

# Innocent Until Proven Guilty?

A look at media coverage of criminal defendants in the U.S.

For the last half-century, mass incarceration has become a tool and accelerator of injustice in America. Unequal treatment of Americans – particularly those who are Black or brown, or who face economic hardship – in our justice system threatens the basic human rights of millions of people.

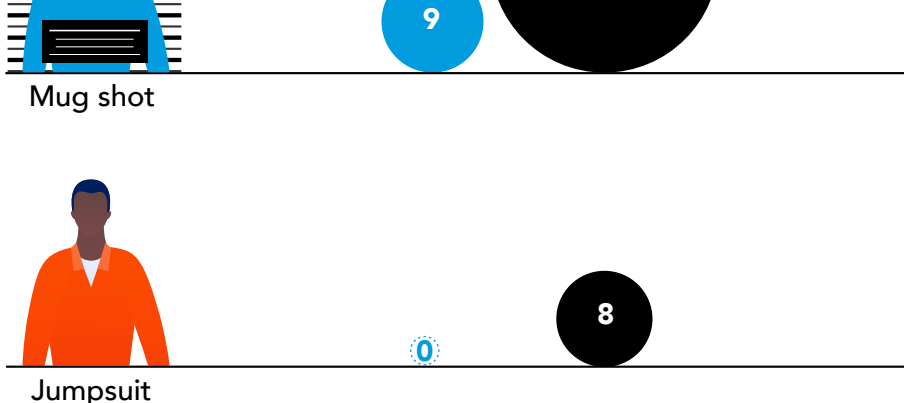
Inspired by our friends at the Equal Justice Initiative (EJI), who have always understood the power words and images can have on outcomes within the criminal justice system, Global Strategy Group (GSG) has conducted a comprehensive media analysis of national and local coverage around 10 criminal cases – 5 with a Black defendant and 5 with a white defendant. We collected and collated information on more than 20 different topics, including the use of imagery, language choices, framing of defendant and victim, and reporter background.

## A PICTURE IS WORTH A THOUSAND WORDS

Stark disparities exist between the types of images used for Black and white defendants.

% types of Imagery Used of Defendants by Race

■ White defendants ■ Black defendants



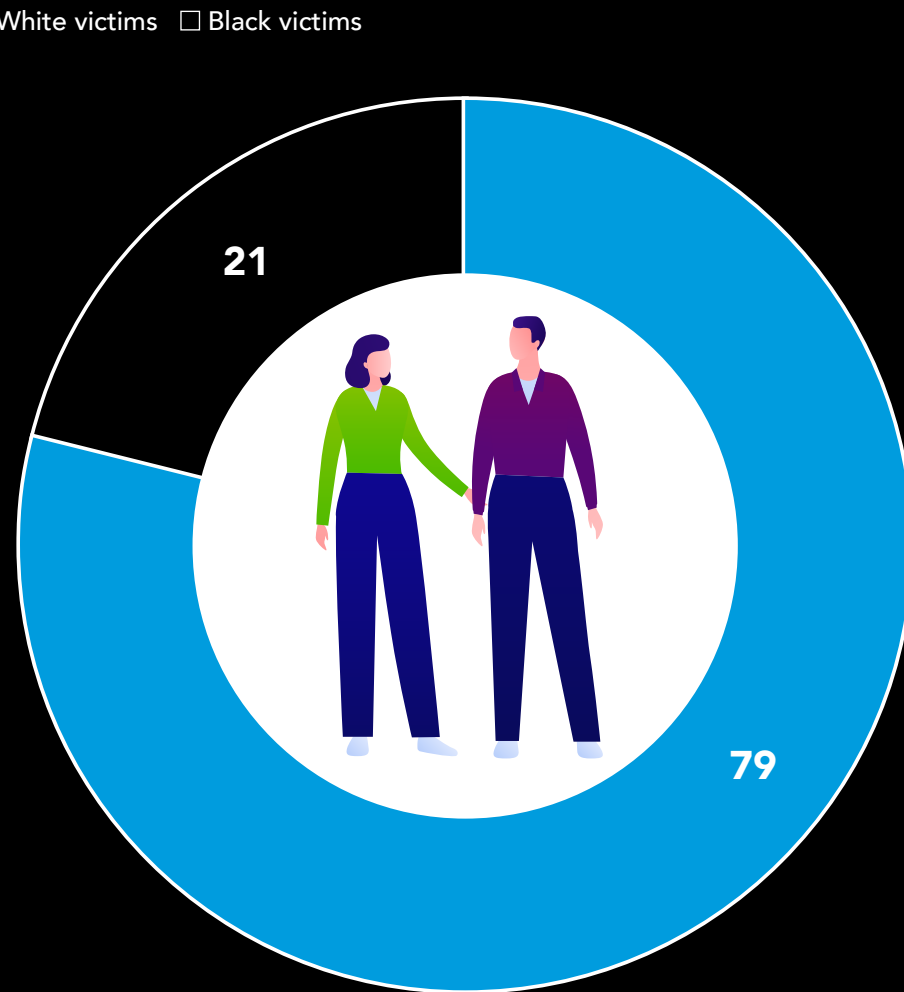
Left: Photo from Mesa police try to fire officer accused of murder (3/15/16); Right: Photo from Recording between suspected Seminole Heights killer and his family won't be released (5/6/2019)

**WHITE VICTIMS  
WERE NEARLY  
4x  
MORE LIKELY**

than Black victims to have a photo with friends or family included alongside coverage, reinforcing existing tendencies to dehumanize Black pain and suffering and, by the same token, put a face to white victims.

% imagery of victims by race: friends or family

■ White victims □ Black victims



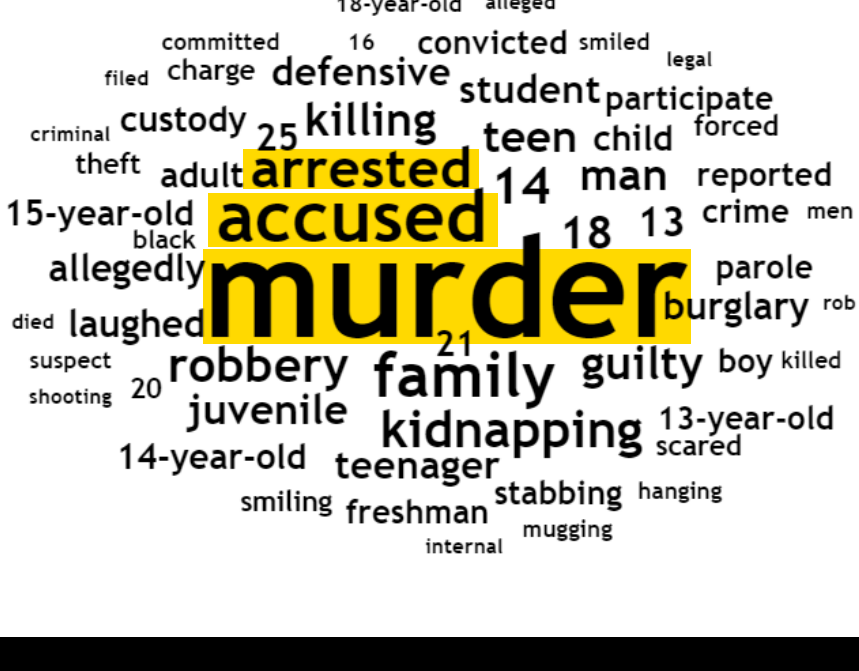
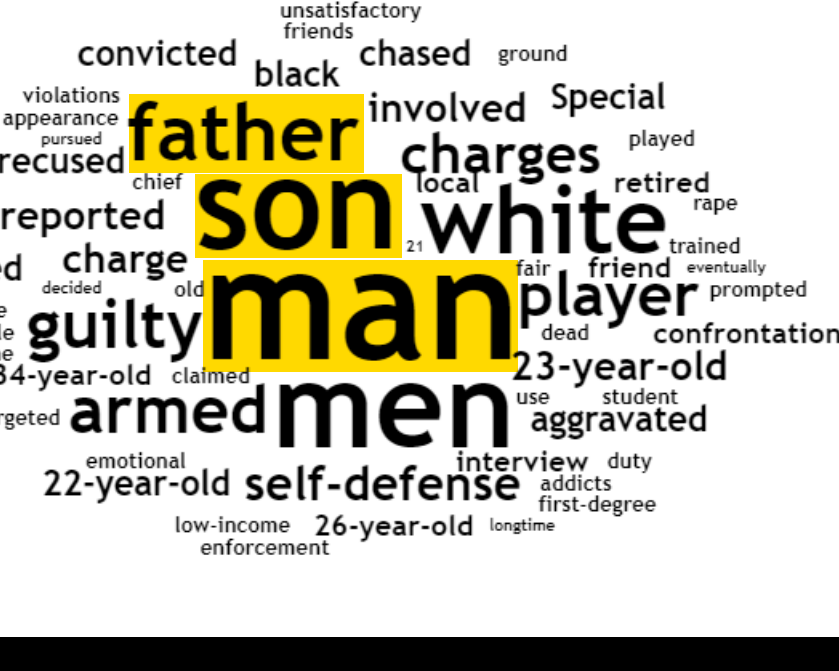
## LABELS MATTER

Language used to characterize defendants also paints a biased story.

One-off nicknames and colorful quotes belie a larger trend to negatively characterize a defendant in media coverage, much of which is written prior to conviction. More personally descriptive words of the defendant are used when describing white defendants, while more crime-related descriptions are more heavily used for Black defendants.

Words characterizing **white** defendants

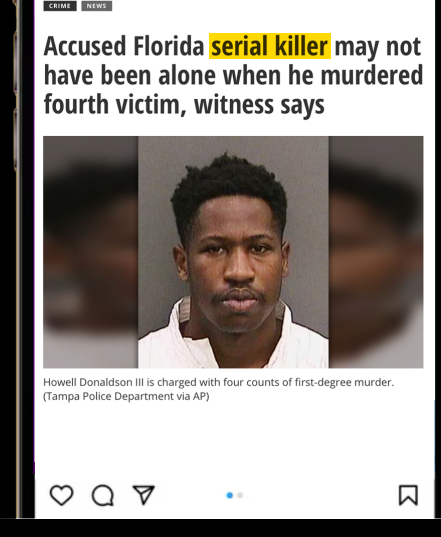
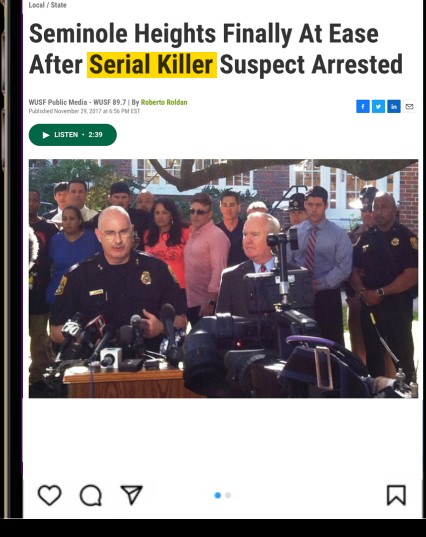
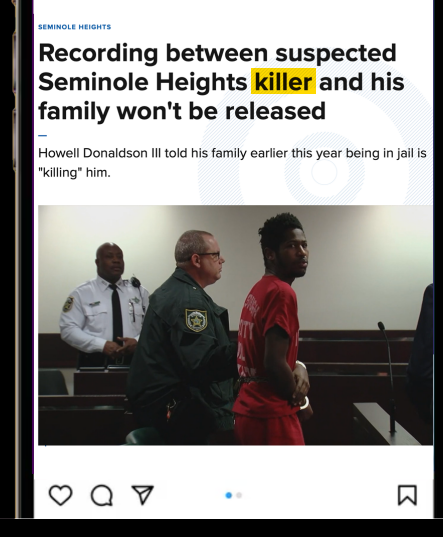
Words characterizing **Black** defendants



## CASE STUDY: FLORIDA V. HOWELL EMANUEL DONALDSON III

**57%**

of pre-trial coverage analyzed characterized defendant Howell Emanuel Donaldson III as a "serial killer" in the article's headline.



Left to right: 10 Tampa Bay: Recording between suspected Seminole Heights killer and his family won't be released (4/26/19); WUSF Public Media: Seminole Heights Finally At Ease After Serial Killer Suspect Arrested (11/29/17); NY Daily News: Accused Florida serial killer may not have been alone when he murdered fourth victim, witness says (2/15/19)

Howell Emanuel Donaldson's name was rarely mentioned in headlines, a trend that we saw across cases, with Black defendant's names mentioned in just 19% of headlines about cases.

Exclusion of a defendant's name, particularly in favor of a label like "serial killer," is yet another way we see defendants – especially Black defendants – dehumanized and reflexively criminalized in coverage, even before trial.

Coverage was

**50%**

**MORE LIKELY**

to mention the names of white defendants.

**AGGRESSIVE**

Inflammatory language used extended to Black victims as well. The term "aggressive" was used thirteen times across the 257 articles analyzed. While not abundant, 8 of the 13 instances were used to describe a Black victim in the context that their behavior was a precursor to being a victim of the crime in question.

Quotes at right, from top to bottom: NBC News: Before apparent video of Ahmaud Arbery shooting, a community was rallying for answers (5/7/20); Oskaloosa News: Vanhemert Takes Stand In Final Day Of Testimony (4/12/2019)

"...Barnhill said that Arbery's 'mental health records & prior convictions help explain his apparent aggressive nature and his possible thought pattern to attack an armed man.'"

NBC News: Before apparent video of Ahmaud Arbery shooting, a community was rallying for answers (5/7/20)

"Vanhemert said that Todd was acting in an aggressive manner, as if he was going to hit his father."

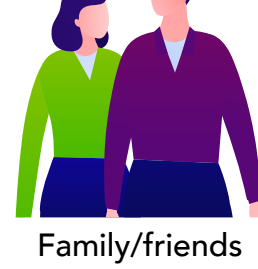
Oskaloosa News: Vanhemert Takes Stand In Final Day Of Testimony(4/12/2019)

## WHO SPEAKS?

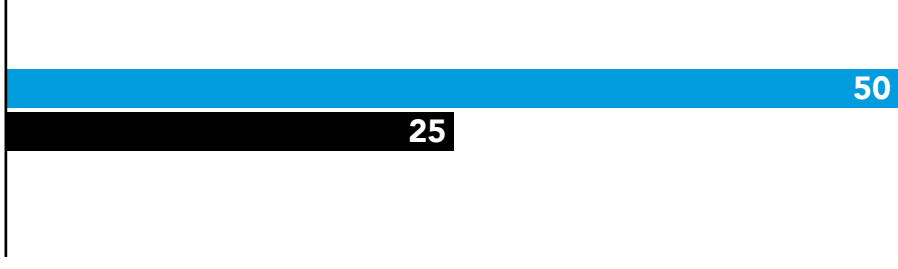
Quotes from family and friends were nearly twice as likely to appear in articles about white defendants than articles about Black defendants.

% types of Quotes Used on Behalf of Defendants by Race

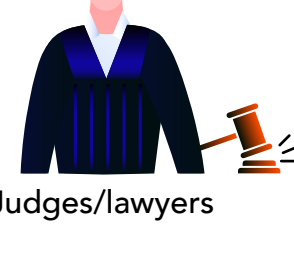
■ White defendants ■ Black defendants



Family/friends



Black defendants were more likely to have judges or lawyers weigh in instead, which presents readers with a less humanizing account of Black defendants.



Judges/lawyers



"He hasn't said I'm sorry yet...He hasn't acknowledged...in fact, his attitude toward this court and life, in general, has been sour."

JUDGE SIBLEY REYNOLDS, IN COURT

"Lakeith was a 15-year-old child, scared to death. He did not participate in the act that caused the death of A'donte. He never shot anyone."

JENNIFER HOLTON, DEFENDANT'S LAWYER

"This officer violated an oath to protect this community...He (Daniel Holtzclaw) exercised authority on those society doesn't care about."

ASSISTANT DISTRICT ATTORNEY, GAYLAND GIEGER

## CONCLUSIONS AND RECOMMENDATIONS FOR MEDIA

**1**

**Forgo images that drive perceptions of guilt**

The images used to describe Black victims are inflammatory and more often than not damaging and create a presumption of guilt.

Coverage should avoid images that play into Black criminality and drive perceptions of guilt at the expense of the presumption of innocence.

**2**

**Avoid labels that carry negative connotation – use more neutral language**

When reporters criminalize defendants by crime, it is dehumanizing and makes it harder for them to get a fair trial.

This is particularly the case for Black defendants, and given longstanding disparities within the criminal justice system, journalists should provide quotes from family members, friends, coworkers, and community members, so that they do not remain singularly associated with the offense with which they have been charged.

**3**

**Ensure parity in how white and Black victims are covered**

Articles should include balanced reporting for all victims and defendants, making sure images are not omitted or information about victims that communicates the tragedy of their pain, or even more seriously, provides any justification for the crime committed against them.

## METHODOLOGY

Audit was conducted among ten criminal cases, 5 cases featuring a white defendant and 5 featuring a Black defendant. All cases had criminal proceedings that occurred in the past seven years. GSG analyzed 20 to 30 articles for each case, for a total of 257 articles, all of which were randomly selected and included a combination of national and local online coverage. The cases analyzed included:

**White Defendants**

- State of Iowa v. Luke Van Hemert
- State of Georgia v. Gregory McMichael / State of Georgia v. Travis McMichael
- State of Wisconsin v. Kyle Rittenhouse
- Oklahoma v. Daniel K. Holtzclaw
- Philip Brailsford v. State of Arizona

**Black Defendants**

- Ohio v. Amir Isiah Riep / Ohio v. Jashen L. Wint
- People v. Rashaun Weaver / People v. Luchiano Lewis / People v. Zayir Davis
- Florida v. Howell Emanuel Donaldson III
- Mississippi v. Desmond Barney / Mississippi v. Lincoln Lampley / Mississippi v. Anthony Fox
- Alabama v. Lakeith Smith