IMPLICATIONS OF INACCURATE REPRESENTATION IN CRIME AND PRISON TELEVISION DRAMAS

Honors Thesis

Presented in Partial Fulfillment of the Requirements

For the Degree of Bachelor of Arts in English

In the School of English
at Salem State University

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Commonwealth Honors Program
Salem State University
2021

ABSTRACT

The criminal justice system in the United States is extremely discriminatory against Black and Latinx people in particular and has many issues with racial disparities. Mass incarceration, legal discrimination, and unsafe prison conditions are only some of the problems that the system is facing. Black people have been disproportionately targeted by this system, as they have always been subject to over-policing and racism in the law, though Latinx people are also overrepresented in the system in comparison to the general population. The establishment of the War on Drugs in the 1980s only expanded these practices, and now the criminal justice system is at its breaking point. Media culture plays a role in shaping public sentiment about the criminal justice system. Television dramas about crime and prison sensationalize the system by encoding harmful narratives about crime and prison, which leads to audiences to decoding stereotypical and sensational messages. Using Stuart Hall's encoding/decoding model of media communication, this project investigates the impact of television dramas on viewers' perceptions of crime, prison, and the criminal justice system. I analyze two popular television dramas, *Law & Order: Special Victims Unit* and *Oz*, in relation to research on the realities of the criminal justice system and the impact of television on viewers. My analysis demonstrates that there are many ways in which these programs perpetuate harmful and inaccurate messages and stereotypes to viewers about crime, prison, criminals, and the criminal justice system due to inadequate representation, lack of productive discourse about crime and prison, and racist imagery encoding.

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ACKNOWLEDGEMENTS

There are a few people that I would like to thank for not only their involvement with this project, but also their continued support and assistance throughout my college career. First and foremost is my thesis and university advisor Dr. Roopika Risam. Dr. Risam has provided me with endless support and guidance throughout my time at Salem State, and always seems to have an answer for any question or idea that I have. Her knowledge and expertise about writing, research, and crime shows have helped me immensely with this project, and have taught me skills that I will use for a lifetime. Even though I am not pursuing what I initially planned, and what Dr. Risam was supposed to advise me in, she has always been there for me and my future. I truly would not be where I am today without her help.

I would also like to thank my parents and best friend, Sarah, for their unwavering support and love. They have all constantly been there for me throughout my journey, and have provided me with a listening ear any time I have needed it. I cannot wait for life's next adventure knowing that I will always have them by my side.

INTRODUCTION: The Relations Between Media and the Criminal Justice System

Media, particularly television media, is a popular way for the general public to learn about society, whether through news media, television series, or films broadcasted on television networks. This thesis examines the messages that crime and prison television programs transmit to viewers by analyzing individual episodes, scenes, and characters of *Law & Order*: *Special Victims Unit* and *Oz*. Both of these shows have records, per se. *Law & Order*: *SVU* is the longest running crime drama on air and *Oz* was the first prison drama to depict life inside prison. Viewers of these programs learn from them, and the information that is being encoded in each of these programs promotes false information and a sensationalized view of law enforcement. The realities of the criminal justice system are not being broadcasted, even with the multitude of opportunities afforded by the television medium.

In the United States, about 97% (Stelter) of households possess at least one television in their homes and millions of Americans actively use online video streaming subscription services, making television an extremely accessible way to provide viewers with a variety of genres of news and entertainment. Gerbner, George, and Gross emphasize that television is a "central cultural arm" of society that can lead to the spread of ideas (Gerbner, George, and Gross 172-199). A study done by Moon J. Lee et al. states that the cultural presence of television can lead to these ideas being internalized and believed by viewers (Lee et al. 95-110). By analyzing the television-viewing habits of university students and their perceptions of specific racial demographics, they were able to prove this. Heavy television viewing showed a positive correlation to the amount of racial stereotypes believed by the students. Similarly, Sarah Eschholz, Ted Chiricos, and

Marc Gertz conducted a study about media and fear of crime that suggests that program content can determine fear of crime in adults that watch television. Their findings show that racial composition of neighborhoods and program type can all affect the amount of fear that adults have of crimes in these neighborhoods (Eschholz, Chiricos, and Marc 395–415).

Prison and crime television has gained an immense amount of popularity over time. Fictional crime and prison programming often dramatically depict the procedural process of capturing and imprisoning criminals from a law enforcement point of view, as well as life inside prison from prisoners' point of view. Hundreds of these shows have been produced over the course of television history, such as *Brooklyn 99*, *CSI*, *The Wire*, *Law & Order*, *Law & Order*: *SVU*, and *Oz*, making it easy for viewers to choose favorites and grow attached to particular characters and storylines. *Law & Order*: *SVU*, which I examine here, places emphasis on the police perspectives of the criminal justice system. The show follows law enforcement professionals on their missions to capture criminals and solve crimes. In contrast, *Oz*, which I also discuss, shows a fictional prison and life within it. Perspectives from various characters are shown, as drama within the prison unfolds. Crime and prison dramas serve as an imaginative resource for viewers, and ultimately provide many of them with a source of information about the subject.

Taking into account the influence of television on perceptions of the judicial and criminal justice systems, how can we understand the processes by which audiences form ideas of them based on television consumption? Numerous media theories have sought to examine how information is communicated to and received by viewers. Stuart Hall's "Encoding/Decoding" theory of media communication offers a valuable framework for

understanding how audiences imbibe messages about the justice and prison systems. Television producers and writers participate in the process of "encoding" -- producing a message and broadcasting it through a combination of scenes, symbols, and themes in television (Hall 4). In the case of crime and prison dramas, these messages focus on a variety of themes about the prevalence of crime, criminals, and the cities in which crimes occur. Audiences then "decode" these messages based on their own knowledge of the subject and their personal beliefs (Hall 4). Sometimes the decoding by audiences aligns with the messages that were originally encoded in the programs by media producers, and sometimes it does not. Effective communication relies on the messages being interpreted as intended; for Hall, this is the "dominant position" (Hall 9). Sometimes, however, viewers only partially decode the message as originally intended; for Hall, this is the "negotiated position" (Hall 17). A third possible outcome is viewers do not accept the intended message at all, exclusively due to personal opposition, not misunderstanding; Hall calls this the "oppositional position" (Hall 17). Distortion of meaning can also occur if there are different degrees of understanding between producers (encoders) and viewers (decoders) (Hall 4). Moreover, audiences may reproduce various elements of the decoded message, when they take real-world action after they have been exposed to the message. No specific decoding response is ever guaranteed no matter how many messages are encoded (Hall 18).

The accuracy of the encoded messages in television shows about crime in the United States and the motives behind some of the producers that are encoding messages about it are subject to debate. According to Gerbner, George, and Gross, television can influence viewers' perceptions of reality (Gerbner, George, and Gross 173). Therefore, if

encoded messages are inaccurate and damaging to viewers' perceptions of the criminal justice system, then audiences that decode these messages develop inaccurate views of the system simply based on what producers of television shows have encoded in their programs. Michelle Alexander discusses this phenomenon in her book, *The New Jim Crow*, which examines how the older Jim Crow system of racial injustice has been reproduced through the War on Drugs. For shows like *Law & Order*, Alexander explains that the action is usually shown from the perspective of a charismatic law enforcement officer who overcomes personal obstacles to capture a criminal. This is the message encoded by producers, and these shows lead viewers to decode the message that the primary focus of the criminal justice system is to protect citizens and keep our society safe from criminals. According to Alexander, however, this could not be further from the truth. Some producers may encode incorrect messages purposefully in order to transmit myths and false information into society, while many do it for the plain purpose of providing entertainment and increasing viewership.

Like Alexander, Angela Davis, in her book *Are Prisons Obsolete?*, critiques media representations of the criminal justice system. Focusing on the prison drama *Oz*, Davis points out that viewers often think that they know what happens in maximum security prisons just by watching these fictional programs. Davis states that "our sense of familiarity with the prison comes in part from representations of prison in film and other visual media" (Davis 17). *Oz* is riddled with violence, and the messages that are encoded in the program convey extreme violence in prison environments. Creators of such programs intentionally use the graphic imagery to attract viewers and appeal to senses of voyeurism in specific audiences. However, the messages that are decoded by audiences

lead them to believe that prison life actually resembles the representation provided in the show. These perspectives perpetuate the idea that law enforcement and prisons are a key positive aspect of our society, and that their function is as described in the media.

Trait voyeurism refers to the enjoyment of having access to information or experiences that would otherwise be inaccessible or perceivably inaccessible (Baruh 201-221). The vast majority of studies about this have been done on reality television, particularly the idea of watching celebrities live lives that are unattainable to the general public. Lemi Baruh uses trait voyeurism to explain the rising popularity of reality television as well. The study shows that presence of trait voyeurism is associated with enjoyment of reality television. Furthermore, her analysis proves that the amount of voyeuristic programming available is positively related to the amount of voyeuristic programming consumed. That is, to say, that the more voyeuristic programming there is, the more people will continue to watch (Baruh 202). This specific category of voyeurism is relevant to viewers of crime and prison television for a number of reasons. The first relates to message decoding; audiences can decode the messages that producers encode, but some viewers do not bother to fact check what they have decoded and believe that media representation aligns with real world. Crime and prison television belong to the broader genre of "realism" but, as I argue, crime and prison television are far from realistic.

Audience perception of realism is particularly relevant when discussing television shows like *Oz*. *Oz* is the first show in the United States to focus exclusively on prisons and prison life, and viewers of the show were blown away by the graphic and gritty nature of it. According to online reviews from Reddit, to these viewers, prison life was

formerly an inaccessible part of society, facilitating fascination with the "other" side of the population that is in prison. They embraced the graphic nature of the show as an educational opportunity ("One of my"). It must be emphasized that creators of the program directly encoded the message that *Oz* is a realistic interpretation of prison life, particularly when marketing the show. The main poster for the program has the phrase, "You're Inside Now" written on it (Fontana), implying that the program is going to bring the viewer inside the prison to see what it is like. Because viewers were not familiar with the prison system but were simultaneously fascinated by it, they blindly took their decoded messages and images as fact. Similarly, because *Law & Order*: *SVU* is about a police department, which is a common fixture in everyday life, audiences assumed that the messages in the show applied to real, local police departments as well. Additionally, people enjoy the decoded narrative that has been created about the "other" (in these cases, prisoners and criminals that are being caught by police) through television precisely because they are viewing the "other"; they can watch people in misery from the comfort of their homes knowing that they will never have to experience the horror that occurs on television.

Television has normalized this type of voyeurism and has encouraged the creation of more television programs that demonstrate it, hence the proliferation of television shows that focus on crime. While *Oz* was the first of its kind, it opened the door for many other prison shows to follow, such as *Orange Is the New Black*, *Wentworth Prison*, *Prison Break*, and many more. The same has happened with the continual development of police and crime shows. The sheer volume of these shows leads viewers to develop more and more false perceptions of what the criminal justice system is actually like.

These misconceptions have caused the lines between television and reality to blur. The stereotypical characters and plots that are showcased in these programs can be detrimental to the real-world perceptions of the horrific realities of crime and prison, which can be detrimental to society as a whole. These blurred lines can become particularly problematic when discussing policies and procedures regarding the prison system, and the systemic inequalities that the American criminal justice system actively works to uphold.

These inequalities are frequently studied, and will be further explored in Chapter 1. This chapter argues that inaccurate messages about crime and prisons encoded and decoded in television media perpetuate misinformation and lack of education around the realities of the system. Furthermore, these inaccuracies allow injustice to carry on in society because the general public, who learns a lot from television media, develops prejudices towards the individuals and communities that are most affected by unfair systems. It is crucial to explore the reality of the system and compare it to media because, as stated above, inaccurate media representation can be harmful to public perceptions of crime, which can therefore be harmful to the people and communities that are affected most by crime. The extent of this harm and its lasting effects must be questioned as well, as the popularity of crime and prison television will continue to grow, particularly as new generations watch these programs. The specific examples of harmful imagery in Chapter 2 are important to investigate because they provide insight into the damage that has already been done. Fully understanding and spreading this knowledge could aid in stopping this misinformation and allowing further harm.

CHAPTER 1: *Law & Order: SVU*, Ongoing Problems with the Procedural Side of the Criminal Justice System, and Issues with Encoded Media Messages

The inequalities of the criminal justice system are rampant, and advocates have been pressuring lawmakers to take action for decades. The details of these injustices are essential to understanding the importance of accurate representation in criminal justice dramas. Michelle Alexander's *The New Jim Crow* demonstrates these ideas. In her book, Alexander describes the United States' prison system as a "racial caste system" (12) and discusses how the criminal justice system targets people of color, namely Black and Latinx people, more than any other demographic. Alexander explains that once one is convicted a felon, forms of discrimination once designated to African Americans during the Civil Rights Era become perfectly legal in modern-day. Some of these forms include, "employment discrimination, housing discrimination, denial of the right to vote, denial of educational opportunity, denial of food stamps and other public benefits, and exclusion from jury service" (Alexander 12). Racial discrimination in the United States has not been abolished, but, rather, reassigned. Much like slavery and Jim Crow, mass incarceration of people of color operates systemically and involves a tightly knit network of laws, policies, and institutions that ensure that discrimination still persists in the United States. Angela Davis discusses similar themes in her book *Are Prisons Obsolete?*. Davis stresses the relationship between systemic racism and mass incarceration and argues that even though slavery was abolished, racial segregation and discrimination has continued to persist. Davis also emphasizes the importance of transforming not just the system, but society and its perceptions as a whole (Davis 20).

Both Davis and Alexander suggest that while racial discrimination persists despite the abolishment of slavery and the end of Jim Crow, the general public can be wholly unaware of the atrocities of the system if they have not experienced it firsthand and are getting their information through crime dramas. Crime dramas encode inaccurate information, which viewers then decode, allowing them to develop erroneous conclusions about what the criminal justice system is actually like. Alexander explains that for shows like *Law & Order*, action is usually from the perspective of a charismatic law enforcement officer who overcomes personal obstacles to capture a criminal (Alexander 116). This encoded message by producers perpetuates harmful decoding and offers viewers little knowledge of the system. To an unsuspecting viewer (i.e., one who is not familiar with the encoding/decoding system or one who is watching these shows expecting realism and accurate information) of *Law & Order*, this show could be the only exposure they have to a detective. This allows viewers to believe that the incredible feats that are accomplished by on-screen detectives are also accomplished by real detectives, and they may never learn about the realities and hardships of the job, nor will they learn about its extremely discriminatory role in society. This is just one example of the ways crime dramas contribute to audiences' inaccurate perceptions of the legal system.

Encoding Racial Biases

The *Law & Order* franchise, collectively, has aired 1,180 episodes and counting. The franchise is owned by NBC, and all of the series in the franchise have been available on network television, cable television, and streaming service providers like Hulu, Peacock, and Amazon Prime Video as re-runs since they first aired. *Law & Order*: *Special Victims Unit* (*SVU*) has aired for 22 years, making it the longest-running

television drama in history (Blake), and it has been renewed through 2023. Each series in the franchise is about some aspect of policing, and *SVU* specifically covers the New York Police Department's Special Victims Unit, which addresses sexually-based crimes. As *SVU* has been on the air for so long, it seems as though it would be an effective vehicle for addressing some of the issues with the criminal justice system, specifically within police departments and over-policing. This, however, is not the case.

The show is set in New York City, a racially diverse city – one that is constantly plagued with the injustices of the criminal justice system – and follows a group of detectives and police officers in the Special Victims Unit, notably Olivia Benson, along with a rotating roster on the squad including Elliot Stabler, Odafin "Fin" Tutuola, and John Munch. These detectives are encoded by producers as heroes, who are there to protect the public from the scourge of crime in the city. Despite small changes in more recent seasons, the show does not take a critical look at policing. In Season 22, Episode 9, "Stabler Returns", the long-absent Stabler returns after a decade away, only to realize that the violent tactics he previously used to interrogate suspects are no longer permissible in the era of scrutiny over police brutality — and he views this as a problem, not as a reform. While *SVU* does call attention to sexually based crimes, the show rarely addresses the discrimination that occurs within investigating those crimes, the bias that police officers have when investigating crimes of any sort, and the inefficient and unfair ways that crime is handled in the criminal justice system.

These issues are extremely common when investigating sexual assault cases, as perpetrators are often racially profiled by witnesses and police officers. Because critiques of these biases are not encoded in the shows, audiences receive the biases as legitimate.

The concept of using gritty realism to give audiences access to the "other" inaccessible side of the population —to criminals and crime —has kept this model in business. The criminals in these shows are always caught doing heinous things that the general public would never do, allowing the audience to feel validated in believing that police officers must keep going in order to reduce crime and save the innocent. The shows encode, and thus the audiences decode, positive stereotypes of police officers and negative stereotypes of criminals, which can justify and normalize police violence and erase the complex socioeconomic and racial disparities that cause people to commit crimes. This is yet another instance of trait voyeurism because it appears to offer insight on the "bad" criminals that viewers watch on television and distinguishes them from the rest of society that police officers are protecting. Audience members can identify with the rest of society, while comfortably watching criminals on television being brutalized by police for entertainment.

One of the rare episodes of *Law & Order: SVU* that offers general discussion of race and the criminal justice system is "Sophomore Jinx" (Season 1, Episode 6). In this episode, two detectives, Stabler and Benson, investigate the murder and rape of a woman in college. They suspect that it is a man on the basketball team, and two suspects emerge from this theory: a white man and a Black man. They initially suspect the Black man more heavily, and while they investigate him, they are not particularly friendly. They use belittling language, often referring to the Black community as "gangsters" and using African American Vernacular English mockingly when speaking to the Black suspect. In contrast, while they investigate the white man, they are less thorough and are much more polite. They speak to him in a calm, investigative tone and do not comment on that

suspect's community or identity at all. In the end, the show reveals that the white man committed the crime, and the police officers apologize to the Black man at his home for heavily suspecting him earlier. The Black man accepts the apology and life continues. While this, on the surface, seems to be a heroic tale of two detectives solving a crime and addressing their bias, the episode is actually quite problematic, as it completely undermines the experiences of Black people when they are suspected of crimes. The message that is encoded here appears to be that solving a crime is important, and apologies are always acceptable. However, in actuality, the message that can be decoded by audience members from this is that discrimination is acceptable when solving crimes, which not only perpetuates stereotypes, but also allows police officers to be excessively violent towards Black people, a practice that is historically typical of both the slavery and the Jim Crow eras, and that has continued since.

This way of decoding messages in crime television is fairly popular and demonstrates the role of viewers' biases in interpreting media messages about the criminal justice system. A 2007 study done by Travis L. Dixon exemplifies this. In the study, two categories of viewers (denotated as "heavy" and "light" in terms of how much time they spend viewing media) were shown different variations of the same story about a crime. In the first variation, the race of the arresting officer and the perpetrator was completely unknown. Participants were then asked what race they assumed each was. Results showed that viewers (particularly heavy media viewers) guessed that the perpetrator was Black and the officer was white more than the other way around (Dixon 1). This is could be completely learned behavior from a variety of factors, including watching television media, but that is not the most troubling part of this study. While this

study used a fake depiction of a law enforcement officer and a perpetrator, the ways that people still perceive the guilt of Black men extends beyond television representation to the real world as well, and these perceptions actually affect real people at alarming rates. Innocent Black people are seven times more likely to be wrongfully accused of murder than innocent white people, and many of these Black people are actually convicted of the murder (Gross 4-6). Many of these wrongful convictions are never discovered, much less apologized for as demonstrated in *Law & Order*.

Similar trends appear with sexual assault allegations. Based on exonerations, Black prisoners serving time for sexual assault are three and a half times more likely to be innocent than white prisoners serving time for sexual assault (Gross 12-13). This disparity is mainly because of eyewitness misidentifications, which may result from racial bias or knowledge of other convictions that involved someone from a specific race. This is exactly how the people in the study previously responded to a false crime scenario. Likewise, in the *SVU* episode, the Black man was seen with the white girl before her murder and rape, which caused witnesses to blame him. This could have been a product of their biases, yet it was never addressed in the episode. Not only was the episode inaccurate because it reflects this phenomenon of accusing Black men based on personal biases and presumed guilt, but not addressing these facts is completely unacceptable for a show as popular as *SVU*. The episode aired in 1999, and, since then, many people have watched it. The impact that the one episode could have had on millions, if not billions of viewers, could have been an opportunity to promote meaningful discussions about racial biases, yet the show instead glorified and justified the actions of the detectives by blanketing over everything with a simple apology at the

end. The officers in the show should have been called out on their bias more heavily, and their behavior should not have been justified simply because they were able to catch the murderer in the end.

Over-Policing and Mass Incarceration

Mass incarceration has grown in the United States dramatically, and it is a harsh reality for many marginalized Americans. Much of this stems from the War on Drugs, which was a centerpiece of Ronald Reagan's presidency in the 1980s (Alexander 19). The War on Drugs was an attempt to control the sale, distribution, and consumption of drugs (particularly due to the crack epidemic) in the United States ("War on Drugs"). The War on Drugs has led to the population of incarcerated Americans increasing five times since its start (Mauer). Greater incarceration rates have also brought a rise in tougher laws and more policing in less affluent neighborhoods (Wagner and Sawyer). It should be noted that very few crime and prison dramas have addressed the War on Drugs at all, and *SVU* never explicitly mentions issues with drug policing or mass incarceration.

Additionally, *SVU* premiered when the War on Drugs had been ravaging the United States for nearly two decades. Violent crime, since then, has decreased, yet, according to the Pew Research center (Gramlich), many Americans continue to believe that it is increasing. There is a fundamental gap between reality and public perception that is becoming increasingly difficult to address as more programs that purport to offer realistic depictions of the criminal justice system are being produced. Furthermore, because of the popularity of trait voyeurism and the public's fascination of the "other," audiences may not even want any change to occur in these shows because of how much they enjoy watching them as they are. This, combined with the lack of education about

racial injustices, creates a devastating scenario where it may be nearly impossible to convince the general public of the true realities of the criminal justice system because of how popular and widespread *Law & Order* is. As I noted previously, *Law & Order* offers justification of the work of police officers and communicates the idea that racial biases are an acceptable trade-off for keeping communities safe. This is certainly not the case, and innocent people are being put behind bars because these trends in policing are being allowed to continue.

Greater policing is disproportionately found in Black and brown neighborhoods that are traditionally socioeconomically disadvantaged; therefore, by default, far more people from these demographics are arrested for drug charges, even though, proportionally, they use drugs at the same rate as white people (Wagner and Sawyer). In media, Black people are often depicted as criminals who are caught, which demonstrates that they are targets of arrest and implies that they do more drugs and commit more crimes -- particularly since white people play victims far more often (Peffley, Shields and Williams). These stereotypes are encoded in these shows by producers who, in turn, allow viewers to encounter messages that Black and socioeconomically disadvantaged people deserve over-policing (Wagner and Sawyer). This is not the case at all, and the fact of the matter is that the current usage rates for both Black and white people are around 7.4% (Wagner and Sawyer), but white people make up a higher percentage of the overall population, so their drug use is actually substantially higher. In 1998, white people made up 72% of all illicit drug users, while Black people only composed 15% (Fellner). These statistics are shocking, especially when considering that, in 1996, Black people accounted for 62.6% of drug users in state prisons (Fellner).

While Black people are not more likely to do drugs, they are serving the time for the crime at far higher rates. This is because, as I mentioned, the neighborhoods where many Black people live are over-policed and Black people are served disproportionally long sentences for the same crimes as white people (Wagner and Sawyer). Further, Black people are, in general, over-policed, no matter where they are. The rare exception in which *SVU* addresses this issue highlights how rarely crime television openly discusses this injustice, opting instead to confirm biases of the inherent criminality of Black people. For example, in the *SVU* episode "Venom" (Season 7, Episode 18), Detective Odafin Tutola's son Ken, a Black man, is stopped by police, searched, and assaulted for simply having a shovel in a vacant lot. Tutola's son, Ken, was portrayed as subject of suspicion from the moment that the police officers saw him. There was never a moment of innocent curiosity; the officers were instantly wary of Ken's intentions. The detective and his son discuss the realities of this as Black men, particularly since the lot was private property and the son had a shovel, which can be seen as a weapon even though he was not using it as one. While the officers who responded were never mentioned again, their suspicions were palpable throughout much of the episode as suspects were being investigated. Detective Tutola's son was instantly suspected of a crime, despite the police having no evidence of such, and when there was a lead, yet again, Ken was first in line to be a suspect.

Tense scenes between the father and son were plentiful in this episode, and while every discussion was not centered around race, the implications of being a Black criminal suspect were constantly alluded to. One instance was immediately after Ken was searched at the lot and brought to the station. The Fourth Amendment allows for search

and seizure with probable cause, proof of which requires a reasonable amount of paperwork (US Const. amend IV). However, once the War on Drugs began, these requirements started to be enforced far less consistently, causing police to stop and search Black people in public at greater rates (Campbell). This is shown in the episode when Tutola's son was completely searched immediately upon sight, and no detective, not even Ken's father, brought up the illegality of that act; instead, Tutola worried about what they may have found. This loose approach to search and seizure is one of the many ways that Black people are intentionally targeted, and therefore over-policed, by law enforcement.

Along with the War on Drugs, poverty plays a significant role in incarceration rates. Imprisoned people are disproportionately low income compared to the rest of the United States population (Wagner and Sawyer). Unfortunately, the criminal justice system discriminates against poverty, which begins with the high price of bail and legal fees. Many individuals and their families are unable to pay for a private lawyer, leading to the use of overworked public defenders (Devers 1). Sometimes, they are the only option for legal help for a defendant. Public defenders are overworked and overbooked, and working with one usually entails a quick meeting that precludes proper representation. While public defenders do their best, their caseloads are massive, which can lead to poor representation in court or a forced plea bargain (Devers 1).

Plea bargaining occurs when defendants agree to plead guilty to a charge in exchange for a (sometimes) lighter sentence, regardless of actual guilt or innocence (Devers). This means that they forgo having a criminal trial completely. In the United States, about 97% of cases are resolved by plea bargaining (Devers 1). Many of these cases are drug cases, and because of the sheer volume of drug cases in the United States,

plea bargaining is a necessity to keeping courts from being more overrun than they already are. There are a variety of issues concerning plea bargaining that lawmakers, lawyers, and citizens have been combatting for years. When plea bargaining, prosecutors hold all the power. This can lead to coercion or threats that can affect the correct legal outcome (Yant 7). Prosecutors can persuade defendants to plead guilty to lesser offences, even if they are innocent or there is not enough evidence to fully persuade a jury of their guilt beyond a reasonable doubt. Defendants often take this bait in fear. Charges of any kind, regardless of innocence or guilt, can be scary. The outcome of a trial is never predictable, so defendants will plead guilty to lesser charges simply to free their names of an original, much greater charge, even if that charge is unwarranted (Yant 5). Of course, those with the most unwarranted charges due to over-policing and racial profiling are low-income minorities, and these individuals use public defenders more than white people. As a result, Black, Latinx, and impoverished people are forced to take plea deals at a disproportionately higher rate than white defendants with some financial means (Devers 2). This further contributes to discrimination in the criminal justice system and mass incarceration.

This is yet another key issue that is misrepresented on *Law & Order* and many other crime procedural television shows. There are usually always full criminal trials for felons (when the show chooses to include a trial). Plea bargaining, as discussed previously, is the norm in the United States, yet this is not represented in television programming at the rate it occurs in the system. Although everybody has the right to a trial when being convicted of a crime, these trials are often subordinated to plea bargains. By contrast, in crime dramas, nearly every case goes to trial, and plea bargains are hardly

ever shown. When they are shown or mentioned, it is usually to the benefit of a terrible, heinous defendant and hardly reflects the racist and classist nature of their reality. This can create misconception in the minds of viewers: many believe that criminal cases all end in trials, particularly if these viewers do not have experience with the criminal justice system. These representations suggest to viewers that those who are convicted of crimes had a fair chance in front of a judge and jury, lost their case, and therefore deserve their punishment. They further suggest that plea bargaining only serves to benefit those that are guilty, and that law enforcement and prosecutors are opposed to plea bargains, when, in fact, they directly benefit from it due to overrun courts. Whether or not the producers of *Law & Order* intended to encode this message into the program is irrelevant; viewers decode it, which is enough to cause significant harm and set back any progress that could be made with reformation.

Two connected *SVU* episodes, in particular, perpetuate this myth: "Venom" (the same episode in which Ken was arrested) and "Screwed." These episodes feature rapper and actor Chris "Ludacris" Bridges, who plays a character named Darius Parker. Parker has apparently raped and murdered a mother and buried her baby alive. This crime is heinous, and while race is mentioned in the episode in the context of punishments and false accusations, it is not mentioned when discussing how the procedural side of the law operates for Black people. Parker was convicted of other charges prior to this accusation, like narcotics, burglary, and assault. He works as an artist and mechanic in New York City and does not have family to support him. By all appearances and with a criminal background, he does not seem to have access to financial means. Yet, Parker is able to obtain a private lawyer, whom he does not utilize as he chooses to defend himself during

his trial. In 2009, approximately 80% of felony defendants in the 75 largest United States counties ("County Population Totals: 2010-2019") (all of New York City's counties are on this list) utilized public defenders, and 45% of all defendants of all crimes were Black (Gross 18). Nearly all convictions of people of all races were a result of plea bargaining, as opposed to a trial, and 66% of all cases resulted in a conviction (Gross 18). Given these statistics and Parker's background information and demographics, it is more than likely that if he existed in real life, he would have been forced to work with a public defender and take a plea bargain, particularly considering the overwhelming evidence presented against him. Yet, Parker denies a bargain that was made to him and is able to get a full two-day trial in court a very short while later, which is rare considering how overrun the courts of New York are.

Parker was not convicted for his crime; however, the validity of the outcome of the trial is not the debated topic here. Nearly every element of how the case unfolded in the show does not match how these cases are historically handled in real life, as suggested by the statistics above. *SVU* has a cult following around the world, and many people have seen this episode with the inaccuracies stated. Therefore, many people have seen a Black man obviously commit a crime, have a trial, and get away with the crime. Viewers, if they have no frame of reference otherwise, can draw parallels between this episode and their perceived reality. They can believe their decoded themes to be fact given the show's use of realism as a genre. The nature of the crime is irrelevant; the crime in the show could have been about anything. Watching the unrealistic on-screen depiction of the criminal justice system, viewers encounter common occurrences in which Black men receive "fair" trials and get away with crimes, which therefore suggests

to them that Black men are more prone to committing crime and to not facing the consequences – a message that producers of crime shows continually encode. The realities of the United States criminal justice system are quite the opposite – Black men are disproportionately criminalized and the system is not known for its fairness -- and if such shows are viewers only sources of information about the topic, they foreclose what Michelle Alexander identifies as a need to spread awareness and begin conversations about reform and justice. Having Black celebrities on the show, such as Ludacris and Ice-T, could have been an excellent way to communicate facts about the criminal justice system to their fans and fans of *SVU* alike. They could have discussed the problematic nature of plea bargaining in criminal cases, or perhaps exposed some of the injustices and stereotypes that Black men face daily. This opportunity was completely missed.

Racial Justice and Black Lives Matter

Some may argue that the *Law & Order* franchise has also produced some productive messages about racial injustice with the episode that aired in November 2020, "Guardians and Gladiators" (Season 22, Episode 1). This episode, inspired by the 2020 protests for racial justice, is a fictional representation of the Central Park birdwatching incident that happened in May 2020, when a white woman (Amy Cooper) called 9-1-1 on a Black man (Christian Cooper) who beckoned her dog to him in order to leash the dog. Christian recorded the entire encounter, including when Amy told the operator that Christian was threatening her life, even though he did not touch her at all. By the time the police arrived, both Christian and Amy had left the park; however, Amy was still charged with a misdemeanor for filing a false report after the video of the incident went viral online (Nir). The *SVU* episode is loosely based on this incident, but instead of having

both parties leave after the 9-1-1 call, the NYPD falsely arrests the Black man, Jayvon Brown, who had arrest warrants for protesting during a Black Lives Matter protest for the murder of George Floyd. Brown sues two of the detectives, and the NYPD informs the detectives that they will not hesitate to fire them to save face. At the end, one of the detectives returns to the park to apologize to Brown.

In order to discuss the protests for racial justice, *SVU* adapted the original story to discuss more themes in one episode, such as false accusations, arrests, and personal biases. However, the way that they went about doing this is still problematic. First, the trope of hero detectives still occurred in the episode, particularly at the end when Detective Olivia Benson apologizes to Brown and recognizes her own biases. This is exactly the same tactic that was used in "Sophomore Jinx" and it still serves to blanket over the issues presented instead of directly addressing them. While it is important to address personal biases, when discussing topics such as the NYPD, a notably large police force, it is equally crucial to discuss systemic biases that directly affect Black people. The only place that was ever mentioned was when the detectives were threatened with termination; however, that was a very brief scene, and addressed the lives of the detectives, not the countless victims of police brutality at the hands of the NYPD.

Furthermore, Benson agrees with Brown that the NYPD has a lot of work to do; however, actual goals about doing that work are not discussed at all. The episode simply ends with an apology. Plenty of solutions to end police brutality and systemic racial discrimination have been publicly proposed, yet none were mentioned in this episode. Racial injustice had been a popular topic of discussion for many months prior to the airing of this episode. This episode, which is the first episode from any crime drama

television show to address the recent killing of George Floyd, was in an excellent position to share ideas with audiences about how to begin implementing concrete solutions to these issues. They could have encoded those messages throughout the storyline, while also discussing the plot and general facts of the story. That way, audiences could have decoded the need for change and justice, and perhaps more viewers of the show would have been able to fully realize the seriousness of the situation.

Finally, and most importantly, viewers and critics of *SVU* must remember that the show does not speak for real police departments, particularly not the NYPD. Olivia Benson can dramatically announce that the NYPD has work to do, but it means nothing if the actual NYPD does not acknowledge the same. This is yet another instance where encoding and decoding messages in television can allow viewers to get the wrong idea about reality. Writers have encoded that the NYPD knows that they need to be reformed and that they are currently allowing blatant discrimination to go unchecked on their force. Therefore, audiences can decode that this episode has contributed to the cause in a meaningful way by addressing the issue from a police perspective. This is simply not the case. The NYPD has not even commented on the episode, and, during active protests, they used weapons, force, and unlawful arrest against peaceful protesters. They retaliated against a protest about police brutality with more police brutality. Their actions were so severe, that the New York State Attorney General filed a lawsuit against them (Chappell). The NYPD's implicit stance is explicitly clear, and it is also obvious that that stance has not changed over time. An *SVU* episode about a detective that comes to an important realization about an institution does not promote meaningful change when the institution is perpetuating more issues than the few self-aware individuals that work for it. External

perspectives of citizens needed to be showcased in this episode, as opposed to only perspectives from within a fictional NYPD. That way, realistic and factual viewpoints would have been brought to light, as opposed to fictional ones that do not reflect that of the institution that they represent.

While *SVU* has started some discourse about sexual violence, it does not do so in a complete and sufficient way. Moreover, the show overlooks and fails to accurately depict racial disparities in law enforcement, and it does not discuss injustices that occur regarding mass incarceration, over-policing, and drug policing at all. Because of the show's popularity, it had many opportunities to open productive conversation about these topics, yet producers chose to encode imagery about police officers being heroes at the forefront of justice. Unfortunately, producers also blanketed over racial issues, instead promoting the idea that discrimination is justified so long as criminals are being put behind bars. In reality, law enforcement arrests and mistreats innocent Black people, which *SVU* hardly shows. But what happens after arrest and conviction? Those who are found guilty may face the harsh realities of prisons. As I will suggest in the next chapter, television shows have been made about prison, but they are just as inaccurate and harmful as crime television programs like *SVU*.

CHAPTER 2: *Oz,* Realities of Prison Conditions in the United States, and Perceptions of Prisoners Through Media Encoding

Oz is an HBO drama that follows prisoners in the fictional Oswald State Penitentiary, a maximum-security prison set in upstate New York. *Oz* first aired in 1997, and, like *Law & Order*: *Special Victims Unit* (*SVU*), it appeared at a moment in time with high rates of mass incarceration. It is one of the first shows in the United States to portray the everyday lives of prisoners in a U.S. prison, and it opened the door for many other prison dramas to be created (Dunn). Six seasons were made with a total of 56 episodes spanning seven years. *Oz* features extreme violence and murder in order to depict the "reality" of criminals and prison life. It followed the same main characters throughout the show, and each has some specific role within the prison in their various groups. There are ten groups total: The Aryan Brotherhood, The Bikers, The Christians, The Homeboys, The Italians, The Latinos, The Irish, The Muslims, The Gays, and the others. Certain groups had values that conflicted with others, which often caused more violence. The prison is very controlled, yet characters are shown fighting for their lives and power while behind bars.

While *SVU* aired on regular cable, *Oz* was only available on the Home Box Office (HBO) premium cable channel, though it is now available on various streaming sites. Because it was on premium cable when it first aired, the viewers of *Oz* represented a slightly different demographic than the viewers of *SVU*, as well as a vastly different demographic than the general prison population, which is generally low income. While *Oz* could have been a fantastic way to reach a higher socioeconomic demographic in order to educate them about the realities of the prison system and the injustices that

occur, this was not the case. Misrepresentation and misinformation are as prevalent in *Oz* as they are in *SVU*.

Prison Life and Composition

While life outside of prisons is harsh for those who are incarcerated, life within these facilities is much worse. The United States has the largest prison population of any nation in the world. In 2018, 698 people per 100,000 were incarcerated ("World Prison Brief - United States"), or approximately 2.3 million people. This only includes the number of people in prison facilities and does not count those who are on probation or parole. Expansion of prisons at the federal and state level began in the 1970s and 1980s as the War on Drugs escalated and more people were arrested and given mandatory sentences for drug-related crimes. Those who violate state laws are placed in state prisons, while those who violate federal laws are placed in federal prisons. As of 2016, 90% of all prison inmates are in state prisons while the remaining 10% reside in federal prisons (Pfaff). Many inmates are also held pre-trial, or before they have gone to trial, often because these individuals cannot afford to pay bail and thus have no choice but to sit and wait for trial (Pfaff).

Black people are the largest racial demographic represented in prisons, making up about 40% of all inmates (Sakala). This is especially striking when considering that the total population of Black people in the United States is 13% (US Census QuickFacts United States). This amounts to an incarceration rate of 2,306 Black people per 100,000 (Sakala). In comparison, the incarceration rate for white people is only 450 per 100,000 (Sakala), and white people make up 64% of the total US population ("World Prison Brief - United States"). This is a direct result of over-policing, harsher sentencing for Black

people, and lack of access to funding and resources (Sakala). These are all blatantly racist systemic policies that the United States government works to uphold. These proportional differences, however, are not realistically depicted in prison television programs, as many choose to have either more white people or an equal amount of white and Black people. This encoding often allows audience members to decode that prisons are racially proportionate, which is inaccurate. As the popularity of prison dramas has increased substantially since the debut *Oz*, this encoded message has spread widely, including to network television.

Oswald State Penitentiary looks horrific on television. It is dirty, outdated, and people are constantly getting hurt in some way (murder, sexual assault, illness). Conditions within real prisons are likewise grim. Stories of people's experiences behind bars indicate that it is boring and monotonous, with hardly any room for real personal growth. Former prisoner and blogger Jessica Kent describes it as "the very definition of insanity" (Kent). Posts from Inmate Blogger, a site for current prisoners to post their writing, tell similar stories. Troy Hendrix, a prisoner of seven years, states that when being isolated from society for so long "your thinking becomes distorted, behavior becomes irrational, and mood becomes unstable" (Hendrix). He describes feeling frustrated and angry and notes that arguments sometimes break out among prisoners because of how on-edge they are. There is violence in prisons, but the atmosphere is mostly one of sadness and sensory deprivation. Many are depressed and/or suicidal but do not receive the care that they need to handle it. Maurice Cayne describes the deterioration of his mental health occurring after calling home and hearing that his

mother had died. He has been in prison for nine years, and has not mentioned any mental health help being offered to him in that time (Cayne).

While healthcare is not ideal in real prisons, shows like *Oz* use prison healthcare as a vehicle for direct, vindictive violence, which is often not the case in real life. This is exemplified by characters like serial killer Carol Grace, who is responsible for purposefully killing eleven people over the span of a few years. She first appears in Season 6, Episode 2, "See No Evil, Hear No Evil, Smell No Evil," and works as a nurse in the penitentiary. She is angry and depressed, and murders people vindictively. In reality, patients in real prisons often receive terrible healthcare because of a neglectful system and not because of a serial killer. One example of this comes from Kent, who was also pregnant in prison. She was taken at the last minute to the hospital to have her child, stayed in the hospital for two days, and was then brought immediately back to the prison without the child or medication to help with any physical pain. Prison employees did not even ask how she was doing. She did not die, but was in excruciating pain for quite some time and experienced post-partum depression and post-traumatic stress disorder (Kent). Her daughter was sent to foster care, but was later reunited with Kent. Diseases like Hepatitis C, HIV, and other viral infections (including the new COVID-19 virus) also run unchecked through prisons due to the close quarters, lack of adequate cleaning resources, and sexual violence (Schwarz). While those with these physical conditions are not left to rot in their cells, their complaints are often overlooked by healthcare staff, and prisoners have died while in custody because of negligence (Schwarz).

Oz's interpretations of prison and prisoners are extremely violent and quite repetitive. This is harmful because it validates the necessity of prisons for those who have

never met prisoners before, and the representation becomes their reality of prison. Shows like *Oz* encode images of specific demographics that are false in the minds of people who are not familiar with those demographics. Seeing impoverished people and people of color being violent and crude, constantly murdering others, and acting out of line from the rules only serves to allow them to decode the message that these people deserve to be incarcerated, and that, regardless of innocence or guilt, mass incarceration, discrimination in incarceration, and unpleasant prison environments are not only justified, but also necessary. Additionally, because the characters in the show are recurring and commit some of the same crimes over and over again, the program solidifies the belief that prisoners are incapable of reform, even within the confines of a strict, high-security prison, so long sentences are thus necessary. *Oz* is a continuation of the heroism of police officers in *SVU*. *SVU* justifies the idea that police officers should catch criminals by any means necessary because they are protecting society from the very kind of people locked up on *Oz*. In turn, *Oz* suggests that prison confines criminals and provides justice by reciprocating the terror that they have inflicted on society. It offers a message that delinquency threatens normalcy, so, therefore, delinquents deserve torture for disrupting everyday life. The message behind these dramas is that punishment and seclusion are the way to handle those that break rules, as opposed to reform and empathy.

Viewer Reviews and Perceptions of Reality

Some viewers of *Oz* posted their thoughts on the internet in public forums, like Reddit, IMDb, and Google Reviews, stating that while they had never been to prison before, they appreciated the “accuracy” and “truthfulness” of the show. One Reddit user says that “It set the bar high for what a TV show could be with its hyperrealism, violence,

thoughtful topics and its brutality" ("One of my"). In this review, the reality of prison is tied to violence, and two of the words that were used to describe this reality are "violence" and "brutality." This suggests that viewers of the show believe that *Oz* is realistic because of the violence. Hardly any other topics are brought up by reviewers. Few mention the dirty conditions or poor healthcare as being part of true prison conditions, yet these are realities of U.S. prisons. This only strengthens the Pew Research Center's findings that television affects viewer perceptions of crime and prison and proves that many people learn from television, particularly if they have no prior experience on the subject matter of the show. Rather than encoding productive messages about the realities of the system in the show in order to promote accurate information and productive conversation about the various topics that are discussed in this chapter, the producers of *Oz* have only encoded violence, violence, and more violence. From the program, viewers have no way of knowing what other injustices and hardships prisoners face.

Yet, the prevalence of trait voyeurism in the program must be questioned. In the case of *Oz*, because viewers of the show were of a different socioeconomic status as most prisoners as well as not being prisoners themselves, a double separation can be seen, wherein audiences have two modes of disconnect from the people being represented in the show. They can view prisoners as being the "other" in society, and they can see prison has being inaccessible because of the differences in behavior and environment that is depicted in the show as opposed to environments in real life. Audiences can claim that they appreciate the "accuracy" of the show, but viewers have been attracted to the unattainable, violent atmosphere that *Oz* showcased through its reliance on realism. In

fact, Tom Fontana, the creator of the show, posted a message on the show's website about why there would not be a seventh season: "I really have run out of ways to kill people" (Yousman 275). This implies that Fontana knew exactly what his viewers voyeuristically wanted to see and encoded those messages into his show, facilitating the audience's decoding of those messages. He fueled the idea that the violence in the show is realistic and created a demand for more programs of this nature. People are constantly being murdered in all sorts of ways for the sole purpose of giving the audience what they want to see.

Prison Violence

It is no secret that violence occurs in prisons. Prisons, as mentioned previously, are unhealthy and sad places. Prisoners might feel angry about their sentencing and many are upset about having to abandon their families, jobs, and financial security (Pfaff). In such an environment, violence is only natural. The issue is that, in contrast to the accounts of incarcerated or formerly incarcerated people, *Oz* greatly exaggerates the amount of violence that takes place in a standard American prison and ignores the fact that many inmates are non-violent. *Oz* seems to exclusively depict constant, sadistic, heinous crimes that portray prisoners as savage and brutal.

Prisoners are continuously being murdered in the show, in extremely unconventional ways. They are not simply beaten or strangled to death, but are rather burned alive, pushed down elevator shafts, and electrocuted. While these killings heighten drama and audience appeal, they are extremely inaccurate, not only because of the methods, but because of how many instances of murder there actually are. Data from private and public prisons show that death as a result of assault is extremely rare (Widra).

In fact, prisoners are more likely to die of suicide, old age, and AIDS, yet, in *Oz* people are constantly being killed by other people.

Oz has many, many scenes of sexual assault and abuse as well, which is a real issue in many prisons. A U.S. Department of Justice report states that in 2011, 4% of state and federal inmates experienced sexual violence in prison ("PREA Data Collection Activities"); however, activist organizations like Human Rights Watch argue that that number is much higher due to underreporting ("Stop Prison Rape Now"). It can be argued that the depictions of sexual assault in the show promote awareness of the subject and that the program has opened public conversations about the prevalence of sexual violence in prisons, particularly male sexual violence. While *Oz* certainly did open doors for conversation and future media representation of assault, the way it was used in the show to further plotlines did not necessarily promote meaningful discussion in ways that viewers would actually be able to learn and decode more about the issue. Rape scenes were graphic, which can be an accurate way to depict it; however, some viewers watched these scenes to be titillated. A program like this would never have been allowed to air on network television, as it catered to the high demand of graphic scenes. In many other instances, rape was simply used as a way to move the storyline forward. Characters were raped, but the developments that ensued after the rapes were more focused on than the victims themselves and the implications that being raped in a prison can have on an individual.

An example of this occurs with Cyril O'Reily in season two. Cyril is mentally disabled, and Vernon Schillinger rapes him in a closet, using Cyril's disability to his advantage. Viewers are not shown Cyril's immediate reaction and feelings after the rape.

He is simply shown sitting with Schillinger in the next scene and only comes to terms that something bad happened to him after Ryan, Cyril's brother, becomes suspicious. In this instance, Ryan becomes a savior figure for Cyril, and the audience only ever learns Ryan's perspective about the rape throughout the series. Cyril's feelings are made completely invisible, hidden behind the veil of his disability, while Ryan's character develops as a result of the rape. Ryan makes several references to the rape and how it affected him, how he could have prevented it, and how much guilt he feels about it.

The producers of the show could have taken this opportunity to not only discuss sexual abuse in prisons, but also discuss how victims can feel, particularly when they are taken advantage of due to disability. Furthermore, because there are higher proportions of Black men in prison than any other demographic, the show could have taken this opportunity to discuss racial disparities in sexual assault cases. Another topic to address would have been the spread of sexually transmitted diseases and the lack of care for these illnesses. These issues are present in real life, and *Oz*, at the time, had a large outreach due to the popularity and uniqueness of the program. The producers could have easily used the show to address these issues, yet they chose not to. In this instance, the only messages about sexual violence were simply about it existing, with no deeper critique beyond that. The presence of sexual violence in prisons is fairly well known, but the true nature and severity of the issue, as well as how it really happens, can be unknown to the public. This is arguably truer for HBO's viewer demographics at the time, which were mostly middle-to-upper class white people. They could have been presented with representations of these issues, rather than a story about a savior that silenced the victim.

Racism in Oz

While Oswald State Penitentiary has inmates of many different races that all commit horrendous crimes, there is still racism on the show. One such instance is the character Beecher, a white lawyer who killed someone in a drunk driving accident. Beecher is meek to start with and does not seem to require a high-security prison, particularly because of the nature of his crime, yet his presence is intentional and strategic. Tom Fontana, the show's creator, said that he put Beecher in so that the audience could identify with his character, since HBO is premium cable, and the demographic of viewers aligns with Beecher. Without the inclusion of Beecher, Fontana thought that viewers would not be able to relate to the show at all, which would disengage them (Yousman 278).

Beecher, to voyeuristic audiences, seems to be an ordinary guy who made a mistake with whom they could sympathize and serves as a foil to the "other" side of the population that lives in prisons. When the series begins, Beecher is a stranger to prison, and his perspective allows viewers to observe the actions with more detachment, simply because of his social status, which is similar to those of the viewers. Over time, however, he becomes increasingly sucked into life in the prison, to the point that even when he gets out, he is manipulated by his imprisoned lover Chris Keller into committing another crime and has to return to prison. This representation offers viewers a narrative of a seemingly nice guy who is corrupted and criminalized by prison and thus at risk of recidivism. The representation of Beecher thus serves as a cautionary tale for a voyeuristic audience; they could be him.

Overall, while *Oz* did promote discourse about prisons and sexual assault because it was the first show of its kind, it did not do so in a tactful and meaningful way. Honest

and meaningful discourse relies on representations with more fidelity to real-life conditions, which would allow viewers to understand the real injustices of the prison system. Instead, from *Oz*, viewers are only able to decode graphic, entertaining representations of prisons that feed into voyeuristic desires. Audiences now want to see gritty and graphic media representations of prison, simply because that is what they believe prison life, which is inaccessible to them, to be. This type of imagery encoding does not aid in raising public awareness about real prison conditions; rather, it allows audiences to decode heinous images of prisoners they believe to be true. In order to persuade the general public to fight for change and justice, they must be informed. *Oz* had the power to do this, Tom Fontana and other show creators failed to take their opportunity, and the popularity of *Oz* facilitated the creation of more programs of the same nature. Hopefully, in the future, better representations of prison on television could encode meaningful messages that spark productive discussion and action about prison reform and abolition.

CONCLUSION: Overview of Analysis and Possible Solutions

My analysis in this thesis aimed to investigate how crime and prison television dramas impact viewer perceptions of these issues. *Law & Order*: *Special Victims Unit* (*SVU*) and *Oz* perpetuate harmful and inaccurate messages and stereotypes about crime, criminals, and prisons. As I have argued, this is due to inaccurate representation of police, criminals, and situations, unproductive and sensationalized discourse about the criminal justice system, and blatantly racist imagery encoding within soundtracks, casting, and dialogue.

Both shows had plenty of opportunities, especially considering the time of release and popularity, to broadcast factual information and promote understanding in viewers about issues with the criminal justice system. Instead, they relied on trait voyeurism to create entertainment value and missed the opportunity to use the shows to promote change. In turn, because audiences enjoy the media that is currently being produced about this topic, producers keep creating more of it. A lot of false information has already been shared with viewers using encoding techniques that will have to be unlearned. Furthermore, the political views of networks and producers could also get in the way of ever creating realistic television dramas.

The state of the justice system is grim, and if action is not taken soon, it will only grow worse. People are being incarcerated and over-policed at higher rates than ever, and more and more people are being murdered at the hands of law enforcement officers. Michelle Alexander's work about a new Jim Crow era of legal discrimination is the harsh reality that the United States is facing, and media representation in shows like *SVU* is certainly not helping to raise awareness around these issues. This show is spreading

misinformation about the true role of police officers and the way that they are carrying out their work. Trials are not readily available for all and people are being targeted based on race and socioeconomic status, yet *SVU*'s producers and writers encode messages into their episodes that the opposite is in fact true. This program portrays criminals as heinous villains that are a menace to society, while showcasing police officers as saviors and heroes. This allows audiences to decode false narratives about the work of law enforcement, that criminals and felons deserve harsh treatment in reality, and suggests that racism is justified when the intent is to solve a crime.

Similarly, prisons and jails are also dismal, and mass incarceration is only working to bring more people into these terrible facilities. The United States has the largest prison population in the world, and it is only continuing to grow steadily. Over-policing, mandatory sentencing, and high bail costs are enforcing this, and, yet again, the Black community is being affected by this the most. Prison conditions are grim, as good healthcare, sexual violence, and discrimination run rampant. Yet, the popularity of prison dramas has only increased as all of this has taken place. This started with the creation of *Oz*, which heavily appeals to viewers' desires for trait voyeurism and affirms separation between the prison population and the rest of society, which promotes fascination with the lives of the "other". This "us" and "them" mentality allows viewers to believe that prisons are a justified part of society, and the grittiness of *Oz* creates the false narrative that prisons are riddled with murder and extreme violence that in turn justifies the need for prisons. Encoding these messages into the show enables audiences to decode more faulty information about prison conditions and inmates, and does not allow for the helpful

spread of information about the reality of prisons and the prison system and the need for change.

Oz, like *SVU*, fails to take the immense opportunity it had to spread awareness about injustices. Of course, the programs were made primarily for entertainment, and *Oz* in particular entertained many with its graphic and edgy scenes. However, the value of television is not only in its ability to entertain. Television can and does influence the opinions of viewers, and many people take what they see on television as fact (hence *Oz*'s reputation of being an accurate and realistic program). Therefore, encoding accurate and meaningful information about the criminal justice system in television shows is crucial. As Michelle Alexander stated, starting productive conversation that transitions into advocacy is the only way that anything will ever get fixed. Legislators need to hear the perspectives of the public in order to enact change, and those perspectives will only come from members of society who are well-versed in this subject. Television could greatly assist with that, particularly extremely popular and groundbreaking series like *SVU* and *Oz*. For this reason, crime and prison television will never simply be entertainment. It will always be a potential vehicle for information and advocacy; the question is whether it could be used for change, rather than confirming stereotypes and sharing misinformation. Many individuals depend on advocacy for their lives, and until more people become informed about these issues, people will continue to suffer because of the criminal justice system.

It is unacceptable that television programs are continuing to produce inaccurate shows at the expense of justice. Pressuring creators, producers, and networks for accuracy is the only way forward. Entertainment and trait voyeurism must be set aside in

the interest of society. People in the U.S. must be educated on the state of the criminal justice system, and television is an opportunity to do that. While *Oz* and *SVU* have already done considerable damage to advancing the cause, all is not lost. Episodes of *SVU* are still being created, and the show has a massive following. Producers could easily start shifting their encoded messages to be more realistic. This shift could be gradual in order to keep audiences engaged in the content over time, rather than a stark contrast to what is currently being produced, which may alienate, rather than inform, viewers. *Oz* has concluded its run, but viewers still want gritty television programs. HBO could create another show, perhaps a spinoff of *Oz*, that still has grit but is also realistic and educates about what prison truly is like. Once a few of these programs are created and gain popularity, then more will ensue, and more people will have the information necessary to spark change. This is, arguably, one of the first steps in using media to help combat inequalities in the criminal justice system. Convincing lawmakers to enact legal change will be a far greater battle. With a long road ahead, we must begin pressuring television media producers to use their access to media to promote prison reform and abolition for the sake the millions of people that have been and still are victims of a system that vows to protect us.

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