



**COLOR
OF
CHANGE**

NORMALIZING INJUSTICE

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

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

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FOREWORD

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FOREWORD

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

by Rashad Robinson

PRESIDENT, COLOR OF CHANGE

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

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

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

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

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

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

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

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

THE JUSTICE SYSTEM'S PR MACHINE

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

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

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

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

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

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

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

In short, they are helping to normalize injustice.

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

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

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

THE NEED FOR NEW RULES

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

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



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

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

It's easy to say these shows are gratifying because they quickly get us to feel and direct outrage at certain characters and then resolve our vengeful lust by punishing the people we want punished. But we also love these shows because they actually make us think, unlike a lot of scripted television. They

are morality plays that ask us to take sides. They are mysteries that we want to solve on our own before they are solved for us. They take us inside technical fields like the law and let us pretend we could maneuver within them ourselves, and argue our way to whatever outcomes we want.

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

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

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



BEYOND THE TALKING POINT ABOUT DIVERSITY

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

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

It is important to address this issue in light of the actual facts: Last season, 86% of the writers across the 19 series we profiled for that season were white, with only 7% Black. Only 4 series had less than 80% white writers. There were 5 series with 100% white writers: *The Blacklist*, *Law & Order: Special Victims Unit* (also nearly 70% male), *Blindspot*, *NCIS* and *Blue Bloods*. An additional 6 series had or likely had 90–92% white

writers: *Bull*, *Criminal Minds*, *NCIS: Los Angeles*, *Chicago P.D.*, *Elementary* and *Brooklyn Nine-Nine*. All series except for *S.W.A.T.* had 15% or less Black writers. There were 9 series with no Black writers at all: 5 on CBS and 3 on NBC.

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

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

THE FACTS OF FICTION

Color Of Change decided to commission this report for two reasons. Firstly, because our 2017 report found that the crime

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

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

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

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

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

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

One of those differences is between those who think it's not okay for corporations to amplify and profit from racism and those who do (or who simply do not believe it's happening).

Another is between those who believe in evidence supporting a different view of crime and punishment than the popular conception and those who believe in their "gut" story (i.e., fantasy) about what causes crime, what prevents it, what punishment should look like and so on.

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

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

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

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

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

THE POWER OF SYMBOLS

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

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

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

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

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

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

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

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

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

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

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



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

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

The format of a series like *Goliath*, in which a lawyer takes on the corruption of both the legal system and corporations on behalf of vulnerable and victimized people, fell out of style.

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



INTRO

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INTRODUCTION

THIS REPORT PRESENTS THE RESULTS OF A LANDMARK RESEARCH STUDY¹ THAT EXAMINED DEPICTIONS OF THE CRIMINAL JUSTICE SYSTEM—AS WELL AS PORTRAYALS OF PEOPLE OF COLOR, WOMEN AND ISSUES OF RACE—IN POPULAR AMERICAN CRIME TV SHOWS.

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

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

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

FIRSTLY

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

SECONDLY

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

THIRDLY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

The study focused on the following research questions:

RACIAL DISPARITIES

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

CAUSAL CONNECTION

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

EQUITABLE BEHAVIOR

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

The **26 Series** Included

1 from ABC

How to Get Away with Murder

3 from FOX

Lethal Weapon, 9-1-1, Brooklyn Nine-Nine

3 from Amazon

Goliath, Bosch, Sneaky Pete

5 from NBC

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

5 from Netflix

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

9 from CBS

Bull, Blue Bloods, S.W.A.T., Hawaii Five-O, Elementary, Criminal Minds, NCIS, NCIS New Orleans, NCIS Los Angeles



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

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

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

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

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

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

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

Objectives for the study included:

01

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

02

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

03

Discerning patterns of depictions among different networks and individual series.

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

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

The Coding Process

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

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

An additional note on coding: This study aimed to examine viewer exposure relative to certain storylines and character depictions as an entry point for a larger discussion about the role this genre may play in shaping public attitudes and beliefs. Accordingly, the codebook focused on instances of depiction as the most accurate reflection of how viewers would experience their exposure to content in an episode. For example, if 2 police officer characters were depicted

as violating someone's rights in a given moment during an episode, then the coder would code 2 instances of "wrongful action" because a viewer was exposed to the actions of 2 separate characters, even if they took place at the same time. Another example: if a Latina police officer character appeared regularly throughout a season as a main character, coders would count the presence of a Latina police officer once for each episode in which she appeared, because that is how a viewer would register their exposure to that character—i.e., coders counted the number of times that a viewer was exposed to a Latina police officer character while watching the series, rather than counting her as a single character in the series overall.

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

Key Terms & Definitions

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

"CRIMINAL JUSTICE PROFESSIONAL CHARACTERS" (CJPS)

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

"PERSON OF INTEREST CHARACTERS" (POIS)

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

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

CRIME VICTIMS

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

VICTIMS OF "WRONGFUL ACTIONS"

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

"FEATURED CHARACTERS"

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

Key Terms & Definitions

“WRONGFUL ACTIONS”

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

“PHYSICAL FORCE”

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

“GOOD GUY”

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

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

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

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

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



KEY FINDINGS

AT A GLANCE

COLOR OF CHANGE
HOLLYWOOD

COLOR
OF
CHANGE

Study Scope



01

Normalizing Injustice as Standard Practice & Cultural Norm

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

18 of 26 series depicted “Good Guy” CJPs committing more wrongful actions than did those CJPs depicted as the “Bad Guys,”

thereby framing wrongful actions as relatable, forgivable, acceptable and ultimately good. Most series conveyed the idea that whatever a CJP does is inherently “right” and “good” by virtue of it being done by a CJP, especially a beloved main character.

The “Good Guy” Endorser Ratio across those 18 series was 8 to 1.

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

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

Several series seemed to use people of color characters as validators of wrongful behavior

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

02

Misrepresenting How the Criminal Justice System Works & Rendering Racism Invisible

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

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

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

Almost all series conveyed the impression that change is not needed: they depicted a system that does not actually have serious problems related to race,

gender, violence and the abuse of power. While many series explicitly or implicitly portrayed the system as ineffective, the nature of the ineffectiveness was often related to police, prosecutors and others not having enough power and authority. The prevalent message was that the pursuit of justice is hampered by the rules, often characterized as unnecessarily bureaucratic or even too lenient in favor of suspects. The prevalence of surveillance, money bail and other “standard” practices in the justice system were either presented as harmless or misrepresented entirely.

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

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

03

Excluding People of Color & Women Behind the Camera

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

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

At least 81% of writers were white, with only 9% Black; across the genre, 20 of 26 series had either no Black writers or just 1 Black writer.

Setting aside *Seven Seconds* and *Luke Cage*, both on Netflix and since canceled, the median ratio of white writers to writers of color across all 26 writers’ rooms was 6 to 1.

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

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

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

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

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

The Racial Integrity Index ranked each series by the number of its depictions of featured people of color characters relative to the percentage of people of color writers in its writers’ room.

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

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

THE "GOOD GUY" ENDORSER RATIO

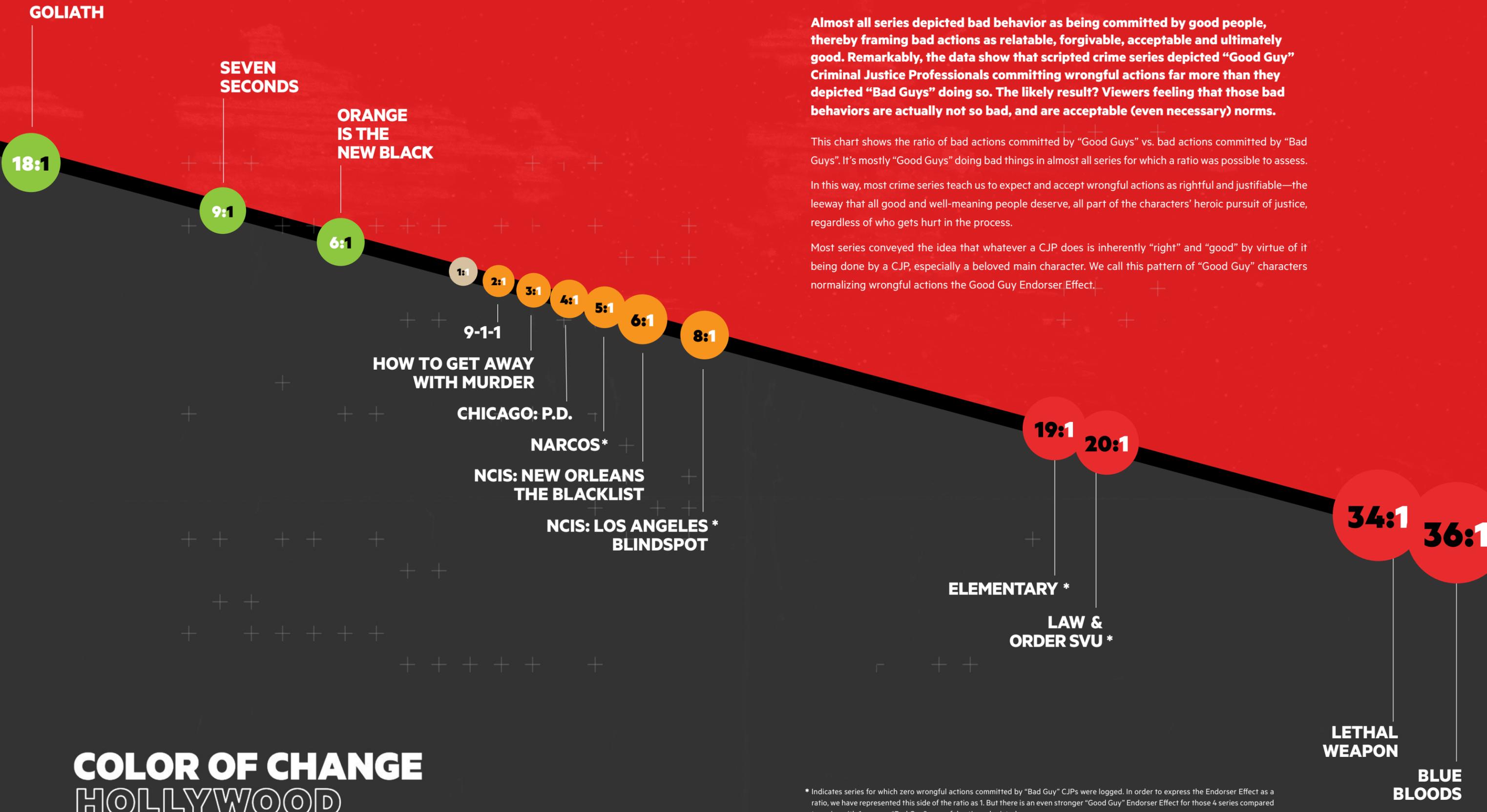
WRONGFUL ACTIONS COMMITTED BY "GOOD GUY" CJP CHARACTERS VS. "BAD GUY" CJP CHARACTERS

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

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

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

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



COLOR OF CHANGE
HOLLYWOOD

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

PERSON OF COLOR ENDORSER INDEX

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

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

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

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

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

NETWORK
SERIES

2017-2018 SEASON

2018-2019 SEASON

2017-2018 SEASON

WRITERS

SHOWRUNNER & CREATORS

WRITERS

RACIAL INTEGRITY INDEX SCORE

GOOD GUY ENDORSER RATIO

PERSON OF COLOR ENDORSER INDEX

NBC
LAW & ORDER: SVU



SHOWRUNNER
1 WHITE MAN
CREATORS
1 WM



-37

20:1

-14

CBS
NCIS



SHOWRUNNERS
2 WHITE MEN
CREATORS
2 WM



-56

N/A

2

CBS
BLUE BLOODS



SHOWRUNNER
1 WHITE MAN
CREATORS
1 WM, 1 WW



-44

36:1

-36

NBC
CHICAGO P.D.



SHOWRUNNER
1 WHITE MAN
CREATORS
4 WM



-69

4:1

-25

NETFLIX
MINDHUNTER



SHOWRUNNER
1 WHITE MAN
CREATORS
1 WM

-

N/A

-0

amazon
GOLIATH



SHOWRUNNER
1 WHITE MAN
CREATORS
2 WM

-41

9:1
(BAD GUYS TO GOOD GUYS)

0

NBC
THE BLACKLIST



SHOWRUNNER
1 WHITE MAN
CREATORS
1 WM



-57

4:1

-93

NBC
BLINDSPOT



SHOWRUNNER
1 WHITE MAN
CREATORS
1 WM



-36

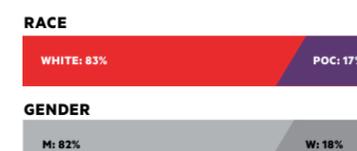
8:1

-23

FOX
9-1-1



SHOWRUNNER
1 WHITE MAN
CREATORS
3 WM



-75

2:1

3

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



RECOMMENDATIONS

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RECOMMENDATIONS

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

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

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

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

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

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

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

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

1. SERIES PRACTICES

WHAT TO STOP DOING

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

A.

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

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

B.

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

C.

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

WHAT TO START DOING

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

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

A.

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

B.

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

C.

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

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

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

INCLUDING NEW WRITERS, SOURCES & SOURCE MATERIALS

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

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

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

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

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

2. INDUSTRY PRACTICES

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

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

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

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

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

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

ESTABLISH AN INDEPENDENT AUDITOR

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

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

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

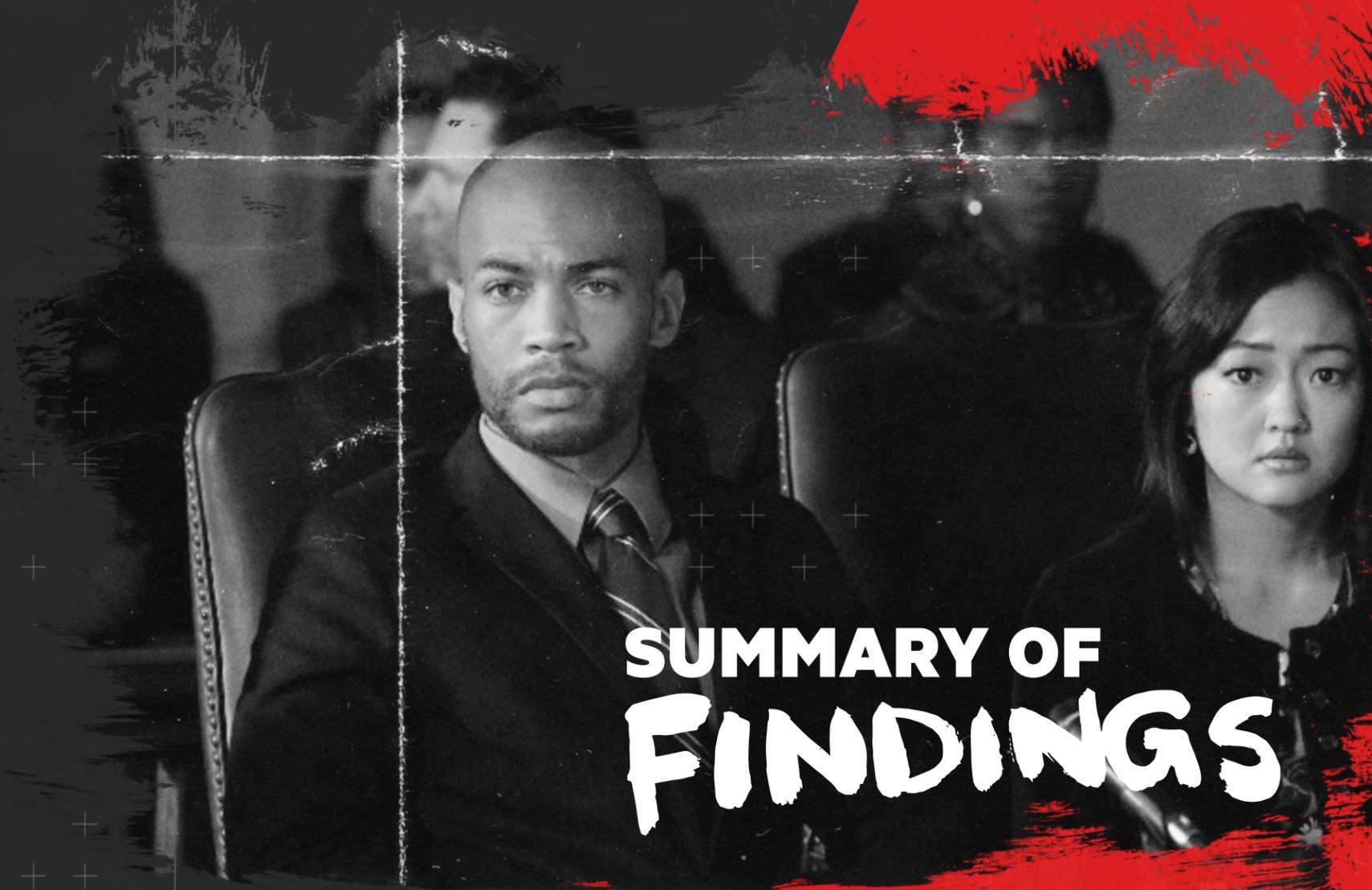
As an outgrowth of that process, an industry-wide ombuds office might be established, as well. Such an office could be supported by all the major networks, platforms, studios, advertisers and industry institutions.



SET NEW STANDARDS OF TRANSPARENCY

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

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



SUMMARY OF FINDINGS

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SUMMARY OF FINDINGS

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

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

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

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

¹¹ Pew Research Center, Public Perception, 2016

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

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

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

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

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

- Created a world in which people do not experience race-based or gender-based injustices in the criminal justice system, and in which there is no bias in the system and the system does not disproportionately target, affect or harm people of color.
- Created a world in which race, racial identities and racism are not particularly relevant to people's experiences in society and in life overall.
- Promoted illegal, unethical and immoral behavior by CJPs as harmless and victimless, and as either unnoteworthy, un-problematic or justifiable.

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

- Wrongful actions by CJPs were rarely acknowledged, challenged or debated, and almost never led to any form of accountability.
- Viewers were regularly exposed to wrongful actions as routine practice; people of color and women CJPs were often depicted as implicitly endorsing them.
- Wrongful actions were presented as ultimately good and forgivable actions on the part of “good guys” in noble pursuit of the “bad guys” and any limitations or accountability for those actions would only impede the pursuit of justice and the ability of CJPs to keep good people safe.
- Created a world in which criminal justice reforms and alternative criminal justice practices do not exist, nor do any credible champions or success models for reform; rather, reformers are naive, ignorant, corrupt or in some other way easily dismissed.
- Excluded people of color and women from writers' rooms, and from positions of authority within writers' rooms (i.e., creators and showrunners).

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

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

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



SECTION 01

Normalizing Injustice as Standard Practice & Cultural Norm

REPRESENTING UNJUST ACTIONS AS ROUTINE, HARMLESS, ACCEPTABLE OR NECESSARY

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

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

main character.

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

The “Good Guy” Endorser Ratio illustrates the first pattern, which compares the number of wrongful actions committed by “Good Guy” CJP characters to the number of wrongful actions committed by “Bad Guy” CJP characters. Across the 18 series in which this pattern was evident, on average, 8 “Good Guy” CJP characters committed a wrongful action for every 1 “Bad Guy” CJP character who did so—an average “Good Guy” Endorser Ratio of 8 to 1. *Blue Bloods* and *Lethal Weapon* had

“Good Guy” Endorser Ratios of 36 to 1 and 34 to 1, respectively, while *Law & Order: Special Victims Unit* and *Elementary* had “Good Guy” Endorser Ratios of 20 to 1 and 19 to 1, respectively. Only 3 series bucked that norm: *Seven Seconds*, *Goliath* and *Orange Is the New Black*.

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

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

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

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

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

The Person of Color Endorser Index highlights the series that

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

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

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

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

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

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



SECTION 02

Misrepresenting How the Criminal Justice System Works

PROPAGATING INACCURATE UNDERSTANDINGS ABOUT CRIMINAL JUSTICE PRACTICES & THEIR HARMS

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

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

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

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

have influenced attitudes toward people of color and others who are associated with populating cities disproportionately.

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

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

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

¹³ “Harms” in the plural because many criminal justice practices have been shown to affect people in a range of harmful ways: physical, financial, mental and social—in total, affecting an entire life trajectory.

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

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

Excessive force was represented as rare, and also as not harmful, both of which are misrepresentations that mask the reality of police violence and that may serve to either excuse it, dismiss it or lead viewers to believe that claims

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

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

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

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

SECTION 03

Rendering Racism Invisible

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

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

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

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

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

Advocates for Reform: In reality, activists and advocates play an important role in developing solutions to systemic problems. With just 20 of 353 episodes depicting activists and advocates, however, they did not constitute a significant pres-

ence in storytelling either way, a missed opportunity to depict how changes in the criminal justice system should and could come about. The very few portrayals that were featured included advocates and activists across a range of causes and political orientations: from anti-immigrant activists protesting a mosque on *Blue Bloods*, to Hall of Fame NBA player Scottie Pippen advocating for the wrongly imprisoned on *Lethal Weapon*. In addition to individual activists or advocates, small groups or crowds of protesters were also occasionally featured in certain scenes in a few series:

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

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

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



SECTION 04

Excluding People of Color & Women Behind the Camera

LIMITING THE TYPES OF PEOPLE WHO CREATE AND SHAPE CONTENT

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

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

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

There were 3 series that had 100% white writers (*NCIS*, *Blue Bloods*, *Mindhunter*) and an additional 6 series that had, or

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

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

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

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

On CBS:

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

On NBC:

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

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

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

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

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

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

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

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

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

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



APPENDIX

COLOR OF CHANGE
HOLLYWOOD

COLOR
OF
CHANGE

"Wrongful Action" Categories & Specific Actions

CATEGORIES OF WRONGFUL ACTION, INCLUDING SPECIFIC WRONGFUL ACTIONS PER CATEGORY.

Categories of Wrongful Actions:

- **Coercion & Intimidation:**
 - Questioning without a lawyer
 - Coercing Decisions, e.g., to accept a plea bargain *ES*
 - Forcing Confession *ES*
 - Dissuading Suspect from Calling a lawyer
 - Denying Access to a Lawyer
- **Violence & Abuse:**
 - Excessive Physical Force
 - Excessive Verbal Aggression
 - Shooting without Cause *ES*
 - Sexual Harassment *ES*
 - Denying Necessities, e.g., food and water
- **Lying & Tampering:**
 - Witness Tampering *ES*
 - Knowingly Lying to a Suspect
 - Falsifying Evidence *ES*
 - Mishandling Evidence *ES*
 - Planting Evidence
- **Corruption:**
 - Corruption *ES*
 - Bribery
 - Blackmail/ Extortion *ES*
- **Rule Violations:**
 - Breaking Procedural Rules *ES*
 - Failure to Read Miranda Rights *ES*
- **Illegal Search:**
 - Searching without a Warrant *ES*
- **Overt Racism:**
 - Racist Language
 - Racial Profiling *ES*

ES = Explicitly Stated



SECTION 4.1

About the Collaborators

Color Of Change is the nation's largest online racial justice organization. Driven by over 1.5 million members, Color Of Change builds power for Black communities, enabling Black people to challenge injustice wherever our lives and wellbeing are at stake: Silicon Valley, Wall Street, Hollywood, Washington, prosecutor offices, capitol buildings and city halls around the country. By holding corporate and government decision makers accountable, and advancing systemic changes and solutions across society, Color Of Change is creating a more human and less hostile world for Black people and all people in America.

Notable victories include redefining the role of local prosecutors and securing the commitment of more than a dozen prosecutors and prosecutor candidates to reduce mass incarceration and

police violence through major changes in practice and policy, such as ending money bail. Color Of Change also forced over 100 corporations to end their funding of the secretive right-wing policy shop, ALEC, following the murder of Trayvon Martin; pressured corporate leaders to abandon the Trump Business Council and stop enabling the growth of white nationalist groups through their services; framed and won the federal protection of net neutrality as a key civil rights issue; and is working with Airbnb, Google and Facebook to identify and implement policies for ensuring diversity in hiring and eliminating racist content and predatory advertising from their platforms.



Color Of Change Hollywood collaborates with like-minded people in the entertainment industry to change how Black people—and issues that affect Black people—are represented across the media landscape. Entertainment media, especially television and film, play a profound role in shaping public attitudes and popular culture. Research is clear that portrayals of Black people in entertainment media influence how Black people are treated by judges, police, doctors, employers, teachers, executives, politicians and voters in real life. Yet, when it comes to the representation of Black people, Black communities and Black culture, and also issues that affect Black communities, far too much of what millions of television viewers are consistently exposed to promotes inaccurate and dangerous misunderstandings.

Color Of Change Hollywood works to reduce inaccurate and dehumanizing portrayals, shifting industry norms in order to

increase the diversity, accuracy and humanity of representations of Black people onscreen. Whether increasing diversity behind the camera or increasing the diversity and authenticity of the stories and characters playing out in front of it, Color Of Change Hollywood is a force for change in entertainment.

We consult with writers' rooms, from Grey's Anatomy to Seven Seconds, to offer showrunners and writers real-life stories, information and experiences which they can use in story development and scripting. We collaborate with film and television promoters, from HBO to A&E and AMC Theaters, to amplify the reach and impact of content that elevates Black stories. We conduct original research to expose critical problems in the industry, such as writer/showrunner diversity. We lead campaigns to ensure accountability in the industry, such as canceling COPS on FOX and pressuring Saturday Night Live to hire Black women both in front of the camera and behind

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it. We work with celebrities and other influencers to produce content on critical social issues. We also advance conversations about solutions for change across the industry through private salons and public conversations such as the #TellBlackStories podcast series.

The USC Annenberg Norman Lear Center's Media Impact Project The Norman Lear Center, home to the Hollywood, Health & Society Program and the Media Impact Project, is a nonprofit, nonpartisan center of research and innovation at the USC Annenberg School for Communication and Journalism.

With present philanthropic partners including the Bill & Melinda Gates Foundation, the Carnegie Corporation of New York, the MacArthur Foundation, the Robert Wood Johnson Foundation and Skoll Global Threats Fund, our goal is to prove that media matters, and to improve the quality of media to serve the public good.

On campus, from its base in the USC Annenberg School for Communication and Journalism, the Lear Center builds bridges between schools and disciplines whose faculty study aspects of entertainment, media and culture. Beyond campus, it bridges the gap between the entertainment industry and academia, and between them and the public. Through scholarship and research; through its conferences, public events and publications; and in its attempts to illuminate and repair the world, the Lear Center works to be at the forefront of discussion and practice in the field.

The Lear Center has nearly 20 years of experience conducting rigorous mixed-methods research on the content, audiences and effects of media, including entertainment, journalism and social media, and an equally long track record in Hollywood as a trusted source of expert information and inspiration for storylines. We partner with media makers and funders to create and conduct program evaluation, to develop and test research hypotheses, and to publish and promote thought leadership on the role of media in social change.

COLOR OF CHANGE
HOLLYWOOD



NORMALIZING INJUSTICE

UPDATED
ABRIDGED VERSION

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