

Police Behavior and Public Perceptions of Justice: A Study of Media Effects on Reality Construction

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Abstract

This research examines the relationship between newspaper coverage of police malfeasance in evidence handling and the public construction of reality related to the administration of justice. Two randomly selected subsamples were assigned to either a control or test condition in a posttest only experiment. Those in the test group were exposed to four newspaper accounts of evidence contamination involving police. Three hypotheses were tested. Each hypothesis postulated that exposure to such articles would result in the test group having a more negative view of justice administration than would the control group. All three hypotheses were supported.

Introduction

This study examines the influence of newspaper content on the social construction of justice as it is administered in the United States and how that construction affects judgments of the credibility of evidence as developed and presented at trial by law enforcement officials. The questions posed are whether the judicial process is contaminated by newspaper revelations that police have destroyed, concocted, or distorted evidence; whether such contamination is contagious, spreading from specific instances reported to other cases and trials; and how such police conduct affects public and juror constructions of reality. There is no intent here to indict news organizations for their coverage of such events and any resulting effects. Indeed, such coverage is seen as a central responsibility of the press functioning in accordance with normative expectations that it fulfill a watchdog role. Rather, the central concern is assessment of the public reaction to reported transgressions by police and how those reactions may influence beliefs, attitudes, and behaviors relevant to the public's execution of its responsibility in the administration of justice, most particularly as jurors.

Accounts of police misconduct appear frequently in the popular press. On November 30, 2004, the *San Francisco Chronicle* announced that a special agent with the United States Federal Protection Service had been indicted by a grand jury on charges of falsifying records in a federal investigation.¹ In an unrelated but starkly similar event, the Jacksonville, Florida *Times Union* a month later chronicled an incident involving a former inspector for the United States Bureau of Alcohol, Tobacco, Firearms, and Explosives, who pleaded guilty to charges of doctoring official investigative reports.²

¹ Henry K. Lee, "Federal agent charged in case where colleagues made up story; Official accused of falsifying records in high-speed chase," *San Francisco Chronicle*, 30 November 2004, B4. LexisNexis, accessed 10 November 2005; available from http://web.lexisnexis.com/universe/document?_m=41afe2fc0649a602e668d875ad7e78f0&_docnum=1&wchp=dGLbVtz-zSkVb&_md5=341a17681ca8714d2b0c44ebf8bc0b1d.

² "Ex-ATF inspector pleads guilty on false reports," *Florida Times Union (Jacksonville)*, 21 December 2004, B3, City Edition. LexisNexis, accessed 10 November 2005; available from http://web.lexisnexis.com/universe/document?_m=70db09ac6f8fca208b15a9cd561f5df2&_docnum=1&wchp=dGLbVtz-zSkVb&_md5=e33e9f7f4432ce3ad7842f690fc8a0e4.

The accounts did not mark isolated cases.

Additional evidence of malignancy emerged on February 18, 2005, in a *Pittsburgh Tribune Review* story noting that Darryll Briston, erstwhile police chief of a Pittsburgh suburb, who was already serving time on a federal theft conviction, had been indicted for perjury in connection with his testimony concerning the crime of which he had been convicted.³

Then, on May 11, 2005, the Associated Press, in a story datelined Buffalo, New York, disclosed that a former narcotics detective had been sentenced to 45 years in prison for, among other things, falsifying information to get search warrants.⁴ And in June 2005, the *Palm Beach Post* ran an account of a Lake Worth, Florida, police officer who had been charged by a grand jury with fictionalizing official documents.⁵

More bad news followed.

On September 11, 2005, the *Baltimore Sun* noted that prosecutors there had dismissed two gun-related cases after local judges had said they didn't trust police testimony. The article went on to note that a Maryland state's attorney had barred testimony of a half-dozen other officers, because of allegations of perjury.⁶

And finally, on Wednesday, October 12, 2005, the *Boston Globe* reported that Boston police had been accused of malfeasance in 116 cases, many of which involved falsification of police reports and evidence.⁷

More widely publicized than any of these was the case of Abner Louima. Louima was arrested in 1997 in Brooklyn, handcuffed, and taken to a precinct station house, where one of the arresting officers sodomized him with a broken broomstick. Louima won an \$8.75 million lawsuit, not because his intestines had been ruptured by the assault, but because a jury agreed that police had conspired to obstruct justice by lying about the events.⁸

³ Megan McCloskey, "Convicted ex-police chief faces new charges," *Pittsburgh Tribune Review*, 18 February 2005. LexisNexis, accessed 4 November 2005; available from http://web.lexis-nexis.com/universe/document?_m=15103db4b9abcd215ef5fe6ef30d86dc&_docnum=2&wchp=dGLbVtz-zSkVb&_md5=e571dc237825a9e6a61c734455c4785f.

⁴ "Former detective draws 45-year prison sentence," *Associated Press*, 11 May 2005. LexisNexis, accessed 10 November 2005; available from http://web.lexis-nexis.com/universe/document?_m=4855919075747622eb6c05678f16a99b&_docnum=1&wchp=dGLbVtz-zSkVb&_md5=8b64c98b26a645277c138548686e77e1.

⁵ Andrew Marra, "LAKE WORTH OFFICER CHARGED WITH LYING," *Palm Beach Post (Florida)*, 9 June 2005, 4b, Final Edition. LexisNexis, accessed 10 November 2005; available from http://web.lexis-nexis.com/universe/document?_m=337456cc3cc91be41a0721884dc5c935&_docnum=1&wchp=dGLbVtz-zSkVb&_md5=50393b9f25389155cc38e074302cd516.

⁶ Julie Bykowicz, "In recent gun cases, 2 city judges don't take word of police; Incidents underscore some citizens' 'skepticism' about police officers," *The Baltimore Sun*, 11 September 2005, 3a, Weekend Edition. LexisNexis, accessed 7 November 2005, available from http://web.lexis-nexis.com/universe/document?_m=20ed82e61c2265c8c2438086f752cf4c&_docnum=1&wchp=dGLbVtz

⁷ Donovan Slack and Suzanne Smalley, "PENALTIES ARE LIGHT FOR POLICE CHARGED WITH MISCONDUCT," *The Boston Globe*, 12 October 2005, A1, Third edition. LexisNexis, accessed 7 November 2005; available from http://web.lexisnexis.com/universe/document?_m=79c81873e2d8bdb1960fb32dade0a4d0&_docnum=79&wchp=dGLbVtz-zSkVb&_md5=1842a04f577a01ac0b2e1da15878c8d4.

⁸ John Marzulli, "DA FIGHTS FOR LOUIMA COP. Says court should honor deal and let him out early," *Daily News (New York)*, 29 December 2005, 4. LexisNexis, accessed 20 March 2006, available from <http://web.lexis->

Locating similar stories is not difficult. Using two search strings, “police charged with perjury” and “police officer convicted of perjury,” a cursory LexisNexis search produced 125 newspaper articles published from November 2004 through October 2005 concerning situations in which law enforcement officials were alleged to have perjured themselves or were being investigated for tampering with evidence.

Literature Review

The present study used an experiment to determine the impact of news coverage of police misconduct on subject perceptions of fairness and integrity of criminal trials in the United States. The experiment is grounded in the theories of social constructionism and mass media effects.

Social Constructionism

This research examines the influence of newspaper content on the social construction of justice as it is administered in the United States and how that construction affects judgments of the credibility of evidence as it is developed and presented by law enforcement officials. The questions posed are whether judicial process is contaminated by newspaper revelations that police have destroyed, concocted, or distorted evidence, whether such contamination is contagious, spreading from specific instances reported to other cases and trials, and what the impacts are on public constructions of reality?

Social constructionism holds that reality is the product of human interpretation of symbolic phenomena. Epistemologically, the core concern is with institutionalized, contextualized beliefs that constitute the knowledge of a community or culture.⁹ Berger and Luckmann, in a seminal conceptualization, argued that what is experienced as real is a social order that is an ongoing human production bound to communicative and other human activities.¹⁰ Thus, social facts are human constructions. They are the consequence of human beings assigning functions or roles to physical objects and events and abiding by a set of rules for their treatment.¹¹ Within this context, a wide range of communicative interactions become reasonable subjects for investigation.¹² Global implications of social epistemology take into account print, radio, and television journalism as channels for dissemination of information contributing to communal or cultural knowledge that becomes a habitualized construction of reality.^{13/14} Those who, for example, watch a great deal of television have been shown to construct realities consistent with television depictions.¹⁵

Conversion into cultural knowledge of information supplied by media presupposes an active audience that processes and reconfigures media content. Knowledge so accrued becomes a

nexis.com/universe/document?_m=fef85c1eea3a084a8292e1b0377e4a18&_docnum=1&wchp=dGLbVtz-zSkVb&_md5=3b55b378dec48ae77097a2c3111b5a34.

⁹ Alvin Goldman, “Social Epistemology,” in The Stanford Encyclopedia of Philosophy, ed. Edward N. Zalta, Spring 2001 ed. (Stanford, CA.: Stanford University Press, 2001).

¹⁰ P. Berger and T. Luckman, The Social Construction of Reality: A Treatise in the Sociology of Knowledge (Garden City, NY.: Anchor Books, 1966), 51.

¹¹ J. Searle, The Construction of Social Reality (New York, NY.: Free Press, 1995).

¹² Paul Thagard, “Collaborative Knowledge,” Nous 31 (1997): 242-261.

¹³ Alvin Goldman, Knowledge in a Social World (Oxford: Oxford University Press, 1999).

¹⁴ P. Berger and T. Luckman, The Social Construction of Reality: A Treatise in the Sociology of Knowledge (Garden City, NY.: Anchor Books, 1966).

¹⁵ I. Adler, R. Hawkins, and S. Pingree, “Searching for cognitive processes in the cultivation effect: Adult and adolescent samples in the United States and Australia,” Human Communication Research 13 (1987): 553-557.

basic element in a social construction of crime and justice, producing a reality based upon which people act.¹⁶

Theoretically, it is assumed that reconfiguration of information will be consistent with a shared reality derived from a socially based correspondence of meaning, and, further, that there is an architectural relationship among media, culture, and the construction of reality.^{17/18}

Such constructions, however, are contingent upon judgments of source credibility. We reasonably assign credibility only when there appears to be objective evidence of source reliability and veracity.¹⁹ Thus, the effects of media reports on social constructions of reality are dependent upon credibility assigned to media generally, a specific medium, and a specific story.

Mass Media Effects

Media effects theory and research has mutated over time from an early suspicion that effects were undifferentiated across audiences and unalloyed by other social experiences and psychological states to a considerably more liberal construction recognizing that a host of variables affect media influence.^{20/21}

Among those concerned with media effects, Anderson and Meyer have proposed an accommodation perspective, suggesting that media influences are contingent upon beliefs, values, attitudes and other individual and group variables that produce differences in the interpretation and influence of media content.²² McLeod and Reeves have proposed a typology of effects, including micro and macro-level effects; content specific and diffuse general effects; attitudinal versus behavioral versus cognitive effects; and alteration versus stabilization effects.²³

The limited effects model, initially advanced by Klapper, argued for the importance of demographic, psychographic, and sociographic influences as antecedent variables in assessing media effects.²⁴ It has been shown by Lock, for example, that audience demographic characteristics interact with media type to produce different effects. Newspaper readers have been found to be more civil libertarian than those who get most of their news from television, presumably because they are, as a group, better educated; civil libertarians have been shown to be less disposed to trust police; and young adults, who populate the sample employed in the present research, have been found to be more civil libertarian than their elders.²⁵

¹⁶ R. Surette, "Media and the construction of crime and criminal justice," in Media crime and criminal justice (Belmont, CA.: Wadsworth, 1998), 1.

¹⁷ S. Baran and D. Davis, Mass Communication Theory: Foundations, Ferment, and Future (Belmont, CA.: Thomson/Wadsworth, 2003).

¹⁸ G. Barak, "Media, society, and criminology," in Media, process and the social construction of crime: Studies in newsmaking criminology, ed. G. Barak (New York: Garland, 1994).

¹⁹ David Hull, "An Enquiry Concerning Human Understanding," in Hume's Enquires, ed. P.H. Nidditch and La Selby-Bigge (Oxford: Oxford University Press, 1975).

²⁰ G. Sparks, Media Effects Research: A basic Overview (Belmont, CA.: Thomson/Wadsworth, 2006), 51, 55.

²¹ S. Ball-Rokeach and M. DeFleur, Theories of mass communication, 4th ed. (New York: Longman, 1982).

²² J. Anderson and T. Meyer, Mediated Communication: A social action perspective (Newbury Park, CA.: 1988).

²³ J. McLeod and B. Reeves, "On the nature of media effects," in Television and Social Behavior: Beyond violence and the children, eds. S.B. Withey and R.P. Ables (Hillsdale, NJ.: Earlbaum, 1980), 59-60.

²⁴ J. Klapper, The effects of mass media (Glencoe, IL.: Free Press of Glencoe, 1960),

²⁵ S. Lock, Crime, Public Opinion, and Civil Liberties: The tolerant public (Westport, CN.: Praeger, 1999).

Those attributes interact with mass media content to shape the public consciousness, providing a foundation for organizing knowledge people have of their own lives.²⁶ Knowledge obtained from media contributes to a constructed image of the reality and acceptability of law enforcement procedures and behaviors.²⁷ That image, projected through an echo effect, is imposed upon other and future cases.²⁸ Conceptually, the echo effect is linked to exemplification theory.²⁹

Exemplification theory holds that similar media depictions of more or less like events are categorized as exemplars by media content consumers and, as exemplars, provide an inductive foundation for generalization of media-constructed versions of reality. Those generalizations are the product of a representativeness heuristic, which Zillmann argues provides the foundation for induction, without regard to the number of exemplars contained in a sample.³⁰ Among the consequences is that media effects extend to similar, though unrelated and unpublicized cases, influencing judgments of jurors and others.^{31/32}

Empirical work has demonstrated that exposure to local and national newspapers predicts cognitive effects with regard to policing issues.³³ The media treatment of the beating of Rodney King by a gaggle of Los Angeles police on March 3, 1991, cast the affair as a typical incident of police behavior, where brutality is standard operating procedure.³⁴ A consensual construction of the way justice is administered flows from such mass communicated perspectives, which often resolve for the public ambiguity associated with interpretation of events.³⁵ Following the assault on King, 86 percent of Blacks, 76 percent of Hispanics, and 45 percent of Whites interviewed believed the behavior was endemic to the Los Angeles police department, suggesting that what might have been seen as an isolated incident instead was generalized. A similarly generalized perspective grew out events described above in which police used a broken broom handle in the jailhouse rape of Abner Louima.³⁶ Such mass media scrutiny illuminating police transgressions produces intense criticism, where police behavior violates community norms.³⁷ Though neither of these internationally notorious cases were ones to which subjects in this investigation were exposed, it is reasonable to imagine that effects on those exposed would be akin to effects demonstrated by this research. While there is no contention that media representations provide the exclusive foundation for the induction, it seems improbable that media exposure plays no part.

²⁶ D. McQuail, "Introduction," in Sociology of Mass Communications ed. D. McQuail (Harmondsworth: Penguin, 1972).

²⁷ R. Surette, "Media and the construction of crime and criminal justice," in Media crime and criminal justice (Belmont, CA.: Wadsworth, 1998), 1.

²⁸ Ibid, 79.

²⁹ D. Zillman, "Exemplification theory of media influence," in Media Effects: Advances in theory and research, eds. J. Bryant and D. Zillman (Mahwah, NJ.: Erlbaum, 2002), 19-42.

³⁰ Ibid, 27.

³¹ R. Surette, "Media and the construction of crime and criminal justice," in Media crime and criminal justice (Belmont, CA.: Wadsworth, 1998), 91.

³² Edith Green, "Media effects on jurors," Law and Human Behavior 14 (5) (1990): 439-450.

³³ D. Drew and D. Weaver, "Media Attention, Media Exposure, and Media Effects," Journalism Quarterly 67 (1990), 4.

³⁴ R. Surette, "Media and the construction of crime and criminal justice," in Media crime and criminal justice (Belmont, CA.: Wadsworth, 1998), 13.

³⁵ Ibid, 4.

³⁶ R. Weitzer, "Incidents of police misconduct and public opinion," Journal of Criminal Justice 30 (2002): 397-408.

³⁷ R. Kasinsky, "Patrolling the facts: Media, cops, and crime," in Media, process, and the social construction of crime ed. G. Barak (New York: Garland, 1994), 203-236.

Behaviors or judgments motivated by assessments of police credibility are linked to exposure to and interpretation of such media content.^{38/39} A definitive construction of police credibility, as it relates to development and presentation of evidence, is contingent upon access to media resources. Where access is available and media sources are credible, audience members are more likely to hold negative attitudes toward police and the courts.^{40/41} Weitzer concludes that media reports of police misconduct negatively bias public perceptions of the police and that such perceptions erode slowly.⁴²

Though media messages may be polyvalent, susceptible to multiple interpretations, leaving some to view depictions of police malfeasance in a he-(or she)-must-have-had-it-coming light, others may be less forgiving, particularly when news, as it often does, portrays police as generally ineffective, inept martinets.^{43/44}

Such subjective social realities provide a basis for social action that ensures the maintenance and persistence of objective reality, including institutional realities.⁴⁵ From this perspective, both newspapers and a system of jurisprudence become socially constructed institutions (Goldman, 2001).⁴⁶

Adoni and Mane (1984) identify two basic research approaches in investigations of the social construction of reality. The first focuses on the social construction of reality in relation to culture and society, the second on the social construction of reality as a media effect. The latter applies in the present research. The present investigation concentrates on ways in which newspaper content influences subjective social reality constructed by members of a relatively young sample of presumptively libertarian bent.⁴⁷

Methodology

A post-test only, control group experimental design was employed in conducting this investigation. The design avoids threats to validity posed by the multiple exposure of respondents to the same instrument (Babbie, 1989, p. 221). The instrument employed was

³⁸ S. Baran and D. Davis, Mass Communication Theory: Foundations, Ferment, and Future (Belmont, CA.: Thomson/Wadsworth, 2003), 313.

³⁹ F. Carpentier, B. Roskos-Ewoldsen, and D. Roskos-Ewoldsen, "Media Priming: A synthesis," in Media Effects: Advances in Theory and Research, eds. J. Bryant and D. Zillman (Mahwah, NJ.: Erlbaum, 2002), 97.

⁴⁰ G. O'Keefe and K. Reid-Nash, "Crime news and real-world blues: The effects of media on social reality," Communications Research 14 (2) (1987): 147-163.

⁴¹ D. Dillman, P. Hirschburg, and S. Ball-Rokeach, "Media system dependency theory: Responses to the eruption of Mount St. Helens," in Media, audience, and social structure, eds. Sandra Ball-Rokeach and Muriel Cantor (Beverly Hills, CA.: Sage, 1986).

⁴² R. Weitzer, "Incidents of police misconduct and public opinion," Journal of Criminal Justice 30 (2002): 406.

⁴³ T. Chircos, S. Eschholz, and M. Gertz, "Crime, news, and fear of crime: Toward an identification of audience effects," Social Problems 44 (3) (1997): 342-353.

⁴⁴ R. Surette, Media, crime, and criminal justice: Images and realities (Pacific Grove, CA.: Brooks/Cole, 1992), 249.

⁴⁵ P. Berger and T. Luckman, The Social Construction of Reality: A Treatise in the Sociology of Knowledge (Garden City, NY.: Anchor Books, 1966), 51.

⁴⁶ Alvin Goldman, "Social Epistemology," in The Stanford Encyclopedia of Philosophy, ed. Edward N. Zalta, Spring 2001 ed. (Stanford, CA.: Stanford University Press, 2001).

⁴⁷ H. Adoni and S. Mane, "Media and the social construction of reality: Toward an integration of theory and research," Communication Research 11 (3) (July, 1984): 323-340.

constructed to assess the degree to which reading newspaper accounts of past events influences future judgments, including judgments related to similar but unrelated matters. Three hypotheses were tested. The first of the three was explicitly designed to test exemplification theory and hypothesized echo effects. H2 is related to H1, in that evaluations of typicality flow from exemplars and are central to projective constructions of reality. H3 is concerned with more general issues of media effects and their influence on constructions of reality.

H1: Test group respondents will report lower scores than will control group respondents on projective measures of evidence quality proffered at trial by law enforcement officials.

H2: Test group respondents will report lower scores than will control group respondents on measures of the typicality of evidence contamination by police.

H3: Test group respondents will report lower scores than will control group respondents on projective measures of trust in the United States jurisprudence system.

Lower scores, in each case, suggest the construction of a reality that is less hopeful, more negative, and biased against the system. Projective measures involve questionnaire items designed to elicit information about how respondents believe they will react to future events.

Methodologically, studies of social epistemology invite application of a variety of approaches, the fundamental choice driven by whether research is descriptive or normative.⁴⁸ In the present investigation, the emphasis is descriptive, though the methodological approach provides also a foundation for explanation and claims of causality.

In executing the experiment, a sample of university student volunteers (N=310) were randomly assigned to a test group (n=157) and a control group (n=153). Random assignment to two subsamples reduces concerns that might otherwise exist with regard to sample quality and generalizability of research results. Additionally, impediments to statistical generalization and threats to external validity that may arise from the sampling protocol are substantially mitigated by the potential for analytical generalization.⁴⁹

The control group completed a questionnaire designed to measure the following variables:

- Frequency of newspaper reading
- Time spent reading newspapers
- Effects of reading on readers' values, beliefs, attitudes and behaviors
- Perceptions of newspaper story accuracy.

The questionnaire also measured beliefs related to the fairness of criminal trial proceedings and quality of evidence.

The test group completed a similar questionnaire designed to measure the same reader and newspaper variables. However, before responding to questions measuring beliefs related to criminal justice proceedings and evidence quality, participants read copies of four newspaper stories published in the *Los Angeles Times*. The stories constituted exemplars of a category of police behavior involving manipulation of evidence. All articles appeared in weekday editions of the newspaper. Articles were of varying length, some including photography and others not. Because it was expected that article length and photographic embellishment might affect article influence, respondents in the test group were asked to rank order the impact of each article on measures of confidence in the probity of the criminal justice system, particular with respect to evidence quality.

⁴⁸ Alvin Goldman, "Social Epistemology," in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta, Spring 2001 ed. (Stanford, CA.: Stanford University Press, 2001), 10.

⁴⁹ Robert K. Yin, "Case study research: Design and methods. (2nd ed.). (1994). Thousand Oaks, CA.: Sage Publications, 31-32.

The first account was 25-inch-long story that included a photograph of one of those charged in a Texas drug case in which 38 defendants, mostly black, were convicted on cocaine trafficking charges. A judge ruled the convictions should be overturned, because all parties to the proceeding agreed testimony of the investigator in the case was probably perjurious.

A second article of about four column inches, without accompanying photography, recounted events in a Florida case in which, according to prosecutors, 11 Miami police officers planted guns on unarmed suspects they had shot, then lied under oath to protect themselves.

The third story, a 22-inch article published without photography, detailed involvement of more than a dozen Los Angeles police officers in a variety of criminal acts, including firing a shotgun at an unarmed suspect. Police later brought a rifle to the apartment where the assault occurred, removed their fingerprints from the weapon, and placed it near the wounded man's hands. In a separate incident, another unarmed suspect was shot by police, who then falsely claimed the man was holding a loaded .38 caliber handgun. Perjured testimony in these and other cases involving the same officers resulted in convictions of more than 100 suspects.

Finally, a six-inch item containing a photograph of a Los Angeles deputy district attorney, recounted details of an incident in which two police officers released a gang member on the border of a rival gang's turf. The 16-year-old was shot to death, presumably by members of the rival gang. Police involved then lied about their behavior. The deputy district attorney investigating the case said the lies obstructed justice and cast doubt on other statements made about the case.

To account for the possibility that some respondents in the test group might have had previous and possibly repeated exposure to the same stories, either in print or electronic form, or stories concerning the same events, two precautionary measures were taken. To minimize the possibility that earlier exposure might influence responses, articles selected were a number of months old, reducing or removing influence associated with recall. Additionally, respondents were asked if they remembered having read or seen previously any of the articles or other articles dealing with the same matters. To provide a basis for analysis of possible variable interaction involving jury participation and the influence of the exemplar articles on judgments of evidence credibility, respondents were asked whether they had served on either civil or criminal juries. Data analysis controlled for jury experience and for the influence of previous exposure to accounts of the same events, thus ensuring that effects reported were attributable to the experimental intervention.

Following the work of other investigators, a number of additional predictors of attitudes toward police were measured, including libertarianism, age, race, ethnicity, and personal experience with law enforcement.⁵⁰ Those results are included here in a post hoc analysis.

Results

Data were coded and entered into an SPSS file for analysis. Six measures of trust in the legal system were tested for reliability. The measures involved the degree to which respondents believed the legal system to be fair, the degree to which they believed trials to be generally fair, the degree to which they believed evidence educed at trials to be true, and an evaluation of the honesty of law enforcement officials in developing and presenting evidence. Cronbach alpha was .78.

To test H1, an analysis of variance compared test and control group responses on the following item: "How confident would you be, if you were asked in the future to serve as a juror in a criminal

⁵⁰ R. Weitzer, "Incidents of police misconduct and public opinion," *Journal of Criminal Justice* 30 (2002): 397-408.

trial, that you could base a decision on truthful, complete evidence?" The hypothesis, that the test group would report less confidence than the control group, was supported ($F [1/241] = 8.55, p < .01$). Two inferences follow. Media content was instrumental in influencing a construction of reality that stands opposed to the conventional view of trial proceedings as relatively pristine. Additionally, the news stories appear to have been treated as exemplars, generating echo effects and implicating a representativeness heuristic. A projective evaluation congruent with the prediction of exemplification theory is evident. That inference is supported by the belief among test group respondents that behavior chronicled in the newspaper articles is typical of police. Of 145 responses, 118 evaluated the behavior as somewhat to very typical ($m = 2.06, sd = .65$). H2 was also supported ($F [1/248] = 25.38, p < .01$). Members of the test group scored lower than control group members when asked how honest they believed police and other law enforcement officials were in developing and presenting evidence. Here again, news articles provided exemplars of the fabrication or distortion of evidence by police, creating a negative reality of law enforcement credibility and contributing to projective expectations of contaminated judicial proceedings.

To test H3, an index was constructed consisting of composite scores from two questionnaire items, each concerned with general impressions regarding fairness of trials and, more broadly, the United States criminal justice system. The hypothesis, that test group respondents would view both less positively than would control group respondents, was supported ($F [1/251] = 11.88, p < .01$). Here, again, exposure to media reports was instrumental in the construction of a negative reality.

Post hoc analysis

A post hoc analysis found no statistically significant relationship for either test or control group between gender, ethnicity, church attendance, family income, or political preference, and responses to any of the six measures involved in hypothesis testing. Neither were there statistically significant relationships among any of those variables and whether or not respondents had been the victim of a crime, the target of law enforcement activity, were acquainted with law enforcement officers, judges, or attorneys, or had served as jury members.

The inference is that where statistically significant differences were found, they were attributable to the influence of the experimental intervention, and not demographic or value-based differences or personal experience. Moreover, among the relative few members of the test group ($n = 25$) who recalled having previously read newspaper coverage of the same or incidents similar to those to which they were exposed in the experiment, there was no statistically significant relationship with any of the six measures used to test hypotheses.

A subset of 32 subjects in the treatment condition was asked to rank the four newspaper articles that served as stimuli in the experiment (see Methods section) with regard to the impact of each article on the subject's perceptions of fairness in the United States criminal justice system. Thirteen subjects ranked the article concerning the Texas case in which multiple defendants were convicted of drug charges as exerting the greatest impact on a negative evaluation of probable truthfulness and completeness of evidence presented at trial, $r(31) = .40, p < .05$. The story included a photograph of one of the defendants.

Eleven subjects indicated the fourth article exerted the most influence on perceptions of fairness. This six-inch item, concerning the murder of a 16-year-old dropped off by police in a rival gang's territory, included a photograph of a deputy district attorney. Here again, subjects indicated they were less likely, as potential jurors, to have confidence in the truthfulness and completeness of evidence presented at a trial, $r(31) = -.40, p < .05$. The other two articles were selected by too few subjects to permit meaningful analysis ($N < 10$). The inference is that articles related to law enforcement malfeasance that contain photography are more like than those that do not to

prejudice readers against the system. Article length was unrelated to judgments of trust and fairness.

Discussion

This research examined the influence of newspaper articles on beliefs about the operation of the criminal justice system in the United States. It is evident that a negative construction of reality emerges from exposure to newspaper content chronicling evidence tampering by law enforcement officials. Respondents in a test group exposed to four articles exposing police malfeasance scored lower than their counterparts in a control group on each of six dependent variables measuring faith in the legal system.

In addition, the investigation tested the predictive capacity of exemplification theory. Exemplification theory holds that environmental phenomena, in this case newspaper articles, serve as exemplars referenced through a representativeness heuristic in making judgments about future events. The prediction that exposure to articles would result in a projective mistrust of judicial process was supported, with accompanying implications for contamination of legal process. Mistrust, particularly among jurors, may influence trial outcomes. It is evident, as well, that the editorial decision to employ photographic accompaniment in support of such stories influences effects. Where photography is used, effects of exposure are intensified.

It was found that an echo effect accompanied newspaper accounts of police malfeasance, with the accounts being employed as exemplars in framing a negative construction of reality. Hypotheses tested were supported.

It is clear that public faith in the justice system is eroded by behavior of law enforcement officials who engage in activities resulting in evidence contamination. Moreover, and more importantly, the erosion is projective. Not only does it apply to the present specific case, an inductive inference is made that imposes that current construction of reality upon future occurrences. Where a cloud of doubt is cast over official credibility, the potential for miscarriage of justice is acute. In looking toward extension of this research, the involvement of other populations is important. Future work needs to be conducted among more ethnically and racially diverse, less affluent groups involving a more representative age demographic, and more diverse political positions. Such investigations need also to involve media other than newspapers, both print and electronic. It is important, as well, to investigate empirically the theoretical assumption that the size of a sample of exemplars is unrelated to size of effect. It is reasonable to imagine that a greater number of exemplars will produce a greater effect, reaching some optimal point beyond which effects may begin to plateau or erode.

In looking toward extension of this research, the involvement of other populations is important. Future work needs to be conducted among more ethnically and racially diverse, less affluent groups involving a more representative age demographic. Such investigations need also to involve media other than newspapers, both print and electronic. It is important, as well, to investigate durability of effects, and the possibility of decay over time, lacking reinforcement through periodic re-exposure.

Finally, news coverage of police malfeasance occurs in a broader context that frequently depicts police behavior as neutral or positive. The same range of depictions occurs in entertainment fare. Further inquiry should test the strength of echo effects, when negative stories are intermingled with ones that are neutral or positive.

In assessing the defensibility of media treatment of police misbehavior, normative imperatives need to be taken into account. Media have been assigned, implicitly and often explicitly, a social

responsibility mandating illumination of individual and institutional transgressions, including those associated with law enforcement.⁵¹

While it is the case that exposure may provide fertile ground requisite for the growth of mistrust, it is equally true that public constructions of an abhorrent reality and consequent demands for remedial action are contingent upon exposure. It is this reality that justifies – and that should motivate – editorial decisions making prominent coverage of conduct conflicting with public morality.

Those involved in news production, including publishers, editors, directors, producers, reporters, and others, set a public agenda that informs democratic process, and that process is inseparable from the rule of law. It is incumbent upon media that the machinations of public institutions, including law enforcement, be viewed critically, and violations of public trust reported. To do less is an abdication of an implicit social contract, and erodes the ability of the public to participate effectively in construction of public policy and governance of its own affairs.

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