

# The Media and Crime Information

## The Tony King Case and Media Distortions

**Francesc Barata**

- *On 18 September 2003, Tony Alexander King, a robust, 38-year-old British citizen was arrested for murder on the Costa del Sol, six years after fleeing Great Britain and with it the stigma of being a 'danger to women'. The King case shed some light on two crimes that had deeply affected public opinion and which had led to the imprisonment of an innocent woman. The deaths of teenagers Rocio Wanninkhof and Sonia Carabantes touched many hearts, and the false conviction of Dolores Vazquez became a wake-up call to reason. This is the most recent major criminal case in Spain, and it highlighted the significant role the media had in moulding the public's opinion of the crimes and the workings of the criminal justice system.*

The aim of this article is to reflect on the impact of crime information on a society where a feeling of insecurity has subtly taken hold of the collective unconscious, ushering in what is known as a 'culture of fear'. On the basis of the news broadcast on TV3's news bulletin<sup>1</sup> over the period of a fortnight, I want to put forth a series of reflections on the journalistic approach to the coverage of crime news.

The arrest of Tony Alexander King provided evidence that will soon have to be ruled on by the courts, but from a news point of view, it opened up a very interesting debate on the role of the media in the Wanninkhof case, named after the

19-year-old teenager murdered in the town of Mijas in 1999, and the subsequent initial conviction of Dolores Vazquez. Apart from the errors later found in the initial police investigations, we have to ask ourselves about the effect the media coverage had on society as a whole and on the jury that wrongly convicted Dolores Vazquez. Was the media's approach to the case somewhat 'alarmist'? Was her presumption of innocence honoured? These were questions posed by the editor and newsreader of TV3, Carles Francino, during the news bulletin of 24 September when the magistrates were already hinting at the imminent withdrawal of the charges against Dolores. He was referring to certain journalistic practices associated with the coverage of the murder of Rocio Wanninkhof.

### **The Presumption of Innocence**

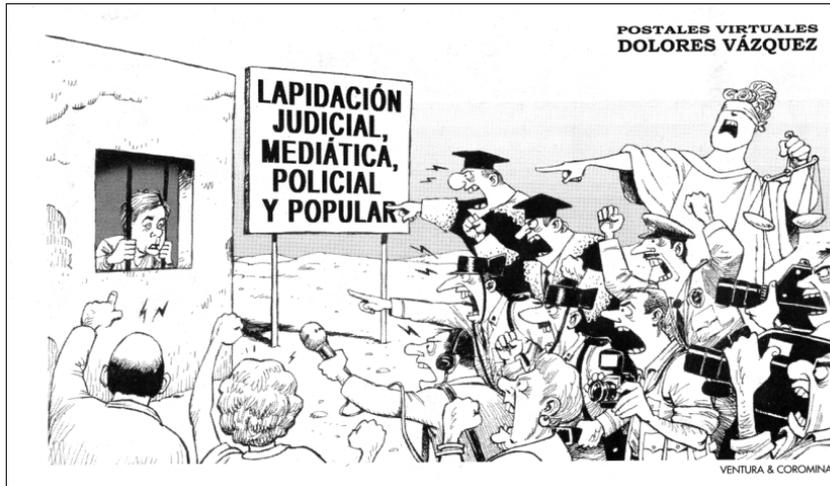
The disappearance of the Mijas teenager led to an increase in the coverage of event-based news in some media, particularly television, where crime is often the major story. When Rocio's body was found, Dolores Vazquez was arrested. It is interesting to note that two days before her arrest, her photo had appeared in a newspaper<sup>2</sup> as the face of a suspect. When the Civil Guard went to her house to arrest her, there were already dozens of cameras in front of her home, ready to deliver an account.

From the time Dolores Vazquez was arrested she became the focus of the media. Her private life was divulged, her cold personality was interpreted as calculating and unscrupulous, and her relationship with the victim's mother became the 'unconfessable' motive of her crime. "Dolores has been exposed in every aspect of her life: economical, sexual and professional," her lawyer told the TV3 evening news bulletin on 22 September.

---

**Francesc Barata**

*Professor of journalism at the Ramon Llull University*



Source: *La Vanguardia*.

A good part of the media failed to respect her presumption of innocence. Beyond this, it is interesting to analyse the different elements that came into play in this breach of the right to be presumed innocent that all accused persons have until found otherwise by a judge.

The first event that opened the door to a breach of the presumption of innocence was when the police released the names of the people taken into custody. Dolores' name was leaked even before her arrest, when she was simply a suspect. Once her identity became known, many journalists went on an information hunt to uncover details of her life.

The case of Dolores Vazquez demonstrates two events which, when combined, tend to lead to an initial transgression of the presumption of innocence, i.e., the rivalry generated among reporters to obtain and publish all possible information surrounding an investigation, and the police practice of providing the names of people in custody. In Catalonia, as in the rest of Spain, police and other state security forces only give the names of people in custody once they have a police record, i.e., after they have been arrested and charged, even though the judge may later have declared them innocent. This is the policy of police spokespersons with regard to the media.

But what happens when the media and society take a special interest in a case? Then, it seems, the police reveal the identity even of people who have no police records, as was the case with Dolores Vazquez. She was a prime suspect in Rocio's murder and as such her identity and a lot

of other personal details were divulged. The journalists took care of the rest.

There are times when police withhold the identity of a person arrested, but unofficially it ends up reaching the media because of the persistence of a reporter or because it is in the police's interests.

Knowing a suspect's identity goes way beyond simply informing the parties involved in the process following an arrest, and mass dissemination in the media damages the presumption of innocence. In other words, when a suspect is identified in the headlines and their face appears on the news, their presumption of innocence is weakened. Significant media coverage confers elements of certainty on a suspicion. A similar thing happens with journalistic rumours, where an unconfirmed piece of information becomes major news with often very real consequences.

Another journalistic practice detrimental to a suspect's presumption of innocence is the way different 'voices' are handled in a story; i.e., the use a journalist makes of sources of information and declarations made by the people involved. In the Wanninkhof case, much of the media dedicated significant space to the murdered teenager's mother, which she used to air her suspicions. After the disappearance of her daughter, Alicia Hornos appeared on various television programmes stating her accusations against Dolores Vazquez. The anguished mother's line of reasoning was instrumental in pointing the finger at Dolores, with whom she'd had a relationship. Luis Gomez, a

journalist with El Pais, says that after Dolores' arrest, the victim's family "went from one television programme to another, dragging up old stories that confirmed her cold, unfriendly, demanding and violent character"<sup>3</sup>.

Even after Tony King admitted to the teenager's murder, her mother refused to believe the evidence contained in the declarations and the results of the DNA tests. Although the case against Dolores was falling apart, the media continued to give the mother's account; she still believed there was a connection between Dolores and the death of her daughter, according to a TV3 news report of 21 September.

The journalistic practice of giving so much visibility to the accusations made by the families of victims is indeed worrying. It is as though the media wants to foster suspicion and exploit the understandable incomprehension of those directly affected by the crime, of those whose minds are clouded by the tragedy. There seems to be some sort of lure of irrational voices charged with emotion and expressing pain.

Journalists exploiting aggrieved voices: this is also a concern because it introduces subjectivity into public opinion with emotive speeches that clash with the reason upon which modern criminal law is based; speeches charged with emotion that are often understood as calls for tougher penalties for perpetrators, or at least raise old misgivings about the legal system. Such was the case with TV3 on 2 September when Encarna Guzman, mother of Sonia Carabantes, appeared on the news demanding the murderer serve his entire sentence. One can understand how a mother who has just lost her daughter may be unfamiliar with the law, but not the journalists covering the story: the Criminal Code establishes that sentences are to be fully served. Therefore, broadcasting these statements promotes mistrust of the penitentiary system. These practices encourage old and well-rooted suspicions in society, like the belief that criminals go in one door and out the other.

So, on the basis of everything said until now, I believe that breach of the presumption of innocence is due to a particular journalistic culture and certain police practices which are not very sensitive towards a person's right to privacy, even when under investigation. We must never forget that the only moment of truth is during oral proceedings, and until then a defendant is always just alleged to be guilty.

A weakening in the presumption of innocence is a step

backwards for modern criminal law. This idea was put forth by the prestigious Italian lawyer Luigi Ferrajoli, when he said that in today's society, the media has introduced a new type of 'pathology' that disrupts legal proceedings, i.e., anticipated punishment, sometimes worse than the penalty itself. In the work *Law and Reason*, he also said that with the media has come the old infamous role of pre-modern criminal law, whereby penalties were executed in public but proceedings held in secret, and that these days pillory has been replaced by the exposure of defendants on the front pages of newspapers and on TV, not as a result of their conviction but rather their having been charged, when they should still be presumed innocent. In short, the media has disrupted the enlightened manner in which proceedings should be publicised.

Breach of the presumption of innocence is the first step in what is known as parallel proceedings, something that took on special significance here at the start of the 1990s with the Alcasser case. What happened is a phenomenon that some writers call 'the return of events'. The bloody details and criminal facts were given new and greater coverage, and had a lot to do with the appearance of private television stations. Gruesome details became instrumental in the battle for audience share and continue to be used today by some of the media.

As the prestigious French theorist Pierre Bourdieu pointed out in the mid-1990s in his book *On Television*, drama and crime have always sold, and the reign of the Audiometer has put them back in the headlines and as the opening stories in news bulletins, including the types of stories that were previously excluded and relegated due to the sense of responsibility imposed by the model of the written press. Events are now stories that entertain, he says, and an event is a type of elementary and rudimentary news production which is important because it captures people's attention without a concern for the consequences and because it takes up air time that could be used to ask for other things. It is true that personal dramas entertain and captivate audiences, but the consequences are not always as harmless as Bourdieu suggests. I believe that, apart from being a form of entertainment, this type of news introduces into society powerful icons about the world, the justice system, the police and the application of the law. We need to remember that only a small part of society has any direct

contact with crime. That is why information of this nature provides a powerful source of knowledge regarding crime and the people involved in its resolution - knowledge mediated by the producers of the stories, i.e., the media.

## Media Visibility

The role of the media in how society perceives certain crimes and the criminal justice system has become increasingly important in recent years. This process has run parallel to the expansion of the criminal justice system, as Jose Juan Toharia points out in *Opinion Pública y Justicia* (Public Opinion and Justice). In other words, the expanding law has been accompanied by increased interest in crime on the part of the media. Crime has gained an important position in the media agenda, and even though there are not any compelling studies on the subject, it appears that this type of news has a powerful impact on people's conversations and public opinion.

I defend the idea that the media should reveal aspects of criminal events that are key to understanding a good part of society's responses to them. Since the appearance of the modern press some 120 years ago, much of what society knows or imagines about crime is largely due to the media. The media transformed society's experience of crime, leading to a fundamental change in which we went from the old public-punishment rituals to the new media rituals. The real violence that made up the barbarous 'theatre' punishment system that took place in the streets and squares disappeared and was replaced by emerging violent narratives. When personal violence started to subside, violence began to be given more visibility throughout society. There is no denying the radical change it has produced in the way modern society experiences crime in general. We have gone from direct and observable public punishment to the recorded accounts offered by the media. The media has become a mediator; not a neutral mediator or a mere bearer of news, but rather a mediator who also produces the messages. Society's experience of crime is recorded by the media and is therefore above all a media experience.

This visibility becomes more apparent in the face of what we call 'media crime waves', i.e., when all sections of the

media give a certain crime abundant and 'alarmist' coverage, resulting in news overload. We could say these waves are artificial because the emphasis given in the news is disproportionate to the true incidence of the problem. These 'media crime waves' give problems about crime a social dimension that is not accurate, but the most worrying aspect is that they end up shaping the real perception of crime. It is not that the media invents the crimes, but it gives them a certain shape and content that determine society's perception of them.

The media does not stop at introducing certain images into people's minds, but goes further, to establish something more serious in society. Even though 'media crime waves' are essentially psychological experiences, they end up becoming real because the consequences they produce in society are real.

Various studies have highlighted the fact that most crime news covered by the media is made up of bloody events, when these are only a small part of the crime index. As far as the media is concerned, a crime is always a bloody, violent and dramatic event.

One of the notable aspects of these 'media crime waves' is that they tend to 'package' different types of events that take place in other social settings and group them under a negative and inaccurate image. The 'packaging' effect makes certain criminal events more visible. One example is what is known as 'school violence'. Let me use an example, i.e., the attack in a school in L'Hospitalet de Llobregat (Barcelona) in November 2002, which was linked with the murder of school students in Germany, France and the United States, when it was obvious the surrounding circumstances were radically different. With this event, as with others, the media globalised these negative experiences and presented occurrences that happened in faraway places as things that could happen at any time in our own society.

To my understanding, all these elements make news reports on crime activity highly responsible for public insecurity. Studies carried out in other countries have established a link between public fear and increased news about criminal activity. We need to ask ourselves if the escalated presence of bloody and dramatic events in the news actually broadens society's perception of insecurity. We should remember that in Barcelona, insecurity is one of

the top three issues that concern the population, despite an actual fall in the crime index.

As promoters of critical criminology pointed out over thirty years ago, media reports help incite alarm and moral panic in society. Crime reports that become part of this media wave appear as part of the social debate in the form of conflict and use emotive language that appeals more to sentiment than reason.

The death of the teenager Rocio Wanninkhof and the subsequent arrest, indictment and conviction of Dolores Vazquez were covered in alarmist terms by a lot of the media, particularly certain television programmes. These programmes offered a dramatic view of the events, exaggerated the reality and highlighted punitive options as the solution to the problem.

These events bring with them a dose of reality to a society in the midst of a 'trust crisis' that makes it turn to an older form of truth, i.e., feelings. In the desert of metastories, *mini speeches* have sprung up that offer society a feeling to go by. Snippets of truth with large doses of emotion, like stories about crime. In other words, we are faced with a real trust crisis that affects the symbolic order: the big stories are not as believable anymore, and people take a greater interest in the small, common and personal. Criminal events, considered a request for reality, lead to a search for authenticity in the face of the charade that Baudrillard talked about. A study conducted in Spain by Eco Consulting in June 1998 revealed that stories pertaining to events and sports had the most credibility amongst the public, while the least credible were political stories (*El País*, 14 July 1998). 78.6% of the population thought event stories were reliable, as opposed to 30.8% who felt the same about stories on national politics.

This attraction to criminal events comes at a time when society feels insecure. In most European countries, public safety is one of the top issues of concern amongst the population. It is generalised fear, a fear of the unforeseeable, that feeds the booming security business. In countries like Canada and the United States, fear management has become a very profitable business: according to Nils Christie in *Crime Control As Industry*, twice as much is spent on private security as on public security.

There is an incredible paradox in everything I have said until now: the same society that feels deeply vulnerable also has a fascination for violent stories and crime.

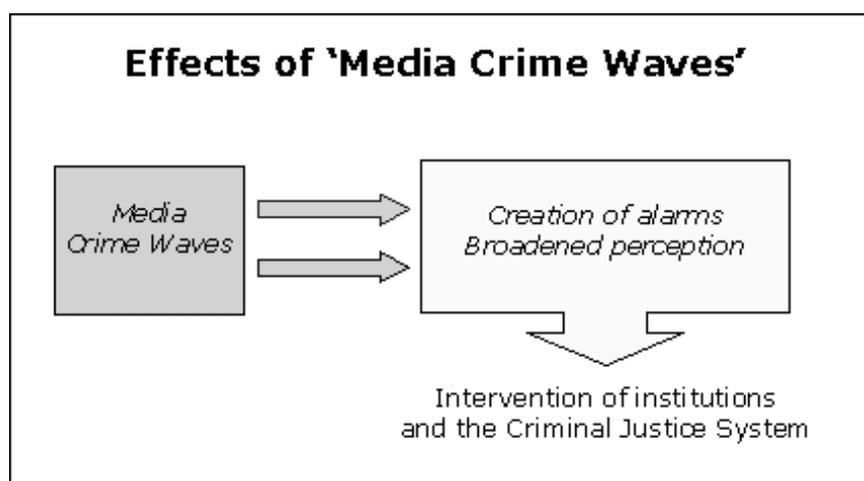
## The Influence of Political Actors and the Criminal Justice System

Apart from the influence crime stories have on the population, I would like to point out another disturbing issue, i.e., the influence they have on the politicians involved and the criminal justice system. The Tony King case showed how the media agenda ends up having a powerful effect on the political debate. This is also applicable to other areas of life, but when it comes to criminal affairs it takes on a special dimension due to the alarmist messages that accompany these stories. It is more than a simple influence; the social climate created by these stories is taken advantage of to introduce changes to criminal legislation.

The arrest of Tony Alexander King on 18 September 2003, and the DNA results that linked the Sonia Carabantes case with the Rocio Wanninkhof one, brought to light the judicial error that initially saw Dolores Vazquez convicted and sentenced to 15 years' imprisonment. It is worth remembering that the case was thrown out by the Malaga Courts for procedural errors and the supposed perpetrator had already been in prison for 18 months. This spurred a political debate regarding the reform of the Jury Act, seeing as it was the appointed jury that had committed the error. Declarations made by the Interior Minister, Mariano Rajoy, generated some concern amongst the legal bodies.

One part of the debate focused on the above-mentioned error, although studies have shown there is approximately the same error index with decisions made by ordinary citizens as by judges.

The controversy surrounding the use of juries reminds me of other debates that have begun in recent years in the wake of examples of news overload. It is worrying to see how alarmist information can mobilise the political and legal classes. We could say they are both too dependent on the media, and fearing an unpopular public reaction, they give what could be called an 'anticipated response'. In Spain, as in other European countries, the political and legal world have reacted to successive 'media crime waves' by upping restrictions. In 1992, in the wake of the murder of the Alcañes teenagers, certain penalties were shored up under the Criminal Code, which at the time was being amended. The paedophilia cases in Europe at the end of the 1990s resulted in a toughening of the penalties pertaining to sexual



Source: author's own work

offences. The same thing happened after intensive news coverage of battered women - an issue that had registered barely any media visibility until just a few years ago.

I will not go into an analysis of whether these legal changes were appropriate or not; the point I want to make is that these changes have come about during a period of abundant and often sensationalist media coverage of certain criminal events.

In short, the visibility the media gives to certain criminal events seriously questions the criminal justice system.

I believe the alarmist effect created by the media would be much less potent if institutions did not react in response to 'media crime waves'. Official bodies often grant these types of stories a sociological truth that society itself has yet to do. In the year 2000, the death of a young boy after being savaged by a dog and the ensuing alarmist coverage given to the event led to the toughening of legislation concerning the control of certain breeds, even though there was no study to show there had been an increase in these types of attacks.

This hypersensitivity to crime news began with major cases and threatens to contaminate each procedure in criminal law. It is no coincidence that, since the establishment of Spanish democracy, judges have never before made the most of social alarm as now.

Luigi Ferrajoli criticises the interference of the media in the criminal justice system. He warns of the dangers and points

out that judges should only weigh evidence and not take public opinion or the media into account, as they always seek to apportion blame.

Apart from the pressure that news overload exerts on the various parties working in criminal affairs, I would like to mention the use it can be put to in the political arena. It is worth noting that in the last electoral campaign the issue of public safety was high on the list of concerns.

Some writers talk about the negative influence of news overload when it comes to the political behaviour of a society. A study carried out in France by TNS Media Intelligence revealed that during the 2002 legislative campaign, crime news rose by 126% and that this extensive coverage of public insecurity resulted in extra votes to the extreme right.

To conclude, we could say that the Tony King case and the media coverage surrounding the teenagers Rocio Wanninkhof and Sonia Carabantes revealed some of the most worrying practices in the media treatment of criminal events. News overload increases social alarm, and publicising the identity and personal lives of people in custody only devalues the right to the presumption of innocence. A media circus always has a negative influence on the people involved in the criminal justice system, equal to a public humiliation which increases social stereotyping and contributes to what the German sociologist Ulrich Beck calls a 'scapegoat society', where it is not the threats

themselves that generally unsettle society, but those who expose them.

The media is a powerful machine that produces, speculates on and influences the beliefs surrounding crime. Its alarmist approach generates a 'punishment syndrome' in society, i.e., the feeling that anyone could be a victim. Crime is presented as the paradigm of the fears that surround us and the media creates the idea of present-day life as a world plagued by insecurity.

## Notes

1. The sample studied was composed of a total of 30 news programmes broadcast by TV3 between 19 August and 15 November 2003.
2. See *El País* 28 September 2003.
3. See *El País*, 28 September 2003.