elementary | -1 | 2.5 | -25 |
| NBC | Blindspot | -1.35 | 1.71 | -23 |
| FOX | Brooklyn Nine-Nine | -0.35 | 4 | -14 |
| NBC | Law & Order: SVU | -0.72 | 1.89 | -14 |
| NETFLIX | Narcos | -0.43 | 2.57 | -11 |
| CBS | Hawaii Five-0 | -0.22 | 4.78 | -11 |

## DEPICTIONS OF UNACKNOWLEDGED WRONGFUL ACTIONS ACCOMPANIED BY A STRONG PRESENCE OF PEOPLE OF COLOR CJP CHARACTERS—BY SERIES

| Network | Series | Gap Between the Depictions and Acknowledgement of Wrongful Actions | Avr # of POC Characters Per Episode | Racial Endorsement Index |
|---|---|---|---|---|
| NETFLIX | Bull | -0.06 | 4.47 | -3 |
| NBC | Orange is the New Black | -0.6 | 0.4 | -2 |
| FOX | Mindhunter | -0.13 | 0.13 | 0 |
| NBC | Luke Cage | 0 | 2.89 | 0 |
| CBS | Goliath | 0 | 1 | 0 |
| abc | Sneaky Pete | 0 | 0.25 | 0 |
| NBC | NCIS | 0.06 | 2.94 | 2 |
| CBS | NCIS: New Orleans | 0.06 | 3.94 | 2 |
| NBC | 9-1-1 | -0.25 | 1 | 3 |
| FOX | NCIS: Los Angeles | -0.17 | 3.06 | 5 |
| NBC | S.W.A.T | -0.12 | 4.35 | 5 |
| NETFLIX | Bosch | - | 4.25 | N/A** |
| CBS | Criminal Minds | - | 3.71 | N/A** |

* In Seven Seconds, the representation of unacknowledged wrongful actions in the presence of POC CJP characters is a deliberate plot device and one of the main story drivers of the show.

** N/A No depictions of wrongful actions were recorded in the episodes coded for these shows

## SECTION 1.5

# Underrepresentation of People of Color & Women as Victims of Wrongful Actions

People of color and white people were depicted as the victims of CJP wrongful actions fairly equally across the genre, with white people depicted as victims much more often for certain actions. Men were depicted as victims much more often than women, across all actions.

Counter to reality in the case of many types of wrongful action, neither women nor people of color were depicted disproportionately as the target of (or suffering the harm of) illegal or unethical CJP behavior. In particular, Black people were not depicted as being victimized by CJPs more than white people, or even as much as white people.

[24] For example, an analysis released by the National Registry of Exonerations data focused on the 3 types of crimes for which exonerations are most common: murders, sexual assaults and drug-related offenses. Black defendants accounted for 40% of those convicted of murder, but 50% of those wrongfully convicted. The authors found that cases of Black people exonerated for murder were more likely to have involved wrongdoing or misconduct than those involving white exonerees. Black people also waited longer for exoneration from murder or sexual assault convictions. Chokshi, N. (2017, March 7). Black people more likely to be wrongfully convicted of murder, study shows. The New York Times. Retrieved from https://nyti.ms/2FhNt6l.

[25] A slight majority of victims of CJP excessive force were people of color (54%). Obviously, the victims of race-based wrongful actions (e.g., racial profiling) were entirely people of color, though those actions were rarely depicted.

## VICTIMS BY RACE

Not all depictions of CJP wrongful actions featured a clearly identifiable victim of that wrongful action. For those that did, white people were depicted as victims in a slight majority of the total instances of wrongful actions (53%), while people of color were depicted as victims 47% of the time. Black characters were depicted as victims of CJP wrongful actions just 20% of the time.

White people were depicted as victims even more disproportionately in the cases of CJPs searching someone's home without a warrant (76% white victims), questioning someone without a defense lawyer present (65% white victims) and violating people's rights by breaking procedural rules (64% white victims).[25]

Only 3 of 10 series that depicted victims of wrongful actions regularly (i.e., about once per episode or more) depicted a strong majority of people of color as victims: *Goliath* (85%), *Chicago P.D.* (78%) and *Seven Seconds* (70%). *Goliath* and *Seven Seconds* deliberately explored injustice in the criminal justice system, depicting wrongful actions as wrong.



This pattern of depicting wrongful CJP actions as not racially targeted is another aspect of the invisibilization of injustice—propagating misperceptions about the extent to which there is pervasive racial bias in the criminal justice system.

It also may make it harder for viewers to imagine scenarios of routine police abuse of people of color in real life. For example, viewers may not realize that people of color are disproportionately victims of illegal searches[26] or coercive interrogations because they are rarely exposed to those scenarios on TV.

## VICTIMS BY GENDER

Across all series, women were depicted as a much smaller share of victims of CJP wrongful actions: 25%. Only *Orange is the New Black* (91% women wrongful action victims) and *Blindspot* (50% women wrongful action victims) ran counter to this pattern.

Women were depicted as victims of CJP excessive force only 17% of the time. In the same way as above, this imbalance may also lead viewers to assume that women do not suffer systematic abuse or victimization at the hand of CJPs in real life.

Case in point: though violence against women is rampant in society, and police officers disproportionately engage in violence against women in real life,[27] there was not 1 instance of CJP sexual violence across 353 episodes examined. (The new Netflix series Unbelievable, debuting in 2019 and therefore not included in this study, does not depict sexual violence by CJPs but repeatedly references the high rates of domestic violence and sexual assault among military personnel and police officers, which is a key factor in the plot of the series.)

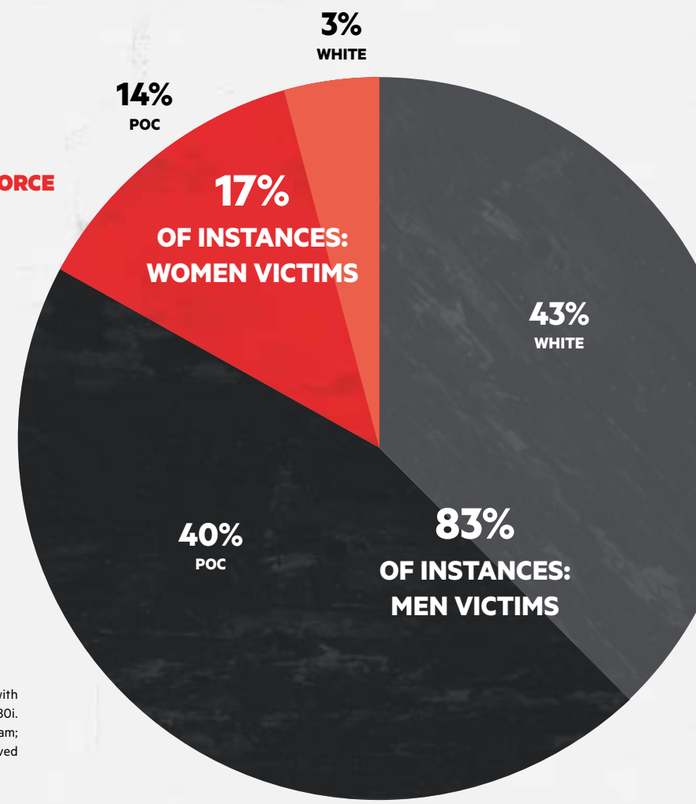
### DEPICTIONS OF VICTIMS OF CJP EXCESSIVE FORCE

**83% of Instances: Men Victims**

- 40% POC
- 43% White

**17% of Instances: Women Victims**

- 14% POC
- 3% White




[26] Analysis of Philadelphia police stop-and-frisk data shows illegal stops continue with limited progress. (2018). ACLU Pennsylvania. Retrieved from http://bit.ly/2L1n80i. Analysis finds racial disparities, ineffectiveness, in NYPD stop-and-frisk program; Links tactic to soaring marijuana arrest rate. (2013). ACLU of New York. Retrieved from http://bit.ly/2L95rfa.

SECTION 1.6

# Underrepresented Wrongful Actions Involving Racism and Racial Bias

What was absent was potentially as influential as what was present. Across almost all series, wrongful actions specifically associated with racial bias were conspicuously absent with respect to depictions of CJP behavior, as were general wrongful actions being carried out in a racially biased way.

Racially biased and racially targeted practices that define the routine of criminal justice practices in real life were almost entirely absent—for instance, prosecutor abuse (e.g., coerced plea bargains, over-charging) and abuse by judges (e.g., over-sentencing, setting out-of-reach bail).

The absence of racial profiling was just one way in which CJP actions—and criminal justice system procedures in general—were mostly depicted as having no racial bias or adverse racial outcomes.[28] Racial profiling, whether in terms of stop and frisk or any other context, was rarely mentioned in the 353 episodes coded. Racial profiling in America, however, is rampant[29] and is certainly no less prevalent in the American cities in which 23 of 26 series took place.

[28] Racist language was also rare: there were only 6 instances across 353 episodes (half on Seven Seconds, which explicitly tackled racism in the criminal justice system), and there were no consequences for the offending CJPs.

[29] The Prison Policy Initiative analysis of 2015 data from the Bureau of Justice Statistics found that Black residents are more likely to be stopped by police than Latinx or white residents, both in traffic stops and street stops. There were also marked racial differences in perceptions of police behavior and legitimacy of police stops. Jones, A. (2018). Police stops are still marred by racial discrimination, new data shows. *Prison Policy Initiative*. Retrieved from http://bit.ly/2XWBBxZ.



Among the 397 instances of depicting a Person of Interest character (POI) as a person of color, just 1% (4 instances) involved racial profiling. This demonstrates a clear underrepresentation across the genre in terms of the role that racial profiling plays in policing and in the lives of people of color in the cities depicted.

CJPs engaged in racial profiling against 1 person of color in *Blue Bloods*, and against 3 people of color in a single instance in *S.W.A.T.*[30] Moreover, there were no consequences for the offending CJPs and the actions were left unresolved: in *S.W.A.T.*, the profiled people of color acknowledged it but nothing came of them doing so; in *Blue Bloods*, there was no acknowledgment of it.

We also discovered that only 42% of the total depictions of POIs (397 of 956) featured people of color characters, just 15% Black. That percentage falls vastly short of reality when compared to police contact rates,[31] especially in the American cities in which 22 of 26 series were set.

We would never suggest that TV crime series should depict more people of color as criminals or criminal suspects, especially given research demonstrating that media consumers are already overexposed to highly inaccurate (and highly influential) stereotypes along those lines.[32]

**BUT WHEN SERIES WRITERS SHY AWAY FROM EXPLICIT DEPICTIONS OF RACIAL PROFILING AND OTHER RACIALLY BIASED PRACTICES—INCLUDING EXPLICIT DISCUSSIONS ABOUT THEIR PREVALENCE, CONSEQUENCES AND WRONGFULNESS—THEY ERASE AN IMPORTANT REALITY AND MISS AN IMPORTANT OPPORTUNITY TO BRING VIEWERS INTO CONTACT WITH THAT REALITY IN A PRODUCTIVE WAY. BY DOING SO, THEY CONSTRUCT A SANITIZED VERSION OF THE CRIMINAL JUSTICE SYSTEM—A FANTASY OF A COLORBLIND WORLD—THAT IMPLIES THERE IS NO RACIAL BIAS WHEN IT COMES TO WHO IS TARGETED BY POLICE, CHARGED BY PROSECUTORS, CONVICTED IN COURT AND SERVING IN PRISON.**

[30] *Seven Seconds* featured a single occasion of CJPs engaged in racial profiling of 3 separate characters—in 1 family—who were not POIs.

[31] Jones, 2018. Davis, E., Whyde, A., & Langton, L. (2018). Contacts between police and the public, 2015. *U.S. Department of Justice*. Retrieved from http://bit.ly/2Xj0maJ.

[32] Oliver, M.B. (2003). African American men as "criminal and dangerous": Implications of media portrayals of crime on the "criminalization" of African American men. *Journal of African American Studies*, 7(2), 3–18. Retrieved from http://bit.ly/2Mas9VJ. Tukachinsky, R., Mastro, D., & Yarchi, M. (2015). Documenting portrayals of race/ethnicity on primetime television over a 20-year span and their association with national-level racial/ethnic attitudes. *Journal of Social Issues*, 71(1), 17–38. https://doi.org/10.1111/josi.12094. Mastro, D., Lapinski, M.K., Kopacz, M.A., & Behm-Morawitz, E. (2009). The influence of exposure to depictions of race and crime in TV news on viewer's social judgments. *Journal of Broadcasting & Electronic Media*, 53(4), 615–635. https://doi.org/10.1080/08838150903310534.

SECTION 1.6

# Depictions of Excessive Physical Force

There were 45 instances of CJPs using excessive physical force when engaging suspects and POIs, across all 353 episodes.

As mentioned above, depictions of force needed to meet a high bar to qualify as "excessive" for coding. For example, when police officers tackled fleeing suspects, coders did not automatically count them as instances of excessive force, even though they increased viewer exposure to police violence as routine and necessary. But, for example, when the character Danny Reagan in *Blue Bloods* grabbed a suspect's throat and threatened him with a knife, cutting his neck, the action was coded as an instance of excessive physical force by a CJP.

Violence also factored into many scenes as a form of intimidation, abuse and coercion, but did not qualify as excessive force. In another episode of *Blue Bloods*, Danny Reagan smashed the taillights of a car with a pipe and then gave notice to the people in the car that they were now in trouble for driving with inoperable tail lights. Doing so threatened the parole status of the person in the car whom he was trying to pressure to cooperate (i.e., potentially leading to their re-incarceration).



## THERE ARE 3 NOTABLE TAKEAWAYS ABOUT THE REPRESENTATION OF EXCESSIVE FORCE:

### 01

Excessive force was represented as rare, and also as not harmful, both of which are misrepresentations that mask the reality of police violence and that may serve to either excuse it, dismiss it or lead viewers to believe that claims of systemic police violence made by communities and advocates in real life are overblown and not credible.

**a.** Instances of excessive force appeared in just 10% of all episodes with law enforcement or corrections officers, and never appeared in the following 11 series: *Blindspot, Criminal Minds, Elementary, How to Get Away with Murder, NCIS, Sneaky Pete, S.W.A.T., Bosch, Bull, Luke Cage, Mindhunter* and *Narcos*.

**b.** The actual harm caused by excessive force—e.g., debilitating pain, harm requiring medical attention, trauma, lasting physical injury or damage and its long-term effects—was not depicted in any instance.

### 02

Excessive force was represented as being perpetrated by white CJPs predominantly. But it was not represented as affecting people of color disproportionately, or women much at all—such that it may be harder for viewers to imagine CJPs committing acts of violence against women in real life. The targeting of excessive force was represented as race neutral and significantly gender exclusive to men.

**a.** 82% of instances of excessive force were committed by white CJPs.

**b.** 46% of the victims of excessive force were also white.

**c.** There were only 5 Black victims and 6 women victims of excessive force.

### 03

Consequences for CJPs for perpetrating excessive force were rarely represented.

**a.** There were only 2 instances of internal investigations being launched, and no depictions of charges being filed against CJPs for excessive force.

**b.** 27 of the 45 instances of excessive force were acknowledged in some way, even if nothing came of doing so.

**c.** More than half of those instances featured a person of color CJP raising the issue, and just under half of those instances featured women CJPs doing so.

SECTION 1.7

## Minimal Representations of the Need for Change

Another finding related to how the genre normalizes injustice was the clear and consistent lack of depictions, dialogue and storylines that acknowledged well-known, systemic problems in the criminal justice system—including wrongful actions—and grappled with solutions for fixing them.

Almost all series conveyed the impression that change is not needed: they depicted a system that does not actually have serious problems related to race, gender, violence and the abuse of power. While many series explicitly or implicitly portrayed the system as ineffective, the nature of the ineffectiveness was often related to police, prosecutors and others not having enough power and authority. The prevalent message was that the pursuit of justice is hampered by the rules, often characterized as unnecessarily bureaucratic or even too lenient in favor of suspects.

A guilty person "getting off on a technicality" is the typical trope, but it takes many different forms. For example: the widespread endorsement of surveillance and the need to expand it or use it more often, without any discussion or representation of it harms—an issue discussed further in Section 2.1.1.



There were several compelling counter-examples, however, which demonstrated what could be possible in terms of shifts to more authentic storytelling for the rest of the genre—see Section 3.

As discussed above and further below, the genre typically rendered racial bias and racism—and their effects on people and society—as nonexistent.

The series also rarely represented activists, activism or reform. That was not only true at the character level but also at the general content level. Sometimes, series portrayed individual or groups of activists as stereotypical caricatures, easily dismissed by other series characters (such as Sergeant Hank Voight in *Chicago P.D.*) and also by viewers.

There were rarely discussions of reforms, new insights about the drivers of crime and public safety, or the need for making change. This pattern stands in contrast to an increasing number of TV series that take the opportunity to push the thinking of their viewers, rather than reinforcing the often inaccurate conventional wisdom about the issues they depict.

**CURRENT DEBATES ABOUT RACE AND GENDER IN THE CRIMINAL JUSTICE SYSTEM PRESENT COUNTLESS DRAMATIC POSSIBILITIES FOR STORYTELLING, AND THERE ARE LIMITLESS OPPORTUNITIES FOR INFORMING STORYLINES WITH CURRENT MATERIAL (E.G., STORIES, RESEARCH) THAT DEMONSTRATE ITS PROFOUND RACIAL BIAS AND INEQUITIES. EVEN IF SHOWRUNNERS AND WRITERS DO NOT HAVE A SHARED OPINION ABOUT WHAT SHOULD OR SHOULDN'T BE CHANGED ABOUT THE SYSTEM (AND HOW), THEY COMMIT A HUGE DISSERVICE BY EXCLUDING THE VOLUMINOUS, EVER-PRESENT BODY OF MATERIAL RELATED TO PROBLEMS AND SOLUTIONS. OVERALL, THE DRAMATIC AND COMEDIC POWER OF THESE TYPES OF CONTENT AND STORIES WAS LEFT UNLEVERAGED.**

SECTION 1.8

# Repeated Exposure to Wrongful Actions (Normalization) vs. Consistent Omission of Wrongful Actions (Invisibilization), and Acknowledgment of Wrongful Actions

Viewers of many series in this genre were regularly exposed to CJPs engaging in wrongful actions, whether they were acknowledged as wrongful by other characters or not. At the same time, viewers of several other series did not see CJPs engaged in wrongful actions much at all. Neither of those 2 patterns of depiction, inherently, would leave an impression one way or the other when it comes to social norms, misperceptions and attitudes about injustice in the system.

In the case of the specific episodes and narrative content examined, however, we can and should explore how these 2 patterns could play an important role in shaping viewer attitudes about the criminal justice system, and those who operate in it, in 2 different ways.

Firstly, repeated exposure to wrongful actions, in the way most series engaged in it, can lead to the normalization of wrongful actions and viewers' acceptance of wrongful actions in real life. Secondly, repeated omission of wrongful actions, in the way most series engaged in it, can lead to the invisibilization of wrongful actions and the viewers' rejection of the idea that wrongful actions are prevalent across the justice system in real life.

## EXPOSURE/NORMALIZATION

Helping viewers get comfortable with unjust actions because they were endorsed or tacitly approved rather than acknowledged as unjust (normalization). The exhibition of such instances is persistent throughout the genre, and a fixture of storytelling convention within several series. Normalization was at play for a wide variety of wrongful actions:



In the episode "Ka Hana A Ka Makua, O Ka Hana No Ia A Keiki" of *Hawaii Five-0*, Officer Junior Reigns, a former Navy SEAL and Hawaiian police officer played by Samoan actor Beulah Koale, smashes a POI's head with such force that he is left dazed with blood dripping down his face. Officer Reigns and Captain Grover later joked about the suspect potentially having brain damage and ignored his pleas to see a doctor while being questioned. The clear implication was that any amount of force was justified against someone perceived to have critical information in the eyes of the CJPs, a moral calculus well-established most notably by *Dirty Harry* and increasingly mainstreamed since.

In the episode "Party Crashers" of *NCIS: Los Angeles*, agents Callen and Blye, who are white, were faced with a locked door and no warrant. They called their new boss, Assistant Director Shay Mosley, for permission to proceed with a break-in anyway, saying, "Now we're gonna find out what kind of boss Mosley is gonna be." They were delighted when Mosley, who is Black and played by Nia Long, told them to go ahead without the warrant and to, "Let me worry about the legal ramifications." The agents took this as a signal that Mosley seemed like she would be a "good" boss because she approved conducting a warrantless search, rather than allowing the law to get in their way.

## OMISSION/INVISIBILIZATION

Conveying the impression that unjust actions do not take place in the criminal justice system and are not part of the routine of criminal justice procedure because their absence was never recognized or addressed (invisibilization).

What distinguished the very few shows that broke the norm was their ability to depict representations of wrongful behaviors and practices by CJPs in line with their occurrence in the real world—neither ignoring their prevalence nor endorsing or justifying them. Rather, these very few series engaged with the "wrongfulness" of CJP wrongful actions in an explicit way. Seven Seconds presented wrongful actions but did not exhibit the pattern of presenting a "two legitimate sides" debate about them. In the episodes examined, the narrative approach most often depicted a CJP's wrongful actions as unequivocally wrong.

In 353 episodes examined across the 26 series, there were:

- 453 distinct depictions of CJPs engaged in wrongful action,
- 242 depictions of people neither supporting nor acknowledging the wrongful actions of CJPs whose actions they directly witnessed, and
- 167 depictions of characters acknowledging CJPs' wrongful actions (often by encouraging or excusing them, or simply noting them, rather than objecting to them).

Most depictions of wrongful actions (78%) were concentrated among 9 series:

- *Seven Seconds* (Netflix) was responsible for 22% of all CJP wrongful action depictions, depicting a very diverse range of them.
- *The Blacklist* (NBC), *Blue Bloods* (CBS) and *Lethal Weapon* (FOX) were responsible for 30% of all depictions of CJP wrongful actions, combined, with each series depicting either one or just a few specific types of wrongful action.
- *Blindspot* (NBC), *Chicago P.D.* (NBC), *Law & Order: Special Victims Unit* (NBC), *NCIS: New Orleans* (CBS) and *Elementary* (CBS) were responsible for 26% of all depictions of CJP wrongful actions, combined.

The rate of viewer exposure to wrongful actions for each series is ranked from most to least in the corresponding table: 15 of 26 series, 5 of which aired on NBC, depicted wrongful actions about once or more per episode on average. On the other end, 11 series, 5 of which aired on CBS, depicted CJPs engaged in wrongful actions less than once per episode on average.

## ACKNOWLEDGMENT OF WRONGFUL ACTIONS

There were 7 series, 3 of which aired on NBC, that depicted wrongful actions regularly (about once or more per episode on average), but rarely or never depicted the acknowledgment of those wrongful actions. From least to most depictions of acknowledgment, they were:

- *Shades of Blue* (no depictions of acknowledgment)
- *Elementary*
- *Orange is the New Black*
- *Blindspot*
- *Lethal Weapon*
- *Law & Order: Special Victims Unit*
- *Blue Bloods* (0.5 acknowledgments per episode)

There were only 8 series that depicted wrongful actions being acknowledged about once per episode on average:

- *NCIS: Los Angeles* (0.9 depictions of acknowledgment per episode)
- *Luke Cage*
- *How to Get Away with Murder*
- *The Blacklist*
- *Seven Seconds*
- *NCIS: New Orleans*
- *9-1-1*
- *Goliath* (1.7 depictions of acknowledgment per episode)

The absence of acknowledgment might leave different impressions on viewers, depending on the context. *Seven Seconds*, for example, depicted 12 CJP wrongful actions per episode but only 1 acknowledgment per episode. Yet, the series explicitly focused on depicting the lack of accountability in the criminal justice system, including drawing attention to wrongful actions going unacknowledged and unchallenged, and so the meaning of unacknowledged wrongful actions could be very different to a viewer, in context, compared to another series.

It should be noted that the mere *presence* of depictions of acknowledging wrongful actions did not indicate that a given series was taking a position on those actions, i.e., promoting them as harmful or wrong by validating the acknowledgment. In fact, few series depicting the acknowledgment of wrongful actions, whether regularly or not, depicted the acknowledgment (or the acknowledger) as being in the right.

One such instance took place in the *NCIS: Los Angeles* episode "A Line in the Sand" when Special Agent Marty Deeks, who is white and played by Eric Christian Olsen, challenged his boss, Assistant Director Shay Mosley, who is Black and played by Nia Long. Deeks took issue with Mosley assaulting a restrained prisoner in an effort to extract information as part of an off-the-books investigation. He voiced his challenge in front of the rest of the team, indicating that once he knew about the wrongful action, he could not brush it aside: "My partner and I have become party to assaulting a prisoner." He was promptly fired by Mosley, but continued to push the issue: "You gonna fire the person that can testify against you for what you did to Miguel Reyes?" Although Deeks was fired and escorted out by security, he was depicted as holding the moral high ground throughout the episode.

The larger and more typical pattern featured minimizing or dismissing the acknowledgment of wrongful actions, as well as the people who voiced those acknowledgments.

For example, in one familiar trope, the Internal Affairs departments responsible for acknowledging (and challenging) wrongful police behavior on *Chicago P.D.* and *Shades of Blue* were repeatedly represented as obstacles to the justifiable pursuit of justice by police.

Other series depicted CJPs being dismissed when acknowledging the wrongful actions of their colleagues, or even depicted CJPs acknowledging their colleagues wrongful actions with an approving wink—endorsing their actions even as they called them out.

In *Blue Bloods*, for example, Detective Maria Baez, who is Latina and played by Marisa Ramirez, exclaimed to her partner, Detective Danny Reagan, who is white and played by Donnie Wahlberg, *"You went digging around in their trash?"* after he secretly performed a warrantless search of someone's bathroom trash bin to illegally obtain a sample of DNA. She made the remark off camera as the scene in their precinct opened. When she appeared on screen in the next frame, it was clear that she was expressing a combination of shock and admiration for his tenacity. In her next breath, she expressed interest in what he found and validated the conclusions he drew from the DNA test, and they moved the investigation forward accordingly. The clear implication was that a lesser detective, including Baez, would have given up and not done whatever it took—including violating rights and laws deemed needlessly obstructive—to get to the truth and solve the case.

"The larger and more typical pattern featured minimizing or dismissing the acknowledgment of wrongful actions, as well as the people who voiced those acknowledgments."

## Wrongful Action Depiction Rates by Series

| Network | Series | Total Episodes Coded | Depictions of wrongful actions, average per episode |
|---|---|---|---|
| NETFLIX | Seven Seconds | 8 | 12.25 |
| NBC | The Blacklist | 17 | 3.53 |
| CBS | Blue Bloods | 17 | 2.18 |
| FOX | Lethal Weapon | 17 | 2.12 |
| amazon | Goliath | 6 | 1.67 |
| NBC | Blindspot | 17 | 1.59 |
| NBC | Chicago P.D. | 17 | 1.53 |
| abc | How to Get Away With Murder | 12 | 1.50 |
| FOX | 9-1-1 | 8 | 1.25 |
| CBS | Elementary | 16 | 1.19 |
| NBC | Law & Order: SVU | 18 | 1.17 |
| CBS | NCIS: New Orleans | 18 | 1.17 |
| NBC | Shades of Blue | 10 | 0.90 |
| NETFLIX | Luke Cage | 9 | 0.89 |
| NETFLIX | Orange is the New Black | 10 | 0.80 |
| CBS | NCIS: Los Angeles | 18 | 0.72 |
| NETFLIX | Narcos | 7 | 0.71 |
| FOX | Brooklyn Nine-Nine | 17 | 0.47 |
| CBS | Bull | 17 | 0.41 |
| amazon | Sneaky Pete | 8 | 0.38 |
| NETFLIX | Mindhunter | 8 | 0.25 |
| CBS | Hawaii Five-O | 18 | 0.22 |
| CBS | S.W.A.T. | 17 | 0.12 |
| CBS | NCIS | 18 | 0.06 |
| amazon | Bosch | 8 | N/A ** |
| CBS | Criminal Minds | 17 | N/A ** |

** No depictions of wrongful actions were observed and logged in the episodes coded for these series.

SECTION 2

# Misrepresenting How the Criminal Justice System Works

## PROPAGATING INACCURATE UNDERSTANDINGS ABOUT CRIMINAL JUSTICE PRACTICES & THEIR HARMS

### Summary: Rendering the Harms of the System Invisible

Whereas Section 1 focused only on the depiction of wrongful actions committed by CJPs, Section 2 focuses on the criminal justice system overall: how key elements of the criminal justice system were represented in the series examined, as well as the prevalence and potential implications of those representations.

Scripted television series, even those that employ the conventions of realism for dramatic effect, are clearly not intended to be documentaries. Fictional series must take some degree of license, even when they are portraying the most "realistic" scenarios.

As discussed above, however, consistent exposure to misrepresentations about something as contentious and consequential as the criminal justice system might influence public attitudes and tip the scale of public opinion. That includes consistent non-exposure: the omission of portrayals of harmful CJP conduct and systemic issues, whether illegal or legal, and their effects. Invisibility is a major factor in normalization. While not without exception, 2 notable patterns were evident in our examination of how series represented the criminal justice system.



**01**

**ONE FEATURE CONSISTENT ACROSS THE SERIES WAS OMITTING STORIES ABOUT THE HARMS THAT *LEGAL* CRIMINAL JUSTICE PROCEDURES AND PRACTICES CAUSE, AND OMITTING ANY ACKNOWLEDGMENT OR REFERENCE TO THE HARMS THEY CAUSE.[33]**

The criminal justice system itself is not depicted as harmful, "broken" or having adverse effects on our lives, whether money bail, surveillance, plea bargaining or any other practices that define the day-to-day activities of the justice system.

The harmful effects of the system itself, and what police, prosecutors, judges and other CJPs do as a matter of course—i.e., the default, status quo, legal practices and procedures that define the criminal justice system—were not presented to viewers in the great majority of these series, even though there are many opportunities to make great television by reckoning with them.

As a simple and tangible example of how common this type of omission is, consider how many TV representations of physical force (e.g., someone being treated roughly or being beaten by a police officer) do not include any depiction or acknowledgment of a resulting injury suffered by the person beaten. It is rare to see a depiction of physical force in which the person roughed up is actually hurt—i.e., not simply able to "shake it off" but rather suffering a real injury that affects their bodies and lives in the short-term or even long-term. This fantasy of physical resilience would likely influence a viewer's judgment about such experiences: *No one really gets hurt or suffers as a result of physical force, so what's the big deal?*

This same pattern applies to the way civil rights abuses, coercion, being stuck in jail due to bail, plea bargaining and accepting a criminal record, and any number of other practices are depicted as having no real, concrete effects at all: the injustices experienced as a result of the way the system operates are mostly academic, theoretical and, essentially, harmless.

**02**

**ANOTHER FEATURE CONSISTENT ACROSS THE SERIES WAS DEPICTING THE STANDARD, DAY-TO-DAY PRACTICES OF CRIMINAL PROCEDURES (AND THEIR OUTCOMES) AS RACE NEUTRAL, WHEN IN REALITY THEY ARE NOT.**

Standard criminal justice practices—such as money bail, surveillance, plea bargaining and incarceration—were depicted as neither targeting people of color, nor causing adverse effects for people of color, in any disproportionate way compared to white people. These findings are addressed here but are outlined in greater detail in Section 3.

These 2 patterns were typical of CJP practices presented as routine (i.e., standard practice), and also of those presented as running counter to the rules (i.e., "wrong" in some way, procedurally, factually, ethically, morally). One way in which wrongful actions may have been made to seem right in the eyes of viewers (i.e., made to seem necessary or justifiable) was by representing them as harmless, victimless and race neutral—all upside for CJPs and their pursuit of justice, and no downside for the public or for any racial group.

**03**

**IN ADDITION TO MISREPRESENTING CRIMINAL PROCEDURES (BOTH HOW THE SYSTEM ACTUALLY WORKS AND THE ADVERSE EFFECTS OF HOW IT WORKS), SERIES MISREPRESENTED KEY ASPECTS OF CRIME ITSELF.**

Series by and large did not represent people of color and women as victims of crime in society. The genre as a whole, however, overrepresented crime as taking place mostly in cities (or as being concentrated in cities), which may have influenced attitudes toward people of color and others who are associated with populating cities disproportionately.

[33] "Harms" in the plural because many criminal justice practices have been shown to affect people in a range of harmful ways: physical, financial, mental and social—in total, affecting an entire life trajectory.

# Detailed Findings


## 2.1 REPRESENTATIONS OF CRIMINAL PROCEDURE

2.1.1 Surveillance

2.1.2 Targeting, Approaching Subjects & Arrests

2.1.3 Bail & Bail Bonds

2.1.4 Plea Bargaining

2.1.5 Incarceration

## 2.2 REPRESENTATIONS OF CRIME ITSELF

2.2.1 The Underrepresentation of People of Color & Women as Victims

2.2.2 Misrepresenting Crime as Being Unique to Cities and/or Concentrated in Them

## SECTION 2.1.1

# Surveillance

Surveillance was pervasive. Half (55%) of total episodes—and the majority of episodes in 14 of 26 series—depicted surveillance, GPS tracking, credit card analysis or computer and cell phone hacking as routine and acceptable investigation techniques.

Rarely was there mention of a warrant in relation to those practices. Rather, they most often appeared as a casual and routine act, an acceptable way to get around stifling rules or even a clever or ingenious innovation. Surveillance was often portrayed as a way to outwit guilty people whom law enforcement were pursuing, rather than as a regulated tool of investigation requiring a warrant, and an issue of personal freedom and civil rights.

For instance, in the "Keep Your Enemies Closer" episode in the 15th season of *NCIS*, private investigator Tobias Fornell, an FBI agent during the first 14 seasons who is played by Joe Spano, punched and then tussled with a POI. In a classic "good cop, bad cop" routine, Leroy Gibbs, the lead NCIS agent who is played by Mark Harmon, broke up the fight and sent Tobias away. In the next scene, they both joked about how they staged the whole incident for the purpose of allowing Tobias to plant a tracking device on the POI.

The clear impression for a typical viewer would be that authorities in the criminal justice system require unrestricted surveillance, and should be able to surveil anything and anyone at any time—moreover, that they cause no harm to anyone by doing so.

In reality, routine, warrantless or wanton surveillance by government authorities has many effects on people's lives[34] that were omitted from depiction or discussion in these series.

[34] Research in 2009 and 2014, conducted by sociologist Alice Goffman, found that even relatively low-tech, non-digital forms of surveillance had huge effects on the lives of the predominantly Black constituents of Philadelphia, particularly in terms of their ability to access public resources and take care of themselves. Further, a 2016 analysis conducted by CityLab found that "in Baltimore, Maryland, 90 percent of Stingray incidents mapped occurred in majority non-white Census block groups, where residents are overwhelmingly African-American. Seventy percent occurred in Census block groups where the median annual income was less than the city's median annual income of $41,819, per 2014 Census data." Similar disparities were found in other research areas in Tallahassee, Florida, and Milwaukee, Wisconsin.

SECTION 2.1.2

## Targeting, Approaching Subjects & Arrests

Writers for crime series must perform a difficult balancing act when depicting targets of investigation relative to race, due to the influence they can have on public perception.[35]

On the one hand, overrepresenting people of color as the target of CJPs can feed racist stereotypes. On the other hand, "whitewashing" depictions of CJP behavior by underrepresenting people of color as the target of law enforcement—or never acknowledging it—can mask the reality of the system, in which criminal justice officials disproportionately target, accost, arrest, prosecute and incarcerate people of color, especially Black people.[36]

In terms of sheer volume, there were more white characters across the series than any other group, so viewers were exposed to more white crime suspects—a very different picture compared to reality, especially for the cities in which the examined series were set. In reality, Black people are more than twice as likely to be stopped by police and 4 times as likely to be searched than are white people.[37] On scripted television, the disparity was not evident: 58% of POIs were white, 26% were non-Black people of color and 15% were Black.

The gap between fiction and reality was also clear in terms of police officers approaching suspects, perhaps suggesting to viewers that police intimidation and aggression are not disproportionately targeted at people of color:

- There were 60 instances of white officers approaching white suspects while holding their weapon, but only 15 instances of white officers approaching Black suspects in that way.
- There were 59 examples of white officers pointing a gun at white suspects, but only 15 instances in which CJPs did so to Black suspects.
- As discussed in Section 1.2.2.3 above, racial profiling was rendered practically nonexistent.

The same pattern was evident in terms of arrests, which may have also left viewers with the impression that there are no racial disparities in police arrest rates: 56% of people arrested by CJPs were white, 13.5% Black, 15% Latinx and 12% Asian. In reality, a 2014 study found that 1,582 police departments nationwide arrested Black people at significantly higher rates than white people, even though Black people represent just 13% of the U.S. population.[38]

[35] Donovan, K. M., & Klahm IV, C. F. (2015). The role of entertainment media in perceptions of police use of force. *Criminal Justice and Behavior*, 42(12), 1261–1281. https://doi.org/10.1177/0093854815604180.

[36] Criminal Justice Fact Sheet. (n.d.). *NAACP*. Retrieved from http://bit.ly/2FkVAPQ.

[37] Balko, 2018.

[38] Heath, B. (2014, November 19). Racial gap in U.S. arrest rates: 'Staggering disparity'. *USA Today*. Retrieved from http://bit.ly/2FhtTHp.



SECTION 2.1.3

## Bail & Bail Bonds

Viewers of crimes series would never know that money bail is so pernicious in the justice system in real life: financially exploitative, racially biased, often set far beyond the ability of defendants to pay, one of the major drivers of mass incarceration, and the pretense under which under-regulated bail bond agents are allowed to abuse people's privacy and regularly disrupt their lives. In fact, in the United States, 76% of people who are held in local jails are there without having been convicted, in large part because they don't have enough money for bail.[39]

Nor would viewers know that bail is one of the major focus points of reform today. This year, New York passed a law dramatically limiting the use of money bail, following Connecticut, New Mexico, Alaska, Atlanta, New Orleans, and others.[40] Multiple candidates in the current election cycle have presented policies opposing money bail and committing to reform the bail system.[41]

In 33% of 353 episodes, characters were depicted as being charged with crimes. There were only 3 episodes in which a bail amount was explicitly set by a judge, however. Other depictions of the role that bail plays in the justice system were also minimal. None of the prevalent and everyday realities of bail and bail bonds—and how they affect people's lives and their fate within the justice system—were depicted. There were also no mentions of reform in any of the episodes examined.

In *Sneaky Pete*, though, certain aspects of bail were featured as part of the overall story. The series featured characters involved in a family bail bonds business, and bail was mentioned several times accordingly. There was also a subplot involving characters finding a way to post bail for someone who was rejected by several other bail bond agents.

Overall, the destructive and unjust role of bail and bail bonds in the justice system was misrepresented largely by omission.[42]

[39] Silver-Greenberg, J., & Dewan, S. (2018, March 31). When bail feels less like freedom, more like extortion. *The New York Times*. Retrieved from https://nyti.ms/2WSoKLV. Color Of Change and ACLU Campaign for Smart Justice. (2017). *$elling off our freedom*. Unger, K. U.S. Retrieved from http://bit.ly/2WRMFeF. Sawyer, W., & Wagner, P. (2019). Mass incarceration: The whole pie 2019. *Prison Policy Initiative*. Retrieved from http://bit.ly/2WX0Wqi. Ninety percent of those in jail awaiting resolution of felony charges (in the 75 largest counties) in 2009 were detained even though bail had been set. Reaves, B. A. Department of Justice. (2013). *Felony defendants in large urban counties, 2009 - statistical tables*. Washington, DC: U.S. Government Printing Office. Retrieved from http://bit.ly/2WTBAKb.

[40] The past 5 years have escalated the pace of reform of bail systems and the restriction or elimination of money bail and commercial bail including: successful litigation against bail practices; prosecutors committing to reduce or stop requesting money bail for many charges (for example Philadelphia); the expansion of community bail funds and community "bail-outs" and legislation in New Jersey, New York, Alaska, New Orleans; and more. Brand, J. & Pishko, J. (2018, June 14). Bail reform: Explained. *The Appeal*. Retrieved from http://bit.ly/2WTGsyN. Wykstra, S. (2018, Oct 17). Bail reform, which could save millions of unconvicted people from jail, explained. Vox. Retrieved from http://bit.ly/2WVHPNs. Challenging the Money Bail System. (n.d.). *Civil Rights Corps*. Retrieved from http://bit.ly/2WYYAaI.

[41] Chettiar, I., & Raghavan, P., eds. *Ending mass incarceration: Ideas from today's leaders*. New York, NY: Brennan Center for Justice (2019). Retrieved from http://bit.ly/2WV21ii.

[42] Notable exceptions outside the data set: *The Good Wife*, which aired on CBS, dealt with bail in an unusual and refreshing way in Season 7, Episode 1 ("Bond"); and a much more in-depth representation of the role of bail can be seen in the short-run docuseries *Time: The Kalief Browder Story* on Netflix, co-produced by Jay-Z.

## SECTION 2.1.4

# Plea Bargaining

Though film and television place an outsized focus on courtroom drama, plea bargains drive the court system in America—over 90% of criminal cases result in plea bargains, and only 3% of state and federal criminal cases go to trial by jury.[43] Plea bargaining is also a practice that contributes to mass incarceration and racial inequity across the justice system; while commonly presented as a way for the accused to negotiate down, plea bargains are often part of a system of prosecutors overcharging people and then using the coercive power of threatening higher charges and long sentences to force pleas of guilt to unwarranted charges, all of which plays out against patterns of racial bias and racial targeting.

Plea bargains were mentioned in only 13 out of 353 episodes: less than 4%. In the cases for which either a plea or a trial were an option, just 18% resulted in a guilty plea while the rest went to trial. The relative absence of plea bargaining severely misrepresents the process of criminal procedure. In addition, across all criminal cases, 77% depicted defendants as having private lawyers instead of public defenders, another highly inaccurate representation that may suggest that defendants stand on equal footing with authorities.[44]

In general, series may have conveyed a false sense of fairness and leverage with respect to the accused.[45] Misrepresentations of plea bargains and public defense might also suggest to viewers that the current system is actually too "soft" on crime, and that defendants routinely manipulate the system with the aid of their highly capable defense lawyers, rather than failing to have strong legal representation and being the victims of the system's manipulations.

In a rare exception described below in Section 3, *How to Get Away with Murder* explained how a financially strapped public defense system encourages poor clients (often people of color), to plead guilty and accept longer than average prison sentences. An earlier episode explained the harm: leaving those who accept a plea with a lasting police record that limits their opportunities long after their case is through.

In addition to the predominance of plea bargains in the U.S. justice system, research has also shown that many defendants are essentially forced to plead guilty, even if they are not guilty (or are not guilty of the number or type of crimes for which they are charged).[46] It is due to the relatively weak leverage of the public defender system, and the immense leverage that prosecutors wield in terms of their ability to intimidate defendants with the prospect of severe fines and prison time if they do not comply with pleas—a practice also well-documented as racially targeted.[47] Defense attorneys are limited in their ability to help clients resist this coercion, and sometimes are complicit in it.

[43] Valle, G. D. (2017). Most criminal cases end in plea bargains, not trials. *The Outline*. Retrieved from http://bit.ly/2Fm2uEn.

[44] In a 2000 report, the Bureau of Justice Statistics reported that over 80% of felony defendants charged with a violent crime in the country's largest counties and 66% in U.S. district courts had publicly financed attorneys. The tremendous case load carried by public defenders results in them spending far less time on their most serious cases and ultimately providing inadequate representation. Research suggests that high-level felony cases should receive 39 more hours of legal attention than the average public defender provides, while murder/homicides and sex felony cases handled by most public defenders receive 22 and 38 fewer hours of legal attention, respectively, than is recommended. Harlow, C.W. (2000). U.S. Department of Justice. Office of Justice Programs. *Defense counsel in criminal cases*. Washington, DC: U.S. Government Printing Office. Retrieved from http://bit.ly/2Kqrdvr. Oppel, Jr., R. A. & Patel, J. K. (2019, Jan. 31). One lawyer, 194 felony cases, and no time. *The New York Times*. Retrieved from https://nyti.ms/2FfekQL.

[45] Further examination would reveal whether those instances presented plea bargains in the familiar way for television: secured by strong defense attorneys, to which everyone has equal access, and essentially offered as a gift from prosecutors. That is, a plea deal in which charges are "bargained down" in exchange for testimony, or for which prosecutors are presented as compromising while defendants are presented as benefiting, rather than being depicted as coercive practices for which police and prosecutors often are the beneficiaries, in the absence of a well-equipped legal defense.

[46] According to *The Innocence Project*, 18% of known exonerates pleaded guilty to crimes they didn't commit, 65% of 418 exonerates who pleaded guilty were people of color, 83% of DNA exoneration plea cases resulted in the identification of the alternate perpetrator. Yoffe, E. (2017, September). Innocence is irrelevant. *The Atlantic*. Retrieved from http://bit.ly/2KpOLRj.

[47] For example, a recent study revealed "significant racial disparities," finding that, "White defendants are twenty-five percent more likely than black defendants to have their principal initial charge dropped or reduced to a lesser crime. As a result, white defendants who face initial felony charges are less likely than black defendants to be convicted of a felony. Similarly, white defendants initially charged with misdemeanors are more likely than black defendants to be convicted for crimes carrying no possible incarceration or not being convicted at all. Racial disparities in plea-bargaining outcomes are greater in cases involving misdemeanors and low-level felonies." Berdejó, C. (2017). Criminalizing race: Racial disparities in plea bargaining. *Boston College Law Review*, 59. Retrieved from http://bit.ly/31IVbQW.



## SECTION 2.1.5

# Incarceration

Some version of incarceration (i.e., holding, jail or prison) was depicted in more than 25% of the episodes examined, and in 23 of 26 series.

Verbal intimidation by CJPs took place in 29% of incarceration depictions, 13% of incarceration depictions included physical violence between CJPs and those incarcerated, and 7% included the denial of basic necessities such as food, water or clothing.[48]

Just 5% of incarceration depictions showed solitary confinement, which studies confirm inflicts permanent harm on prisoners.[49] Omitting this reality from view also hid yet another aspect of the racial disparities in the system, and the experiences of people of color in it: prisoners of color make up the majority of the 80,000 people currently in solitary (45% Black, 21% Latinx).[50]

In the episodes examined, Black people represented only 13% of depictions of featured characters who were incarcerated. This may have left viewers with the false impression that the criminal justice system is race neutral when it comes to who is sent to prison, and potentially, when it comes to who bears the burden of the unjust treatment and conditions of our penal system.

In reality, Black people in America are incarcerated at more than 5 times the rate of white people, with Black people constituting 38% of the prison population despite making up only about 13% of the U.S. population.[51] Due to the episodes from *Orange Is The New Black*, set in a prison for women, there were more women represented as incarcerated in the data set overall: 41%.[52]

Sexual assault targeting women in prison—prevalent in real life—was not depicted in the episodes. The sexual assault of men in prison by other men is often presented as a punchline in American drama, satire and comedy, including on "liberal" comedy shows. Jokes about sexual assault in prison are still largely deemed acceptable today[53] and seem ever-present.[54] No jokes about sexual assault in prison were made in the episodes examined, however.

Notably, incarcerated police officers were the targets of the 2 most egregious depictions of prison violence in the data set, not average prisoners. In the *Chicago P.D.* episode "Allegiance," an officer was stabbed in prison while he was being held for an alleged crime that occurred in an episode in a prior season, and subsequently died from the injury in the episode "Homecoming."

On *Brooklyn Nine-Nine*, Detective Rosa Diaz and Detective Jake Peralta, played by Andy Samberg, had been framed and sent to prison in the previous season. While in prison during the first episodes of the season examined, Peralta was severely beaten twice by a correctional officer. Since *Brooklyn Nine-Nine* is a comedy, the beatings were handled in jest. However, Peralta did say, "What hurts the most is knowing that prisoners are treated this way every day in our penal system."

[48] *Orange is the New Black* contributed some depictions toward these totals, but did not nearly represent a majority of them.

[49] Hagan, B.O., Wang, E.A., Aminawung, J.A., Albizu-Garcia, C.E., Zaller, N., Nyamu, S., Shira, S., Deluca, J., Fox, A. (2018). History of solitary confinement is associated with post-traumatic stress disorder symptoms among individuals recently released from prison. *Journal of Urban Health*, 95(2), 141–148. https://doi.org/10.1007/s11524-017-0138-1.

[50] Nolan, D., & Amico, C. (2017). Solitary by the numbers. PBS. *Frontline*. Retrieved from http://bit.ly/2Fm5HDS.

[51] Criminal Justice Fact Sheet. (n.d.).

[52] Women's incarceration has grown at twice the pace of men's in recent decades, and "almost all" the decrease in state prison numbers based on recent reforms has been among men, according to the Prison Policy Institute. *The Sentencing Project* reported that "in 2017, the imprisonment rate for African American women (92 per 100,000) was twice the rate of imprisonment for white women (49 per 100,000)."

[53] Roussell, R. (2018, July 09). The rape jokes we still laugh at. *The New York Times*. Retrieved from https://nyti.ms/2Flpnro.

[54] There is even a daytime commercial for 1-800-No-Cuffs, which implies, in a joking way, that a prisoner is raped after he drops the soap in the shower.

## SECTION 2.2.1

# Representation of Crime Itself

### THE UNDERREPRESENTATION OF PEOPLE OF COLOR & WOMEN AS VICTIMS

**Coders counted the number of depictions of victims. Victim depictions were counted once for each episode in which they appeared, no matter how many times they appeared in that single episode. But if a victim appeared in 3 separate episodes, and was identified as a victim in each of those episodes, then that character was counted 3 times. The coders prioritized tracking the level of exposure to victim portrayals that viewers experienced. Whether or not those portrayals featured different characters, or the same characters repeatedly, tracking the level of exposure to victim depictions by race and gender was the goal for the coding.**

**Viewers were least likely to see victims of crimes portrayed as women of color. Black women were rarely portrayed as victims: in 9% of all crimes, and 6% of primary crimes.**

**In real life, Black women are more likely than white women to be victims of rape. Across 353 episodes in 26 series, however, there were 22 depictions of white victims of rape and other sexual assault but zero depictions of Black victims of sexual assault.[55]**

**There were 369 depictions of primary crime victims (i.e., victims of crimes that were central to an episode's plot), who were also featured characters (i.e., had 3 or more lines of dialogue).**

[55] DuMonthier, A., Childers, C., & Milli, J. *The status of black women in the United States.* Washington, DC: Institute for Women's Policy Research (2017). (Rep. No. IWPR #R478). Retrieved from http://bit.ly/2WQfoR6.



- The likelihood that featured *primary crime victims* whom viewers saw in a given episode were women was 40%. The likelihood they were people of color was 36% (18% Black).
- The likelihood that *primary crime victims* were white men was 35%, white women 27%, men of color 23% and women of color 13% (Black men 12%, Black women 6%), with ~2% unknown or uncoded.

Not all series had formats that featured a primary crime, or crime victim, as the center of each episode. There were 12 series depicting primary crime victims at least once per episode.

Among those, *Law & Order: Special Victims Unit,* which featured on average almost 2 depictions of primary crime victims per episode, had the second highest level of depictions of women victims but the lowest level of depictions of people of color victims. *Goliath* featured the highest level of depictions of people of color victims, but the lowest level of depictions of women victims.

By race, there were 3 groupings of victim depictions:

- 75% or more white: *Law & Order: Special Victims Unit* (81% white) *Blindspot* (80% white), *Blue Bloods* (78% white), *NCIS: Los Angeles* (78% white), *The Blacklist* (75% white).
- 40–60% white: *Lethal Weapon, Hawaii Five-0, Orange is the New Black, NCIS: New Orleans, S.W.A.T., Chicago P.D.*
- 30% white (70% people of color): *Goliath.*

By gender, there were 4 groupings of victim depictions:

- 70–100% men: *Goliath, Lethal Weapon, Blue Bloods, Chicago P.D., Hawaii Five-0.*
- 45–61% men: *NCIS: Los Angeles, The Blacklist, NCIS: New Orleans, S.W.A.T., Blindspot.*
- 26% men (74% women): *Law & Order: Special Victims Unit*
- 0% men (100% women): *Orange is the New Black*

There were 535 depictions of **victims of any crimes** (including both primary plot-driver crimes, as well as incidental crimes) portrayed in an episode, who were also featured characters.

- The likelihood that featured victims of any crimes whom viewers saw in a given episode were women was 38%. The likelihood they were people of color was 40% (20% Black).
- The likelihood that they were white men was 36%, men of color 24%, white women 22%, and women of color 16% (Black men 11%, Black women 9%).

By race, there were 4 groupings of victim depictions among series depicting crime victims on average about once per episode:

- 77% or more white victims: 9-1-1 (88% white), *Sneaky Pete* (82% white), L*aw & Order: Special Victims Unit* (80% white), *Bull* (79% white), *Blindspot* (77% white).
- 67–74% white victims: *Blue Bloods* (74% white), *Lethal Weapon* (72% white), *Shades of Blue* (70% white), *The Blacklist* (70% white), *NCIS: Los Angeles* (69% white), *Elementary* (67% white).
- 48–58% white victims: *Orange is the New Black, NCIS, Hawaii Five-0, NCIS: New Orleans, S.W.A.T.*
- 12–39% white victims (66–88% people of color victims): *Chicago P.D., Criminal Minds, Goliath, Seven Seconds.*

By gender, there were 3 groupings of victim depictions among series depicting crime victims on average about once per episode:

- 71% or more men victims: *Goliath, Seven Seconds, Elementary, Lethal Weapon, Blue Bloods, Sneaky Pete, Bull.*
- 49–65% men victims: *Hawaii Five-0, NCIS: Los Angeles, Chicago P.D., Shades of Blue, NCIS: New Orleans, Orange is the New Black, The Blacklist, NCIS, S.W.A.T., Blindspot.*
- 13–36% men victims (64–88% women victims): *Criminal Minds, Law & Order: Special Victims Unit, 9-1-1.*

[55] DuMonthier, A., Childers, C., & Milli, J. The status of black women in the United States. Washington, DC: Institute for Women's Policy Research (2017). (Rep. No. IWPR #R478). Retrieved from http://bit.ly/2WQfoR6.

SECTION 2.2.2

# Representation of Crime Itself

## MISREPRESENTING CRIME AS BEING UNIQUE TO CITIES AND/OR CONCENTRATED IN THEM

In the crime series genre, the city in which the drama plays out is more than a backdrop—it is often a character in itself. The vast majority of crime series take place in cities, and 78% of all episodes were set in cities. Just 13% of all episodes were set in the suburbs or small towns.

The portrayal of city life is one element of these series that made race present in a clear way, though not necessarily in an accurate, fair or helpful way. It may have helped promote and exacerbate the association of cities with danger, and therefore the stereotype of people of color as dangerous.

Murder was the most common crime committed across all series—episodes often featured multiple crimes, but murder was the primary crime committed across all series (60% of the time).

In the real world, of course, most cases reported and investigated by police are not homicides. Property crimes are 7 times more frequent than violent crimes, and murder makes up only 1.4% of violent crimes, let alone all crime.[56] Overall, crime rates have decreased while the number of crime series on TV has increased, which is perhaps one of many reasons why most people do not think crime has decreased at all.

This high "TV murder rate" may create a false but firm impression among many viewers over time: murder is common in cities, and cities are dangerous places. It may be reinforced by the corresponding severe lack of series depicting crimes—of all types—taking place in other parts of America.

[56] 2016 Crime Statistics Released. (n.d.). FBI. Retrieved from http://bit.ly/2FjIQJ8.



The misrepresentation of cities as particularly violent places is particularly dangerous in another way: big cities are also associated with having a disproportionate number of people of color living in them—people often featured as extras or as a background presence in street scenes, bar scenes and other places—and the effect on viewers may be in reinforcing the stereotypes of people of color as violent, by association.

### SET IN NEW YORK CITY

- *Blindspot*
- *Blue Bloods*
- *Brooklyn Nine-Nine*
- *Bull*
- *Elementary*
- *Law & Order: Special Victims Unit*
- *Luke Cage*
- *Shades of Blue*
- *Seven Seconds* (Jersey City, NJ)

### SET IN LOS ANGELES

- *Bosch*
- *Goliath*
- *Lethal Weapon*
- *NCIS: Los Angeles*
- *9-1-1*
- *S.W.A.T.*

### SET IN WASHINGTON, D.C. (AREA)

- *The Blacklist*
- *Mindhunter*
- *NCIS*

### SET IN OTHER CITIES

- Chicago: *Chicago P.D.*
- Honolulu and greater Oahu: *Hawaii Five-0*
- New Orleans: *NCIS: New Orleans*
- Philadelphia: *How to Get Away with Murder*

### SET IN NEW YORK STATE

- *Orange is the New Black*
- *Sneaky Pete*

### SET IN SMALL TOWNS/SUBURBS

- Colombia: *Narcos*
- United States: *Criminal Minds*

SECTION 3

# Rendering Racism Invisible

## FAILING TO RECOGNIZE RACISM, RACIAL DISPARITIES & EXPERIENCES OF RACIAL INJUSTICE

### Summary: Perpetuating the Fiction of a Racism-Free World

**Nearly three-quarters (74%) of white Americans think that the criminal justice system treats people of color the same as it treats white people, or even treats them less harshly.[57] Scripted crime series on television may be helping to propagate and reinforce this misperception: the 26 series examined rarely depicted the experiences of people of color in the justice system or represented racial disparities in treatment and outcomes, rendering racism in the system virtually invisible.**

**Few series took the opportunity to integrate into their storylines any facts about racial disparities in the system or solutions for tackling them. Doing so may have reinforced the idea that the real-world criminal justice system is devoid of racial disparities—a view held by 55% of white Americans.[58]**

**Scripted series are known for creating storylines that feel ripped from the headlines. In their quest to find exciting new material, writers know that news stories that galvanize public attention are also likely to engage television viewers and may even trigger broader public conversations. This practice can have a positive effect on ratings, and it can also serve to effectively educate viewers and change public attitudes when writers weave accurate information into storylines.[59]**

[57] Siegel, L. (2016). Racial divide in attitudes towards the police. A New Sensibility: An analysis of public opinion research on attitudes towards crime and criminal justice policy. *The Opportunity Agenda*. Retrieved from http://bit.ly/2FjfE5a.

[58] Struyk, R. (2017, August 18). Blacks and whites see racism in the United States very, very differently. *CNN*. Retrieved from https://cnn.it/2FljB9j.

[59] See a study of a breast cancer (BRCA gene) storyline on *90210*. Relative to those who saw none, viewers who saw 4 key episodes were more than twice as likely to have heard of the BRCA gene (63% vs. 30%) and 1.5 times as likely to find out about their family history of breast cancer (43% vs. 27%). Rosenthal, E.L., Buffington, S.C., & Cole, G. (2018). From the small screen to breast cancer screening: Examining the effects of a television storyline on awareness of genetic risk factors. *Journal of Communication in Healthcare*, 11(2), 140–150. https://doi.org/10.1080/17538068.2018.1438766. Also, studying the impact of an organ donation storyline found that 10% of viewers who were not already registered reported the intention to become a donor after the episode explicitly encouraged donation and modeled the registration process. Morgan, S.E., Movius, L., & Cody, M.J. (2009). The power of narratives: The effect of entertainment television organ donation storylines on the attitudes, knowledge, and behaviors of donors and nondonors. *Journal of Communication*, 59(1), 135–151. https://doi.org/10.1111/j.1460-2466.2008.01408.x.



A Kaiser Family Foundation study found that a single mention of a statistic on *Grey's Anatomy*—specifically, that HIV-positive mothers have a 98% chance of having a healthy baby—had a lasting impact on viewers.[60] Only 15% of viewers knew that mother-to-child HIV transmission was preventable prior to watching the show, but 61% knew it immediately afterwards, and 45% retained that information 6 weeks later.

In the same fashion, the series *How to Get Away with Murder* provided a powerful example of how accurate information can add both drama and social value to storytelling. In the episode "Lahey v. Commonwealth of Pennsylvania," the character Annalise Keating, who is Black and played by Viola Davis, stood before a judge and said, "One in 3 black men will go to prison, versus 1 in 17 white men."

Yet, if the crime series examined used news stories or other stories for inspiration, they must not have drawn from the countless stories and headlines about the racial bias and racial disparities that have been shown to define so much of the criminal justice system and its practices today.[62]

With few (and important) exceptions, those stories were absent in the episodes. Where race was mentioned, its mention was not necessarily accurate or encouraging—sometimes issues concerning race were raised only to be dismissed. We logged any conversations, scenes and storylines about race and racism in the 353 episodes examined, and also any mention of race or illustrations of racial issues in relationship to the criminal justice system or its practices.

Major storylines featuring discussions about race and racism in the criminal justice system, or in society at large, were extremely rare: we identified just 6. In those scenes and storylines, a clear pattern emerged: it was largely left to the people of color characters to lead any discussion about race, to pacify racially charged situations and to educate other characters (and viewers) about the harms caused by institutional racism (if it was acknowledged).

Those storylines and discussions did not necessarily advance accurate or empathetic representations of racial injustice. For example, while certain dialogue in *Seven Seconds*, *How to Get Away with Murder* and *Bosch* validated the realities of racial injustice in real life, other series were mixed on the issue or dismissive.

There were several aspects of invisibilizing race:

- The absence of depictions and conversations about racial disparities
- The absence of depictions and conversations about system reforms
- The absence of depictions and conversations about race in life outside the system

[60] Rideout, V. (2008). *Television as a health educator: A case study of Grey's Anatomy*. Menlo Park, CA: The Henry J. Kaiser Family Foundation.Retrieved from http://bit.ly/2WVP87U.

[61] Knafo, S. (2013, October 4). 1 In 3 Black males will go to prison in their lifetime, report warns. *Huffpost*. Retrieved from http://bit.ly/2Fx7p5J.

[62] See Travis, J., Western, B., & Redburn, F. S., eds. (2014). National Research Council. *The growth of incarceration in the United States: Exploring causes and consequences*. Washington, DC: The National Academies Press. Retrieved from https://doi.org/10.17226/18613. Schmitt, G. R., Reedt, L., & Blackwell, K. (2017). *Demographic differences in sentencing: An update to the 2012 Booker Report*. Washington, DC: United States Sentencing Commission. Retrieved from http://bit.ly/2FkYsfA. *The Counted: People killed by police in the United States* [interactive]. (n.d.). Retrieved from http://bit.ly/2FhQZ0U.Turner, J., & Bunting, W. (2013). *A living death: Life without parole for nonviolent offenses*. Washington, DC: American Civil Liberties Union. Retrieved from http://bit.ly/2Or557b. Rovner, J. (2014) *Disproportionate minority contact in the juvenile justice system* [Policy brief]. Washington, DC: The Sentencing Project. Retrieved from http://bit.ly/2Oq73of. Mauer, M. (2013). *The changing racial dynamics of women's incarceration* [Policy brief]. Washington, DC: The Sentencing Project. Retrieved from http://bit.ly/2OsHKln.

# Detailed Findings


**3.1 THE ABSENCE OF DEPICTIONS OF RACIAL DISPARITIES IN THE CRIMINAL JUSTICE SYSTEM AND CONVERSATIONS ABOUT RACIAL DISPARITIES**

3.1.1 Persons of Interest

3.1.2 Rare Recognition or Debate about Racial Disparities in the System

**3.2 RARE MENTIONS OF CRIMINAL JUSTICE REFORMS OR DEPICTIONS OF CREDIBLE ADVOCATES**

3.2.1 Advocates for Reform

3.2.2 Police Reforms

3.2.3 Alternative Sentencing

3.2.4 Public Defender Reform

**3.3 THE ABSENCE OF RECOGNITION OF RACIAL ISSUES IN LIFE OUTSIDE THE JUSTICE SYSTEM**

SECTION 3.1

## The Absence of Depictions of Racial Disparities in the Criminal Justice System and Conversations about Racial Disparities

As discussed in the previous sections, racially biased practices were rarely portrayed. Wrongful CJP actions were also rarely depicted as being racially biased or racially motivated, explicitly or implicitly. Victims of CJP wrongful actions were presented as being fairly evenly split across race, on balance, and victims of crime in general were represented as white, with women of color being particularly underrepresented.

There were few depictions or conversations about racial disparities in the criminal justice system. In addition, though several series featured central characters played by people of color, race was largely invisible as an issue in their work and as part of their lives and experiences.

Counter to what would be realistic: there were no representations of meaningful racial tension on the job among CJPs; no representations of racial discrimination in hiring, promotion or the treatment of people of color CJPs; and rarely any references to race in portraying character backstories or personal life storylines.[63]

Racist language was extremely rare, as well, and in all 6 instances of offensive language, there were no consequences for the offending CJP.

[63] A 2017 national survey of law enforcement professionals revealed striking differences between Black officers and white officers. Ninety-two percent of white officers believe that Black citizens have achieved full equality, while only 29% of Black officers agree and only 32% of Black officers said that police relations with Black citizens were either excellent or good, compared with 60% of white and Latinx officers. Because less than one-third of Black officers feel as though Black citizens have achieved full equality and that they have a good relationship with police, we would expect the overrepresentation of Black officers on television to translate into significantly more race-related storylines than the 6 we found. Bromwich, J. E. (2018, January 11). White and black police officers are sharply divided about race, Pew finds. *The New York Times*. Retrieved from https://nyti.ms/2RsrLlk.

## SECTION 3.1.1

# Persons of Interest

There were only a few series that depicted the disproportionate targeting of people of color in the criminal justice system. Most series featured white people as the persons of interest (POIs)—those the police target for investigation. There were 25 series featuring on average, at least 1 depiction of a POI per episode, and the majority of depictions of POIs on 17 of those series were white.

The series in which POIs appeared as people of color about half the time or more:

- *Luke Cage* (100%)
- *Narcos* (98%)
- *How to Get Away with Murder* (71%)
- *Chicago P.D.* (68%)
- *S.W.A.T.* (64%)
- *Orange is the New Black* (57%)
- *Goliath* (56%)
- *NCIS: Los Angeles* (49%)

*Chicago P.D.* and *S.W.A.T.* each depicted, on average, 3 or more POIs per episode, with POIs appearing as people of color more than 60% of the time. On *Chicago P.D.*, POIs were Black people 36% of the time, and on *S.W.A.T.* they were Black people 23% of the time.

This pattern of underrepresenting whom the police and other CJPs target for investigation, interrogation and ultimately charging—without providing any context for how doing so—runs counter to the practices of CJPs in reality and presents a false image of equity in the criminal justice system and the absence of experiences of pervasive racial bias and injustice in it.

POIs also appeared as men 78% of the time. The series with significantly higher appearances of women as POIs were *Orange is the New Black* (100%) and *Luke Cage* (40%).



## SECTION 3.1.2

# Rare Recognition or Debate About Racial Disparities in the System

In addition to the instance in *How to Get Away with Murder* cited above and described further below, there were a few notable examples of series addressing issues of race. They stood out as exceptions to the general absence across the series of any conversations about racial disparities, even as such topics drive so much conversation about the system in real life today.

### *SEVEN SECONDS*

Race played an important role in *Seven Seconds*. The entire series centered on the cover-up related to a Black child's death: a white police officer accidentally ran his car into a Black boy riding his bicycle, then he and his fellow officers staged the scene and left the boy for dead, and the boy was found (but eventually died after a period surviving in a coma under medical care) while the officers engaged in a continuing cover-up.

Each episode contained explicit and substantial critical commentary on racial disparities in the criminal justice system, as well as dramatic depictions of those disparities and their causes, including obstacles preventing white police officers from being held accountable for their actions.

### *BOSCH*

In *Bosch*, the main storyline focused on a series of revelations pertaining to what happened to a young Black man named Michael Harris. It was revealed by the end of the season that he was physically tortured and injured by a white detective during an interrogation in which a Black detective was also present. In the first episode of the season, Black civil rights attorney Howard Elias, played by Clark Johnson (and ultimately characterized as a thoroughly corrupt opportunist in his defense of Black people harmed by police), is murdered. Elias was murdered just before representing Harris's family against the detective from the interrogation. In a series of flashbacks throughout the season, Elias offered up facts about institutional racism in the criminal justice system. In one scene, Elias said to his assistant, "You know that there were a thousand police killings in America last year? Do you have any idea how many cops were convicted of murder or manslaughter? Not one. None. Zip. Zero. Cities don't even bother to keep use-of-force statistics."

And later, in the form of a recording of his earlier statements:

"Someone needs to police the police. Someone needs to be willing to unravel the fabric of institutional racism that continues to allow atrocities like Black Guardian[64] to be perpetrated on young men of color in this city."

This dialogue offered an explicit recognition of systemic racial injustice. It also authentically echoed the perspectives of real-life advocates and elevated a specific issue—even implying a specific policy solution for cities to embrace—that advocates in real life have focused on as a major goal.

[64] Black Guardian refers to the Michael Harris case on *Bosch*: Black Guardian is the brand name of the pencil that homicide detectives stuck into Michael Harris's ear in a previous episode.

### *THE BLACKLIST*

A similar theme was echoed in the episode "The Travel Agency (No. 90)" of *The Blacklist*, cited in both Sections 1.1 and 1.2.2.2. Agent Harry Cooper, Assistant Director of the FBI Counterterrorism Division and head of the covert FBI task force featured in the series, who is Black and played by Harry Lennix, made this very clear statement:

"Isaiah's father [a Black off-duty police officer] was pulled over for having expired plates. He got out of the car to see for himself. Officer told him to get back in the vehicle. But he'd paid for the tags. He knew there had to be some mistake. He was unarmed. He just wanted to see for himself. Officer gave him a second warning. When he reached to get his wallet, the officer shot him. Six times.

Isaiah watched the man who murdered his father tried and acquitted on all accounts. For him, for so many like him, it's the gospel truth that if you're Black in this country and you say the wrong word, you could be killed. Ask the wrong question, look the wrong way, you can be killed. Almost every cop I've served with, Black or white, I'd be proud to call my brother. It tears me up knowing what so many people in my community think of them. Just like it tears me up knowing that the cops who kill my other brothers will almost never be held responsible."

It edged closer to the "bad apples" view of police racism, and the common theme that police are unfairly demonized, but also acknowledged systemic racism in the form of pervasive biased treatment on the part of police and the pervasive lack of accountability for the harm they cause, even when it leads to death.

Pertaining to the next section, the episode also featured acknowledgment of the history of wrongful treatment of Black people by law enforcement when it comes to political expression. Agent Cooper discussed the reason he entered law enforcement in an effort to build trust and credibility with a young Black man:

"[I'm] a cop who knows what you're going through. My father marched with Dr. King. He was attacked by police dogs in Birmingham. He was beaten on Bloody Sunday. For his troubles, the Bureau [FBI] opened up a secret file on him. Called him a radical—enemy of the state. He was my hero. And the organization I've devoted my life to did everything in its power to destroy him. But that's why I devoted my life to it. To make sure that the Bureau never did to another Black man what it did to my old man."

But this recognition of the history of racism in law enforcement, rarely aired in dialogue across the genre, came with a price: forwarding the idea that these practices are part of the past and not present in today's FBI. The episode fell well short of linking what Black activists experienced in the storied Civil Rights era to the surveillance and targeting Black activists have experienced since, including revelations of improper, unfair and dangerous targeting of Black activists in the present day.[65]

[65] Color Of Change sued DHS over its refusal to disclose the contents of "The Race Paper" regarding surveillance of Black protesters. The leak of a widely criticized 2017 FBI report called Black activists a new category of threat: "Black Identity Extremists". Individual activists are suing over police surveillance of organizations, activists and protests in Washington D.C., New York City, and Memphis. *Color Of Change v. Department of Homeland Security and Federal Bureau of Investigation.* (n.d.). *Center for Constitutional Rights.* Retrieved from http://bit.ly/2KpmUhw. Speri, A. (2019). Fear of a black homeland: The strange tale of the FBI's fictional "black identity extremism" movement. *The Intercept.* Retrieved from http://bit.ly/2M1367u. Connolly, D. (2018, Aug 18). Undercover cops, Black Lives Matter, and alleged zoo hacking: Memphis police surveillance on trial. *The Commercial Appeal.* Retrieved from http://bit.ly/2M1iKQc. Winston, A. (2019, Jan 14). Did the police spy on Black Lives Matter protesters? The answer may soon come out. *The New York Times.* Retrieved from https://nyti.ms/2M0RuBn. Delgadillo, N. (2019). A Black Lives Matter protester is suing D.C. police to prove she's being surveilled. *WAMU American University Radio.* Retrieved from http://bit.ly/2KuxDHn.

## SECTION 3.2

# Rare Mentions of Criminal Justice Reforms or Depictions of Credible Advocates

Though ever-present in discussions of the criminal justice system in real life, in 353 episodes across 26 series, there were only 6 discussions mentioning innovations or reforms related to the criminal justice system. Each time, the person advocating for reform was a person of color.

The surprising scarcity of these stories demonstrated the need for more of them, and also the need for a more diverse approach—one that does not always rely on people of color to carry this responsibility on their own, and one that does not always depict white CJPs as reflexively defensive, dismissive or playing the role of the defender or vindicator of the status quo.

Moreover, with more depictions and dialogue, reforms could be presented as addressing racial injustice and also as making the system better—and making life safer—for everyone.

The outlier scenes and storylines serve as productive models for how justice reforms could be portrayed more routinely as a genre convention, especially across a genre that aspires to keep viewers on the edge of their seats by telling timely new stories that reflect current events.

Taken as a whole, crime series generally did not make room for the representation of system problems and reforms beyond policing (and rarely even addressed policing). Many of those issues would play out in the legal process post-arrest, as prosecutors discuss charges, the defense uncovers wrongdoing and makes its case, judges rule on legal issues and also hand down sentences, sentences are carried out, etc. Most scripted crime series focus on the pursuit of the "bad guy" rather than what ensues following arrest.[66] Across 353 episodes, there were only 30 trials depicted, and half of the trials appeared on *Bull*, a series centered on the character of a professional jury consultant.

The pattern of seeing more crime than legal process may have also contributed to creating a culture of fear—the feeling that crime is out of control, and that criminal justice professionals should be given more powerful tools to combat crime, not fewer.

[66] As discovered in the Norman Lear Center's 2011 study of fictional TV depictions of the War on Terror and the War on Drugs (Blakley, J., & Nahm, S. *The Primetime War on Drugs & Terror: An analysis of depictions of the War on Terror and the War on Drugs in popular primetime television programs.* http://bit.ly/2L0P3NJ), criminal acts and the investigation of those acts overshadowed depictions of the judicial process.

SECTION 3.2.1

# Advocates for Reform

In reality, activists and advocates play an important role in developing solutions to systemic problems, promoting criminal justice reforms and shaping the conversation about crime and safety among lawmakers and the public at large. On the other hand, certain kinds of activists can play a role in preventing reform, doubling down on status quo approaches. With just 20 of 353 episodes depicting activists and advocates, however, they did not constitute a significant presence in storytelling either way, and their absence constituted a missed opportunity to depict how changes in the criminal justice system could come about, let alone social change overall.

The very few portrayals that were featured included advocates and activists across a range of causes and political orientations: from anti-immigrant activists protesting a mosque on *Blue Bloods,* to Hall of Fame NBA player Scottie Pippen advocating for the wrongly imprisoned on *Lethal Weapon*. The following are representative of the very few substantive portrayals:

### *BOSCH*

Throughout the season, demonstrations in the style of Black Lives Matter protests are depicted, and the activist group behind the protests is represented as being naive and misguided by anyone truly in the know, as a wasteful political nuisance and obstruction to getting things done, as obviously being manipulated as pawns in other characters' larger and more self-interested plans, and as aimlessly anarchic and destructive.

### THE "REFORM" EPISODE OF *CHICAGO P.D.*

Ray Price, played by Wendell Pierce, was similarly introduced as a Black community civil rights leader and politician fighting for justice for Black people killed by police in Chicago. When he put too much public pressure on the department, Police Sergeant Hank Voight threatened to reveal that his biggest contributors were local gangs, undermining the legitimacy of his activism and perhaps suggesting to viewers—via a common discrediting tactic used by authorities in real life—that activist leaders are frauds or corrupt in some way.

### THE "FRIENDSHIP, LOVE, AND LOYALTY" EPISODE OF *BLUE BLOODS*

Though not an instance of advocacy for reform—and in some sense, the opposite—a *Blue Bloods* storyline was unique in its depiction of an activist influencing police. The character Janay Brown, who is Black and played by Frances Turner, was portrayed as having stood outside the police station every day, for 153 days, protesting the lack of investigation of her son's murder. In a testament to her influence, the CJP character Danny Reagan, played by Donnie Wahlberg, ultimately took over the case and solved it after being depicted as growing tired of seeing Brown silently protest outside the precinct.

In addition to individual activists or advocates, small groups or crowds of protesters were also occasionally featured in certain scenes in a few series:

- The depiction of a riot breaking out on a college campus between left-leaning protesters and extremist, right-wing protesters in *Law & Order: Special Victims Unit.*
- The depiction of opposing groups of activists outside the trial featured in *Seven Seconds*: those yelling "Black Lives Matter" and those yelling "Blue Lives Matter."
- The depiction of Black Lives Matter demonstrators in the background during a trial featured in *Orange is the New Black*.
- The depiction of Black Lives Matter and other protesters in support of 2 college basketball players kneeling for the National Anthem in *Chicago P.D.* The effect of the protest was the NYPD rectifying their neglect of a Black victim, but not system reform.



SECTION 3.2.2

# Police Reforms

Just 1 storyline focused on a CJP fighting for a slate of police reforms.

The episode "Miracle" depicted *S.W.A.T.*'s Captain Jessica Cortez, another person of color CJP played by Mexican American actress Stephanie Sigman, gaining an audience with the president of the Los Angeles Police Commission. She pitched a laundry list of police reforms, including "some ideas on how to build more public trust with the LAPD, improve police accountability, more outreach to immigrant communities, mentors for female officers and anti-bias training for cops to reduce the use of force." The Commission president reviewed her proposals and decided to pursue deeper police accountability and anti-bias training.

*S.W.A.T.* extended this storyline for additional drama in the episode "Fences": the series showcased the potential consequences of fighting for reform when Cortez's car was vandalized and she received threats as a result of her police accountability proposal, and the question is raised as to whether a police officer may have committed the act.

### COMMUNITY POLICING

A 2004 episode of *The Wire* explained the virtues of community policing and the importance of face-to-face policing in neighborhoods, a concept that has grown in popularity in reality but not on police dramas.[67] (It is also an idea that is often misrepresented as police just being friendlier, rather than fundamentally changing whom they target, what they arrest people for, etc.)

Among the 353 episodes analyzed, there was 1 storyline that focused on community policing, as well as 2 others that reflected the practice but did not explicitly call it "community policing."

The fictional NYPD on *Blue Bloods* debated a community policing program similar to the actual NYPD Neighborhood Policing program in the episode "The Enemy of My Enemy."[68] Conversations between the Police Commissioner, who is white and played by Tom Selleck, and the City Speaker, who is Black and played by Whoopi Goldberg, focused on the political implications—i.e., how New York's "minority communities" would respond to the program. Goldberg's character ended up backing the plan, but vocally anticipated strong opposition from Black neighborhoods:

City Speaker: I am backing your plan 'cause it's a good plan. Now, will my base think it's a good plan? Probably not. They'll probably be sitting outside my office with pitchforks and torches.

Police Commissioner: Oh, please.

City Speaker: Because the reality is, nobody in that neighborhood wants more cops in their business.

Police Commissioner: The smart ones would.

City Speaker: The smart ones?

Police Commissioner: Come on, you know what I mean.

City Speaker: The smart ones are gone. They're not there anymore, Frank. The only ones left are the real ones, and they don't think of your cops as heroes.

[67] Jackson Report. (2007, April 23). *TV show, THE WIRE, shows great example of Community Policing* [Video file]. Retrieved from http://bit.ly/2FniJRw.

[68] *Neighborhood policing.* (n.d.). NYPD. Retrieved from https://on.nyc.gov/2FfhJ1Z.

Though Goldberg's character raised the question of whether or not everyone sees police as heroes, this short exchange also illustrated several aspects of the representation of reform: the characterization of communities as not recognizing what's best for them, the question of whether or not people in communities of color are smart or reasonable, and dismissing activists as "pitchfork" people who should not be taken seriously. All without characters from those communities having a voice in the conversation.

Unlike New York City's actual community policing program, the plan on *Blue Bloods* became entangled in bureaucracy, as the mayor opposed it. Thus, it was not implemented, precluding the possibility of exploring dramatic content about the pros and cons of changes in practice that are sparking serious debate across the country about the role of policing.

In the pilot episode of *S.W.A.T.*, racial tensions rose in South Los Angeles after a sniper shooting. The Black police officer character Hondo, played by Shemar Moore, was subsequently instructed by police leadership to "knock some doors down" and "make that neighborhood hurt." Hondo defied the orders and instead decided to "treat them like family." Rooted in Hondo's backstory as having grown up in South Los Angeles, he was depicted as gaining the trust of community members and using face-to-face conversations to build trust and solve the case.

The episode "Reform" of *Chicago P.D.* appeared to similarly validate the community policing approach without naming it. A Black independent auditor, played by Mykelti Williamson, investigated a white police officer who shot a Black child in crossfire. When the officer was asked why he conducted such a dangerous operation so close to a daycare center, it became clear to viewers that the daycare center was illegal and the police didn't know it was there. The auditor did not accept this excuse as adequate, and chastised the officer for his ignorance. He told him in clear terms, "Your men need to understand the culture of the neighborhoods they police."

## SECTION 3.2.3

# Alternative Sentencing

Just 1 scene raised the issue of sentencing reform in the context of depicting over-sentencing as unnecessary, harmful and unjust.

The character of a Black assistant prosecutor, KJ Harper, played by Clare-Hope Ashitey, was central in *Seven Seconds*. In 1 courtroom scene, she was approached by the defense attorney for a young Black teenager: he wanted her to ask the judge for 2 years' probation instead of incarceration, because the teen was young and a first-time offender. Harper initially replied that her boss would never allow for probation, and that she would move ahead with recommending 30 days in a juvenile hall. When the proceedings started, however, she had a change of heart and recommended an alternative: community service and attendance in a program for at-risk youth. The judge replied that the offer was too generous, and sentenced the teenager to 90 days of juvenile detention, plus 1 year of probation, ignoring her recommendation.

This scene illustrated another barrier in trying to bring about reform, while also educating viewers about alternative sentencing.

## SECTION 3.2.4

# Public Defender Reform

In a crossover between *How to Get Away with Murder* and *Scandal*, the lead character in *How to Get Away with Murder*, Annalise Keating, who is Black and played by Viola Davis, argued and won a class action lawsuit at the U.S. Supreme Court related to public defenders. Hoping to secure more funding for public defenders, the suit asserted that the underfunding of public defenders violated the right to counsel guaranteed by the 6th Amendment in the original Bill of Rights of the Constitution.

Keating made the case (quite explicitly to viewers) that a financially strapped public defense system encourages poor clients, often people of color, to plead guilty instead of fighting their charges in the courts. In a previous episode related to the same storyline, Keating also noted that those who accept a plea also wind up with a lasting police record, which limits their opportunities in life long after their case is over and their punishment is served.

As mentioned in Section 2 above, it was exceptionally rare for a series to not only recognize a criminal justice practice as unjust, but to specify its harm—in the case of public defender reform above, explaining how those who accept a plea deal get stuck with a lasting police record, which limits their opportunities in life long after their case has been resolved.



## SECTION 3.3

# The Absence of Recognition of Racial Issues in Life Outside the Justice System

The analysis suggests that writing conventions across the genre filtered out depictions of racism as a prominent feature of the criminal justice system (possibly also related to racial homogeneity in writers' rooms and the role network/production executives play in finalizing content). It also seemed taboo for most series to name, discuss or depict racism in society at all.

Very few episodes contained moments—substantive or superficial—that included mentions of race or racism outside the criminal justice system, despite many series featuring a steady number of both major and recurring people of color characters who would no doubt face it.

### "RACE WAR"

*S.W.A.T.* Executive Producer Shawn Ryan, who also created the crime series *The Shield* and *The Chicago Code* said, "I think you can be pro-police and pro-truth."[69]

The creators of *S.W.A.T.* made it clear in interviews prior to the launch of their series that they wanted to tackle race issues in the criminal justice system, as they see them. They wanted their main character, Daniel "Hondo" Harrelson, who is Black and played by Shemar Moore, to act as a bridge between police and the Black community, a common and problematic trope discussed above, which plays out as expected.[70]

The pilot episode of *S.W.A.T.* depicted a white cop mistakenly shooting and injuring a Black child. Because of the potential ensuring PR disaster, Shemar Moore's "Hondo" character was immediately promoted to Sergeant and the onus was put on him "to prevent a race war."

### WHITE SUPREMACY

*The Blacklist, Law & Order: Special Victims Unit, Lethal Weapon* and *S.W.A.T.* each alluded to white supremacy at some point.

[69] Venable, M. (2017). S.W.A.T. aims to show how both black and blue lives matter. *TV Guide.* Retrieved from http://bit.ly/2L1SGTJ.

[70] Ibid.

Only the episode "Pick Your Poison" of *Blue Bloods* dedicated a major storyline to its harms, however. After a white supremacist murdered an older Black man, the series portrayed tensions rising between a Black gang in Brooklyn and a white supremacist group led by an ex-cop. When the former officer was asked how he went from being a cop to becoming a racist, he said:

The job itself did this. The job ordered me not to profile these animals. Not to stop and frisk and, God knows how, presume that they're innocent. Came a day I couldn't stomach it. But I respected the uniform, so I took it off. Now I can call a spade a spade.

As the plot unfolded, the ACLU defended the white supremacist character, while the main character Danny Reagan, an NYPD officer played by Donnie Wahlberg, tried to stop the violence. Most gang members and white supremacists die in a shootout, ending the storyline.

### KNEELING FOR THE ANTHEM

*Chicago P.D.* modeled respectful conversations about protests and racial injustice in the criminal justice system in its episode "Anthem." Specifically, it provided a platform for discussing why people kneel during the National Anthem.

The episode began with a white supremacist group interrupting a rally in support of 2 Black college basketball players who were suspended after kneeling during the anthem. After riot police broke up the rally, 1 of the players was murdered and the episode then tracks the investigation. The storyline focused on the evolution of a white police officer who fought in Afghanistan and was put off by people kneeling for the anthem. At the conclusion, the cop changed his mind about the kneeling debate, precipitated by the surviving kneeler saying this:

*So, are you a soldier? [...] I respect all that y'all do. You know, you putting your life on the line for your country and everything. That's legit. Man, look, I love this country. You know, that's why I'm kneeling. I wanna make it even better.*

## SECTION 4

# Excluding People of Color & Women Behind the Camera:

## LIMITING THE TYPES OF PEOPLE WHO CREATE AND SHAPE CONTENT

### Summary: Severely Limiting Perspectives

**Diversity is about inclusion: inclusion and equity with respect to the role, status and career path of writers in the industry, and inclusion with respect to storytelling—the realities that viewers are or aren't exposed to, and the degree of authenticity of those representations.**

**A previous report commissioned by Color Of Change and conducted by Darnell Hunt, Dean of Social Sciences at UCLA, tracked the diversity of writers and showrunners across the television landscape broadly, and examined how racial dynamics in writers' rooms affected story and content development.[71]**

**Released in the fall of 2017, and covering both network and streaming series, *Race in the Writers' Room: How Hollywood Whitewashes the Stories that Shape America* exposed many key issues of diversity with respect to writers and showrunners, including the marginalization of writers (and stories) in writers' rooms in which only a single Black writer or person of color writer was present, and also the striking lack of diversity among crime series writers, a finding that served as the impetus for this report.**

***Race in the Writers' Room* also detailed the limits of defining diversity merely in terms of the number of people in a room, compared to thinking in terms of who is truly at the table when it comes to shaping storylines, character development, dialogue, scene dynamics and other aspects of creating a fictional world. From the foreword of that report:**

[71] Color Of Change, 2017.



**"What is skewed about the Hollywood system is the degree to which decision makers [executives, showrunners, senior writers] can exclude information they don't want to hear and people they don't want to listen to, and avoid consequences for how their decisions affect people...**

**Many previous efforts, mild at best, were nonetheless doomed to fail in changing incentives [that affect decision making]. According to this report, the "diversity slot" hire program appears to have created a perverse disincentive to true inclusion: showrunners give the appearance of inclusion by cycling through people of color writers for the year or two they get them 'free of charge'**

**and then dispose of them once the writer requires a real budget to remain included, in favor of replacing them with another junior "free" writer. That limits the ability of a critical mass of writers of color to build seniority over time, which is so important for building influence in writers' rooms."**

That is, mere token inclusion does not necessarily translate to diversity in storytelling and more authentic or accurate representations of different people in the world and the worlds we live in.

In the case of crime series, however, the raw numbers themselves are striking.

We analyzed the race and gender of writers, showrunners and creators for the 26 series examined for the 2017–2018 season, and also writers for the 19 series that continued into the 2018–2019 season and aired by May 2019. The main chart for this section provides a comprehensive view of the diversity of all writers' rooms examined.

We also created a Racial Integrity Index: measuring the number of people of color characters featured in each series, relative to the share of people of color writers in those writers' rooms.

In sum, the genre overwhelmingly excluded people of color writers, overwhelmingly excluded both people of color and women showrunners, and generally excluded women writers. In addition, several series maintained all-white or nearly all-white writers' rooms while writing many people of color characters.

# Detailed Findings


4.1 EXCLUDING PEOPLE OF COLOR AND WOMEN WRITERS & SHOWRUNNERS

4.1.1 Season 2017–2018

4.1.2 Season 2018–2019

4.2 WRITER DIVERSITY & FEATURED CHARACTERS

4.3 OUTSIDE INFLUENCE IN WRITERS' ROOMS

SECTION 4.1

## Excluding People of Color and Women Writers & Showrunners

### SEASON 2017–2018

There were 275 writers, 27 showrunners (1 series had 2 showrunners) and 42 creators who were credited for the 26 series examined in the 2017–2018 season.

Across the genre, 81% of showrunners (21 of 26 series) were white men. The 5 exceptions were *Criminal Minds*, *Shades of Blue*, *Orange is the New Black*, *Seven Seconds* and *Luke Cage*. The last 4 of those series were also the only series that did not have white men show creators (or did not have at least half white men creators, if there were multiple creators).

Notably, there was no correlation between increased gender diversity and increased racial diversity. While several shows with more women writers than typical also had more people of color writers than typical, several did not.

Setting aside the 2 major exceptions to the lack of racial diversity in writers' rooms, *Seven Seconds* and *Luke Cage*, both since canceled, the median ratio of white writers to writers of color across all 26 writers' rooms was 6 to 1.

CBS and NBC, the 2 leading networks in the genre in terms of the number and popularity of crime series, did not lead at all on inclusion—they exhibited the common pattern of exclusion across the genre, and aired 8 of the 11 series that were the least diverse with respect to race.

Across the genre, at least 81% of writers were white, with only 9% Black.[72]

- 3 series had 100% white writers: NCIS, Blue Bloods, Mindhunter.
- An additional 6 series that had (or likely had) more than 90% white writers: *The Blacklist, Law & Order: Special Victims Unit, Blindspot, 9-1-1, Elementary, Criminal Minds.*
- There were a total of 18 series that had about 80% white writers or more: 7 of the 9 series on CBS, 4 of the 5 series on NBC, 3 of the 3 series on FOX [73], 2 of the 3 series on Amazon and 2 of the 5 series on Netflix.
- *Seven Seconds* and *Luke Cage*—both on Netflix—were the only series with more than 50% people of color writers.
- Of the 4 series with more than 40% people of color writers, 3 are no longer on the air: *Seven Seconds, Luke Cage, Shades of Blue.*

Across the genre, 20 of 26 series had either no Black writers or just 1 Black writer. There were 8 series that had no Black writers, and 5 additional series that likely had no Black writers,[74] with 6 on CBS and 3 on NBC:

- *Law & Order: Special Victims Unit*
- *Blindspot*
- *Hawaii Five-0*
- *Chicago P.D.*
- *Criminal Minds*
- *Elementary*
- *NCIS*
- *Orange is the New Black*
- *Bull*
- *Blue Bloods*
- *Sneaky Pete*
- *Goliath*
- *Mindhunter*

Just 4 series had 3 or more Black writers: *Luke Cage* (63% Black writers), *How to Get Away with Murder* (27% Black writers), *S.W.A.T.* (25% Black writers), *Lethal Weapon* (20% Black writers).

Only 37% of writers across the genre were women; just 11% of writers were women of color.

- There were 11 of 26 series that had 33% or fewer women writers.
- There were 5 series that had 80% or more men writers: *9-1-1, NCIS: Los Angeles, The Blacklist, Narcos, NCIS.*
- Only 5 series had 50% or more women writers: *Orange is the New Black, Bull, Mindhunter, How to Get Away with Murder, Criminal Minds.*
- Of the 12 series with 40% or more women writers, only 2 had more than 40% people of color writers, both of which are now off the air: *Seven Seconds, Shades of Blue.*

In terms of networks and streaming services:

On CBS:

- *NCIS* was 100% white and 80% male.
- *Blue Bloods* was 100% white and 75% male.
- *Elementary* was 90% white and 70% male.
- *NCIS: Los Angeles* was 82% white and 82% male.

On NBC:

- *The Blacklist* was 93% white and 80% male.
- *Law & Order: Special Victims Unit* was 93–100% white and 57% male.
- *Blindspot* was 92% white and 58% male.
- *Chicago P.D.* was 80–90% white and 60% male.

[72] This percentage represents the 266 writers whose race we could identify; out of 275 total writers examined, 3.2% of writers were of unknown race. The range indicated by "at least" and "likely white" refers to writers our research determined were probably white, but could not be confirmed as white for certain, and were marked as unknown.

[73] *Brooklyn Nine-Nine* moved to NBC in the following season.

[74] These series each had 1 writer whose race could not be confirmed: *Law & Order: Special Victims Unit, Hawaii Five-0, Chicago P.D., S.W.A.T.* and *Goliath. Sneaky Pete* and *How to Get Away with Murder* had 2 writers whose race could not be confirmed.



## SECTION 4.1.2

# Season 2018–2019

There were 19 series that continued into the 2018–2019 season and had aired by May 2019.[75] They remained very much the same in terms of race and gender diversity.

There were 215 writers, 19 showrunners and 31 creators who were credited for the 19 series examined in the 2018–2019 season.

Across these series, 86% of writers were white; with only 7% Black. Only 4 series had less than 80% white writers.

- Of the 19 series, 5 had 100% white writers: *The Blacklist, Law & Order: Special Victims Unit, Blindspot, NCIS, Blue Bloods.*
- An additional 5 series had, or likely had, 90–92% white writers: *Bull, Criminal Minds, NCIS: Los Angeles, Chicago P.D., Brooklyn Nine-Nine* (on NBC for this season).

All series except for S.W.A.T. had 15% or less Black writers. [76] There were 9 series with no Black writers at all, 5 on CBS and 3 on NBC:

- *The Blacklist* (NBC)
- *Blindspot* (NBC)
- *Blue Bloods* (CBS)
- *Bull* (CBS)
- *Criminal Minds* (CBS)
- *Law & Order: Special Victims Unit* (NBC)
- *NCIS* (CBS)
- *NCIS: Los Angeles* (CBS)
- *Sneaky Pete* (Amazon)

Across the 19 series, only 36% of writers were women; less than 7% of writers were women of color.

- There were 5 series with 75% or more men writers: *9-1-1, Brooklyn Nine-Nine, NCIS, NCIS: Los Angeles, Blue Bloods.*
- 17 of the 19 series had 50% or more male writers.
- Only 2 series had more women than men writers: *Bull* (8 women of 12 writers), *How to Get Away with Murder* (6 women of 11 writers).

[75] Series continuing into the 2018–2019 season: *9-1-1, The Blacklist, Blindspot, Blue Bloods, Bosch, Brooklyn Nine-Nine* (on NBC for this season), *Bull, Chicago P.D., Criminal Minds, Elementary, Hawaii Five-0, How to Get Away with Murder, Law & Order: Special Victims Unit, Lethal Weapon, NCIS, NCIS: Los Angeles, NCIS: New Orleans, S.W.A.T., Sneaky Pete.* There were 7 of 215 writers whose race could not be confirmed.

[76] *How to Get Away with Murder* and *NCIS: New Orleans* may have also had more than 15% Black writers. We were unable to determine the race of 3 writers on these shows (2 writers and 1 writer, respectively).

## SECTION 4.2

# Writer Diversity & Featured Characters

### THE RACIAL INTEGRITY INDEX

Great writers can imagine, create and voice a wide range of characters. There are no fixed rules about what kind of writer can—or can't—successfully write certain types of characters.

With actors, if network or studio executives create a system in which characters written as people of color in source material get rewritten as white characters and cast as white actors, it becomes problematic. The artistic claim that great actors can play any character becomes nothing more than a ruse for not having to answer for excluding people of color talent, limiting the representations we see on screen and broadcasting inauthentic representations.

The same is true with television writers. The claim that white men writers can write from the experience of any person, no matter their difference or identity, can be used to justify and perpetuate a system of exclusion. While sometimes white writers can successfully write people of color characters, we have to look at the larger pattern to see who is being assigned to write what, and the consequences of those decisions.

[77] C. K. (2018). Black Americans are overrepresented in media portrayals of poverty. *The Economist*. Retrieved from https://econ.st/2L0bpiw. Smiley, C. & Fakunle, D. (2016). From "brute" to "thug:" The demonization and criminalization of unarmed Black male victims in America. *Journal of Human Behavior in the Social Environment*, 26(3–4), 350–366. https://doi.org/10.1080/10911359.2015.1129256. The Opportunity Agenda (2011). A social science literature review: Media representations and impact on the lives of Black men and boys. Retrieved from https://bit.ly/37RGttD. Donaldson, L. (2015). When the media misrepresents Black men, the effects are felt in the real world. *The Guardian*. Retrieved from http://bit.ly/2KYMs72.



A pattern in which white writers are writing the majority of people of color characters, but never vice versa, prevents access to opportunities and growth for people of color and women writers in the industry.

This pattern can also be measured in a long history of distorted and harmful representations of the lives of people of color and women—their realities, behaviors, relationships, motivations, thoughts, feelings and more.[77]

In an effort to assess the relationship between writers' room diversity and series content in the crime genre, we created an index for 2017–2018 season to look at the prevalence of the gap.[78]

The Racial Integrity Index ranked each series by the number of its depictions of featured people of color characters relative to the percentage of people of color writers in its writers' room. We multiplied the percentage of white writers in the writers' room for each series by the episode average of people of color characters featured for each series. Thus, a high percentage of white writers in a series with a high number of people of color characters would result in a worse Racial Integrity Index score. The closer to zero on the Racial Integrity Index, the more even the ratio between people of color writers and people of color characters. The worse the score (i.e., the more in the negative), the more that depictions of people of color characters were written by fewer people of color writers, or perhaps white writers entirely.[80]

The chart below also contains the corresponding raw data on diversity and characters, which is helpful for gaining a more complete picture of the relationship between content and diversity. (For example, the Racial Integrity Index does not account for the overall size of writers' rooms, which vary widely across series.)

Most series ranked low or very low in terms of the Racial Integrity Index. Narcos on Netflix had the worst score, with an average of 11.5 depictions of featured people of color characters per episode—a high number—and 80% white writers. The series with the worst rankings were:

- -110: *Narcos* (NETFLIX)
- -75: *9-1-1* (FOX)
- -69: *Chicago P.D.* (NBC)
- -60: *Hawaii Five-0* (CBS)
- -58: *Criminal Minds* (CBS)
- -57: *The Blacklist* (NBC)
- -56: *NCIS* (CBS)

[78] We excluded series with more (or likely more) than 40% people of color writers from the Racial Integrity Index, since the dynamic in those writers' rooms relative to writers and characters is completely different: *Luke Cage*, *How to Get Away with Murder*, *Seven Seconds* and *Shades of Blue*. We excluded Mindhunter for the opposite reason: it portrayed so few people of color on screen that it did not make sense to assess this dynamic.

[79] In order to make the Index easier to read, we factored the original product scores to sit on a scale from 0 to -110.

[80] There there is a range listed, the first number reflects the minimum percentage of white writers on the series and the second number reflects the maximum number of white writers on the series—i.e., the second percentage number includes writers marked as unknown.

# RACIAL INTEGRITY INDEX

| NETWORK | SERIES | RACIAL INTEGRITY INDEX SCORE | AVG # OF POC CHAR. PER EPISODE | TOTAL # OF WRITERS (2017-18) | % WHITE WRITERS | % BLACK WRITERS | % TOTAL POC WRITERS |
|---|---|---|---|---|---|---|---|
| NETFLIX | NARCOS | -110 | 11.43 | 10 | 80% | 10% | 20% |
| FOX | 9-1-1 | -75 | 6.88 | 11 | 91% | 9% | 9% |
| NBC | CHICAGO P.D. | -69 | 7.18 | 10 | 80-90% | 0% | 10% |
| CBS | HAWAII FIVE-0 | -60 | 6.61 | 12 | 75-83% | 0% | 17% |
| CBS | CRIMINAL MINDS | -58 | 5.41 | 10 | 90% | 0% | 10% |
| NBC | THE BLACKLIST | -57 | 5.06 | 15 | 93% | 7% | 7% |
| CBS | NCIS | -56 | 4.67 | 10 | 100% | 0% | 0% |
| amazon | BOSCH | -54 | 5.25 | 7 | 86% | 14% | 14% |
| CBS | BULL | -53 | 5.00 | 9 | 89% | 0% | 11% |
| CBS | ELEMENTARY | -52 | 4.81 | 10 | 90% | 0% | 10% |
| CBS | NCIS: NEW ORLEANS | -49 | 5.17 | 14 | 79% | 7% | 21% |
| FOX | BROOKLYN NINE-NINE | -48 | 4.53 | 17 | 88% | 12% | 12% |
| FOX | LETHAL WEAPON | -45 | 4.65 | 15 | 80% | 20% | 20% |

# FEATURED POC CHARACTERS VS. PERCENTAGE OF POC WRITERS

| Network | SERIES | RACIAL INTEGRITY INDEX SCORE | AVR # OF POC CHAR. PER EPISODE | TOTAL # OF WRITERS (2017-18) | % WHITE WRITERS | % BLACK WRITERS | % TOTAL POC WRITERS |
|---|---|---|---|---|---|---|---|
| CBS | BLUE BLOODS | -44 | 3.71 | 8 | 100% | 0% | 0% |
| CBS | NCIS: LOS ANGELES | -44 | 4.44 | 11 | 82% | 9% | 18% |
| CBS | S.W.A.T. | -43 | 7.18 | 12 | 50-58% | 25% | 42% |
| amazon | GOLIATH | -41 | 4.00 | 7 | 86-100% | 0% | 0% |
| NBC | LAW & ORDER: SVU | -37 | 3.33 | 14 | 93-100% | 0% | 0% |
| NBC | BLINDSPOT | -36 | 3.29 | 12 | 92% | 0% | 8% |
| NETFLIX | ORANGE IS THE NEW BLACK | -26 | 3.10 | 10 | 70% | 0% | 30% |
| amazon | SNEAKY PETE | -12 | 2.00 | 8 | 50-75% | 0% | 25% |

## SECTION 4.3

# Outside Influence in Writers' Rooms

### CONSULTANTS

There are many types of guidance writers can seek as they develop storylines, characters and scenes, especially in portraying people in highly technical fields and portraying highly charged, real-life events. What information writers are—or aren't—exposed to and have—or haven't—assimilated can have a profound impact on their perspectives, sympathies, knowledge base and confidence as people imagining and scripting scenarios they have not experienced personally.

Series that rely on police, news stories or other official material will get a distinctly different view of the criminal justice system, and the many different types of people involved in it, compared to those series whose writers are briefed by reform advocates, academics, survivors of abuse and others who can speak to issues that authorities choose not to acknowledge or promote.

Police, FBI or military personnel—current or former—consulted on 17 of the 26 series examined.[81] The chart indicates the names and types of consultants for those series.

We were not able to find out how many writers' rooms hired or welcomed in advocates to consult them, but our understanding of the field of advocates and increasing conversations with crime series writers suggest that it not as formalized or frequent an occurrence.

We were not able to find out how many writers' rooms hired or welcomed in advocates to consult them, but our understanding of the field of advocates and increasing conversations with crime series writers suggest that it not as formalized or frequent an occurrence.

### CITY FILM/TV OFFICES & POLICE DEPARTMENTS

Another factor suggesting the influence of police and city governments: executives, producers and showrunners have important relationships with the cities in which they film, including the police departments in those cities who help them film on location.

Most series filmed in either Los Angeles or New York for the 2017–2018 season, regardless of where their series was set. The relationship with cities, and their influence over the portrayal of policing and other aspects of content and storytelling, will be the subject of further investigation.

[81] An additional 3 series had medical, courtroom or legal consultants, as did 10 of the 17 series mentioned above.



## POLICE, FBI & MILITARY CONSULTANTS BY SERIES

| Network | Show | Consultant Name | Consultant Title |
|---|---|---|---|
| CBS | NCIS | Leon Carroll | Military Advisor |
| | | Matt Sigloch | Military Advisor |
| | | John W. Pruit III | Coast Guard Advisor |
| CBS | Elementary | James Nuciforo | Military Advisor |
| | | Robert Nardi | Former NYPD Detective |
| | | Jack Cambria | Former NYPD |
| CBS | NCIS New Orleans | John W. Pruit III | Coast Guard Advisor |
| | | D'Wayne Swear | Police and Military Advisor |
| CBS | SWAT | Mario Cortez | LAPD Detective |
| | | Otis Gallop | Former San Dlego SWAT |
| CBS | Criminal Minds | Matt Sigloch | Police and Military Advisor |
| | | Mikey Lee | FBI Technical Advisor |
| CBS | Bull | Frank Spagnolo | Police Chief |
| CBS | Blue Bloods | Jack Cambria | Former NYPD |
| CBS | Hawaii Five-O | Mike Cho | Police Advisor |
| CBS | NCIS Los Angeles | Alan Burghard | Military Advisor |
| NBC | Blacklist | James Bodnar | Former NYPD |
| | | Brad Jay Garret | Former FBi |
| NBC | Chicago PD | Brian Luce | Former Chicago PD |
| | | Walt Smith | Chicago Police Detective |
| NBC | Shades of Blue | James A. West | NYPD Detective |
| NBC | Law & Order: SVU | Tim Hardiman | Former NYPD Inspector |
| amazon | Bosch | Tim Marcia | LAPD Detective |
| | | Mitzi Roberts | LAPD Detective |
| amazon | Goliath | Sal Lucio | Police Advisor |
| NETFLIX | Mindhunter | John Douglas | FBI Investigator |
| NETFLIX | Seven Seconds | James Bodnar | Former NYPD Detective |

FIILMING LOCATIONS BY SERIES

## Eighty-one percent of the 2017–2018 crime shows were filmed in either Los Angeles or New York

01

### Los Angeles

*9-1-1*
*Bosch*
*Brooklyn Nine-Nine*
*Criminal Minds*
*Goliath*
*How To Get Away With Murder*
*Lethal Weapon*
*NCIS*
*NCIS: Los Angeles*
*NCIS: New Orleans*
*S.W.A.T.*

02

### New York

*The Blacklist*
*Bull*
*Blindspot*
*Blue Bloods*
*Elementary*
*Law & Order: SVU*
*Luke Cage*
*Orange is the New Black*
*Seven Seconds*
*Shades of Blue*
*Sneaky Pete*

03

### Other

*The Blacklist* (Washington, DC)
*Chicago P.D.* (Chicago, IL)
*Hawaii 5-0* (Honolulu, HI)
*Mindhunter* (Pittsburgh, PA)
*Narcos* (Colombia)
*NCIS: New Orleans* (New Orleans, LA)

COLOR OF CHANGE
HOLLYWOOD

# APPENDIX

COLOR OF CHANGE

# "Wrongful Action" Categories & Specific Actions

**CATEGORIES OF WRONGFUL ACTION, INCLUDING SPECIFIC WRONGFUL ACTIONS PER CATEGORY.**

**Categories of Wrongful Actions:**

- **Coercion & Intimidation:**
  - Questioning without a lawyer
  - Coercing Decisions, e.g., to accept a plea bargain *ES*
  - Forcing Confession *ES*
  - Dissuading Suspect from Calling a lawyer
  - Denying Access to a Lawyer
- **Violence & Abuse:**
  - Excessive Physical Force
  - Excessive Verbal Aggression
  - Shooting without Cause *ES*
  - Sexual Harassment *ES*
  - Denying Necessities, e.g., food and water
- **Lying & Tampering:**
  - Witness Tampering *ES*
  - Knowingly Lying to a Suspect
  - Falsifying Evidence *ES*
  - Mishandling Evidence *ES*
  - Planting Evidence
- **Corruption:**
  - Corruption *ES*
  - Bribery
  - Blackmail/ Extortion *ES*
- **Rule Violations:**
  - Breaking Procedural Rules *ES*
  - Failure to Read Miranda Rights *ES*
- **Illegal Search:**
  - Searching without a Warrant *ES*
- **Overt Racism:**
  - Racist Language
  - Racial Profiling *ES*

*ES = Explicitly Stated*

SECTION 4.1

# About the Collaborators

**COLOR OF CHANGE & COLOR OF CHANGE HOLLYWOOD**

**Color Of Change** is the nation's largest online racial justice organization. Driven by over 1.5 million members, Color Of Change builds power for Black communities, enabling Black people to challenge injustice wherever our lives and wellbeing are at stake: Silicon Valley, Wall Street, Hollywood, Washington, prosecutor offices, capitol buildings and city halls around the country. By holding corporate and government decision makers accountable, and advancing systemic changes and solutions across society, Color Of Change is creating a more human and less hostile world for Black people and all people in America.

Notable victories include redefining the role of local prosecutors and securing the commitment of more than a dozen prosecutors and prosecutor candidates to reduce mass incarceration and police violence through major changes in practice and policy, such as ending money bail. Color Of Change also forced over 100 corporations to end their funding of the secretive right-wing policy shop, ALEC, following the murder of Trayvon Martin; pressured corporate leaders to abandon the Trump Business Council and stop enabling the growth of white nationalist groups through their services; framed and won the federal protection of net neutrality as a key civil rights issue; and is working with Airbnb, Google and Facebook to identify and implement policies for ensuring diversity in hiring and eliminating racist content and predatory advertising from their platforms.

**Color Of Change Hollywood** collaborates with like-minded people in the entertainment industry to change how Black people—and issues that affect Black people—are represented across the media landscape. Entertainment media, especially television and film, play a profound role in shaping public attitudes and popular culture. Research is clear that portrayals of Black people in entertainment media influence how Black people are treated by judges, police, doctors, employers, teachers, executives, politicians and voters in real life. Yet, when it comes to the representation of Black people, Black communities and Black culture, and also issues that affect Black communities, far too much of what millions of television viewers are consistently exposed to promotes inaccurate and dangerous misunderstandings.

Color Of Change Hollywood works to reduce inaccurate and dehumanizing portrayals, shifting industry norms in order to increase the diversity, accuracy and humanity of representations of Black people onscreen. Whether increasing diversity behind the camera or increasing the diversity and authenticity of the stories and characters playing out in front of it, Color Of Change Hollywood is a force for change in entertainment.

We consult with writers' rooms, from Grey's Anatomy to Seven Seconds, to offer showrunners and writers real-life stories, information and experiences which they can use in story development and scripting. We collaborate with film and television promoters, from HBO to A&E and AMC Theaters, to amplify the reach and impact of content that elevates Black stories. We conduct original research to expose critical problems in the industry, such as writer/showrunner diversity. We lead campaigns to ensure accountability in the industry, such as canceling COPS on FOX and pressuring Saturday Night Live to hire Black women both in front of the camera and behind it. We work with celebrities and other influencers to produce content on critical social issues. We also advance conversations about solutions for change across the industry through private salons and public conversations such as the #TellBlackStories podcast series.

**The USC Annenberg Norman Lear Center's Media Impact Project** The Norman Lear Center, home to the Hollywood, Health & Society Program and the Media Impact Project, is a nonprofit, nonpartisan center of research and innovation at the USC Annenberg School for Communication and Journalism.

With present philanthropic partners including the Bill & Melinda Gates Foundation, the Carnegie Corporation of New York, the MacArthur Foundation, the Robert Wood Johnson Foundation and Skoll Global Threats Fund, our goal is to prove that media matters, and to improve the quality of media to serve the public good.

On campus, from its base in the USC Annenberg School for Communication and Journalism, the Lear Center builds bridges between schools and disciplines whose faculty study aspects of entertainment, media and culture. Beyond campus, it bridges the gap between the entertainment industry and academia, and between them and the public. Through scholarship and research; through its conferences, public events and publications; and in its attempts to illuminate and repair the world, the Lear Center works to be at the forefront of discussion and practice in the field.

The Lear Center has nearly 20 years of experience conducting rigorous mixed-methods research on the content, audiences and effects of media, including entertainment, journalism and social media, and an equally long track record in Hollywood as a trusted source of expert information and inspiration for storylines. We partner with media makers and funders to create and conduct program evaluation, to develop and test research hypotheses, and to publish and promote thought leadership on the role of media in social change.

**All Images** used in the report are the sole property of the networks the series belong to. The still photos are used under educational fair use guidelines, for the explicit purpose of supporting this research report.

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