

## **Investigating True Crime Television**

The Evidentiary Forest and the Evident Trees

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True crime television certainly owes debts to documentary film. They both serve as creative treatments of reality whose deliberate framing of an issue or figure belies producer claims to impartiality. For both film and TV, evidence shares the double burden in true crime narratives of making a case to audiences for incrimination or exoneration, as well as substantiating the production's claim to objectivity. Yet documentaries and the true crime genre that followed also serve as evidence of their own respective moments in time. They reveal broader social and cultural contexts that shaped them, give insight into the priorities of their producers, and say something about the audiences imagined at a particular moment in time. It is this layered significance of "evidence" that I find most striking in true crime TV.

In watching *OJ: Made in America* and *Making a Murderer*, for example, I was struck by how each is evidence of the seismic shifts in the media landscape at their respective moments. The inclusion of television cameras in the courtroom in OJ Simpson's murder trial, for example, occurred amidst the proliferation of the 24-hour cable news cycle. Its saturating daily broadcasts across network and cable channels paralleled and magnified popular discourse on racism on the heels of the videotaped beating of Rodney King and the much-televised riots following his assailants' acquittal.

Approximately a decade later, home video technology is even more ubiquitous in the murder trials of Steven Avery and Branden Dassey, the central figures in *Making a Murderer*. This footage presents the inner workings of the case as events putatively unfold both in the courtroom and in the defense's strategy sessions, interspersing these scenes with video-recorded police interrogations of the suspects and intimate interviews with their families. Arguably more than the Simpson case, *Murderer's* release via Netflix's streaming service nearly ten years after Avery and Dassey's convictions also provokes reflection on the subsequent effect of social media on the show and the case.

On this point especially, the matter of evidence and the social/cultural work of true crime television raises additional questions. In addition to the text itself as a comprehensive document of a sociohistorical moment, how true crime programs deploy evidence in their framing of the narrative warrants scrutiny. Whether it be to prosecute, exonerate, or cast doubt, the matter of *what* constitutes evidence and *how* evidence is utilized takes on added significance in the present moment. As *Making a Murderer* illustrates, true crime television programs are produced in an environment where the original show's incompleteness and/or perceived partiality spurs a paratextual universe of reactions and investigations aimed at filling in the evidentiary gaps. Even if the phenomenon of *Murderer* represents an extreme case, the question about the genre's engagement with evidence remains. What exactly is the evidence in true crime TV doing and what should we make of true crime television as evidence of documentary engagement in the highly mediated present?

It seems that *Murder* and *Made in America*, and perhaps others in the genre, are attempting to do double duty by offering evidence pertaining to the specifics of the individual(s) on trial and

suggesting broader systemic shortcomings of the criminal justice system. In the current climate in which social media has rendered critiques of police and the criminal justice system are arguably more visible than ever, true crime TV may have the potential to mobilize broad swaths of viewers to push for substantive structural change. What I find in these two texts, however, is that the narrative tends to distill structural critiques down to familiar narratives of protagonists and antagonists. Even when *Murderer's* defense attorney Dean Strang and *Made in America's* director Ezra Edelman respectively point to systematic socioeconomic and racial biases, they are effectively swimming against the current of a prevailing narrative logic that implicates individual actors rather than the systems that rationalize their actions.

In other words, conspiracy theories figure more prominently. They require only a small cadre of corrupt agents with personal motives and they suggest in the end that exposing the conspiracy will root out the 'bad apples' and restore an inherently just system on its righteous path. It makes for compelling storytelling, but it short-circuits these stories' capacities to help audiences connect the evidence to an indictment of proper scale. Nowhere is this more evident than in the ancillary industries of vigilantism that spring up around programs like *Murderer*, where the swell of discourse conflates justice with pardons for two incarcerated people and remains suspiciously quiet regarding the systemically disproportionate incarceration of people of color, the poor, and the disabled by the hundreds of thousands. This tendency to miss the forest for the trees is frustrating but does not negate the genre's capacity for change. What shape, then, would true crime TV need to take to do more with evidence?