

MARIN COUNTY BAR ASSOCIATION

The True Crime Genre and Public Perception of the Criminal Justice System

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BY CHARLES DRESOW



True crime stories have always fascinated the general public. Truman Capote's *In Cold Blood* was enormously profitable and is generally accepted as spawning the modern genre of true crime. No matter what the medium—print, video documentary, miniseries or podcast—the genre focuses on tracing an actual crime from commission through trial and aftermath. Explorations of cold cases and documentaries challenging the correctness of convictions are both popular sub-genres.

Some true crime documentaries and podcasts are now being released during the pendency of a proceeding rather than after the criminal justice system's role has ended. These pieces shine a particular spotlight on the criminal justice system and the individuals who populate it. I reached out to my friend Vince Mancini, who is a graduate of Columbia's non-fiction MFA program, is the Senior Film and Culture Writer for Uproxx and a true crime podcast connoisseur, to discuss how he sees the new entrants into the true crime genre impacting the criminal justice system.

Does the true crime genre's coverage and analysis of the criminal justice system impact popular culture?

It's a little early to say exactly how true crime and investigative documentaries are influencing pop culture, other than that their success spawns more of them. True crime never went totally out of fashion, but it definitely seems to be having a renaissance thanks to the greater access to documentaries from the streaming services and the growing popularity of the podcast as a medium. A serialized podcast is a great medium for these kinds of stories.

What impact on the general public's understanding of the criminal justice system will there be from true crime stories focusing on wrongful convictions or on the theme of unjust convictions that must be righted?

I'm mostly speculating here, but I imagine the popularity of these kinds of wrongful conviction stories will lead to a greater awareness among the general public that the criminal justice system isn't as fair/impartial/infallible as we like to imagine. Cops can be wrong. Prosecutors can be wrong. Or even corrupt. Even DNA evidence can be wrong, and ballistics is nowhere near the exact science we once imagined. I have to imagine there's a greater awareness of that. We had *The Fugitive*, sure, but for a long time the dominant impression of the police was *Dragnet*, *Law and Order*, *Homicide*, *CSI*, *NCIS*, et al., i.e., high tech, by the book, hyper-competent. I have to think that with *Making a Murderer*, *Serial*, *In the Dark* – and going back a little further, *Paradise Lost* – there's a much higher awareness of how wrong the justice system can get it, and of the kinds of screwups cops and prosecutors can make, and the different types of pressure they're under.

What type of relationship do the reporters or authors of these true crime stories have with the lawyers, judges and other real-life individuals who populate the stories?

Lawyers and journalists are doing the same job in a lot of ways: trying to tell a compelling story. It's symbiotic, because journalists rely on lawyers for access and lawyers rely on journalists for exposure. I suppose you can speak to what the danger for lawyers is, but for journalists the danger is always that you won't do your due diligence and you'll get fed a false story. And it only takes getting caught in one lie or screwup to forever destroy your credibility. Lawyers have the burden of advocacy, which to some degree the writer doesn't, but on the flip side the journalist has the responsibility of truth telling.

How fair and/or accurate are the modern true crime podcasts, documentaries and other types of true crime media?

From what I've seen so far as someone who is pretty well immersed in these things, most of the journalism has been pretty top notch, with a lot of non-profit and public radio and public media journalists doing a thorough and fair job. As it becomes more of a business though, I do worry that someone is going to get sloppy and fudge facts and then sort of ruin it for everyone. And of course, there's a limit to what exposure can accomplish.

Do you think that true crime documentaries that showcase injustices or attempt to overturn a real world conviction can have an impact?

Brendan Dassey [from Making a Murderer] has gotten a few more appeals and hearings, but from what I understand, he's still in prison. Which is kind of incredible. So I think there's a greater awareness of how damned hard it really is to right a wrong.

Today's true crime stories are increasingly shining a spotlight on the failings of the criminal justice system and challenging the public image of that system as infallible, an image built in part by other modern media portrayals. While it remains to be seen what the long-term effect on that image will be, perhaps it will help create a more accurate perception in the broader public's mind.

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