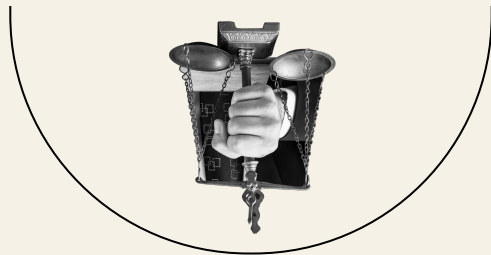




Legislating/Regulating the True Crime Genre?

Rianna Melnik & Jenny Jang



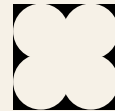


TABLE OF CONTENTS



01

**Introduction to
True Crime Genre**

02

Issues Identified

03

**Current Legal
Landscape**

04

Conclusion





TW / CW

Topic being discussed can be graphic, violent, and distressing.
We understand if anyone needs to leave the room at any
point/do not wish to listen to our presentation.





01



What is the True Crime Genre?

Early History to Modern Developments



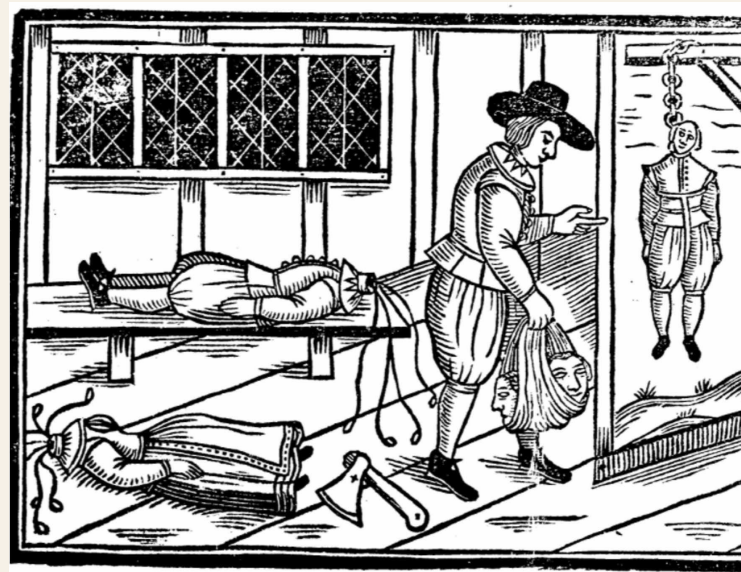
Gosport Tragedy;
OR, THE
Perjured Ship Carpenter.

TO WHICH ARE ADDED,
THE SCOTS BONNET.
THE RELIEF BY THE BOWL.
GET MARRIED as SOON as you CAN.



GLASGOW,
Printed by J. & M. ROBERTSON,
Saltmarket, 1801.

An early ballad about a woman
murdered by her lover



Woodcut for the publication called, "A true
relation of a barbarous and most cruell
murther, [com]mitted by one Enoch ap
Euan"

AN ACCOUNT of a MONSTROUSLY - CRUEL
MURDER !!!

ON THE BODY of AN UNFORTUNATE LADY, NAMED

MISS ELMS.

Of 17, Wellesley Str. near the New Church, Chelsea,

On THURSDAY Night, or FRIDAY Morning last.

ON Saturday Evening (May 4, 1833,) the inhabitants of CHELSEA were thrown into a state of consternation on the discovery of a diabolical MURDER which had been perpetrated there. It appears the unfortunate deceased was a Maiden Lady, residing at No. 17, Wellesley Street, Chelsea, and who, not having been seen by her neighbours since Thursday night, and her house closed, fears were entertained that something had befallen her—especially as a woman who resided in the house left her at home alone on Monday evening.

Saturday afternoon constables were sent for, and an entrance was effected, when the fears above-mentioned, were verified. The poor creature was found a corpse, lying on the floor, on her stomach, with her throat cut from ear to ear, surrounded by a pool of blood, her feet were on the hearth rug, and her head behind the door. Some inhuman monster had inflicted a most dreadful deep gash over her left eye, a second stroke, evidently with the same weapon, divided the upper part of the nose, cut in two the ball of the left eye, and severely wounded the other. Determined to sacrifice this poor creature, the murderer then plunged his knife into her throat. It would appear that the deceased was in the act of stepping into bed when this attack was made on her. Her lamp stood in the fender, and it is supposed the deceased had just placed it there, and was in the act of rising from the ground, when she received a blow on her forehead: two of her teeth were found on the rug: her clothes torn up as high as her knees, and her pocket, which appeared emptied of its contents, was drawn through her pocket hole, and pushed back in a clumsy manner. Her cap and bonnet appeared also taken off, and found among the blood on the floor.

After the Murder, a most careful investigation seems to have been taken of the premises: the clothes were taken off the bed, some strewed on the floor, and some were on the bedstead: all the boxes, cupboard, drawers, and every place appears to have undergone the most minute inspection: every place was ransacked, except a wine cooler, in which were four old-fashioned silver salts, pepper castor, sugar tongs, and four tea spoons: in the table drawer, were a pair of silver spectacles, and three silver spoons were found lying about different parts of the room: in a writing desk were six duplicates of different articles of plate. As it is impossible these things could have escaped the notice of the murderers, it is evident plunder was not their object. Trunks, boxes, &c. were opened, and the contents strewed about the room, but all letters and papers seemed to have been minutely looked into.

A Mrs. Mortimer, a lodger, seemed very anxious about some property in her room: she not answering several questions satisfactorily, she was given into custody. She said in a very firm voice, looking on the dead body, "So help me, God, I am innocent of any participation in this Murder!"

The deceased had two brothers—one a clergyman, and the other a clerk in the Bank. It is said she was related to a distinguished Earl, but this wants confirmation.

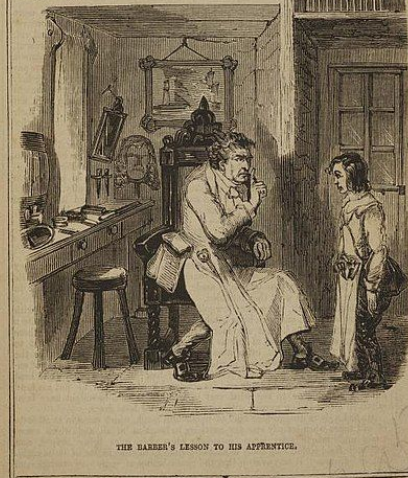
Barnett, Printer, 74, Tooting Road, London.

Broadside: "An account of a monstrously-cruel murder!!! On the body of an unfortunate lady, named Miss Elms. Of 17, Wellesley Str. near the New Church, Chelsea, on Thursday night, or Friday morning last, 1833"

THE
STRING OF PEARLS;
OR,
THE SAILOR'S GIFT.

A ROMANCE OF PECULIAR INTEREST.

"And now, Tobias, listen to me, and treasure up every word I say." "Yes, sir." "I'll cut your throat from ear to ear, if you repeat one word of what passes in this shop, or dare to make any supposition, or draw any conclusion from anything you may see, or hear, or fancy you see or hear."



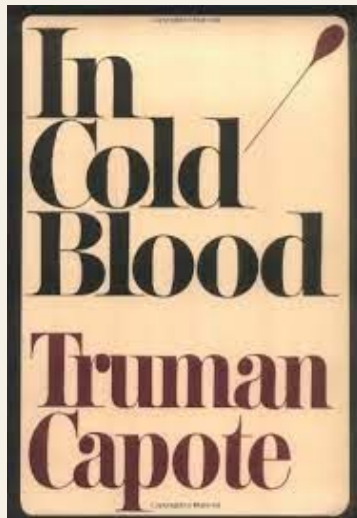
THE BARBER'S LESSON TO HIS APPRENTICE.

No. 1.

Penny Dreadful: *The String of Pearls*



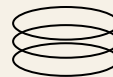
Truman Capote's, *In Cold Blood*



Set a new standard of sensationalizing
true crime in the 20th century



David Costello





***Serial* – Sarah Koenig**



- ◆ Launched in 2014
- ◆ Investigates murder of Hae Min Lee
- ◆ Became the fastest podcast to reach 5 million downloads and streams in iTunes' history

1. Evelyn Richards, 2021
2. Melissa Chan, 2020

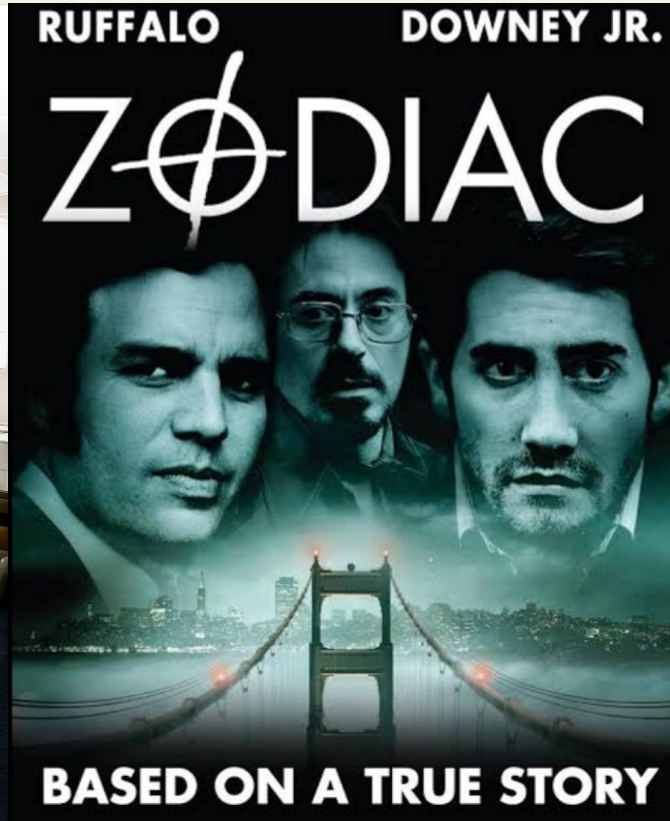




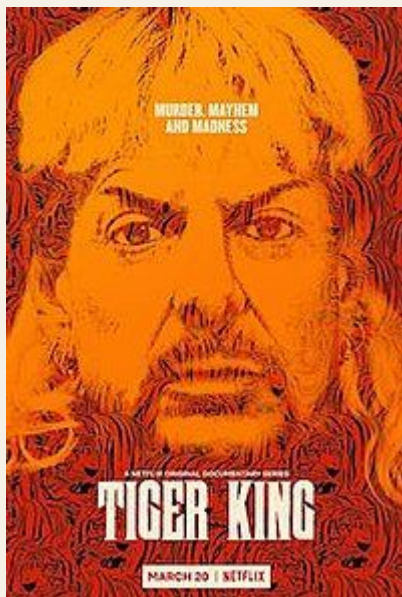
Tv Series



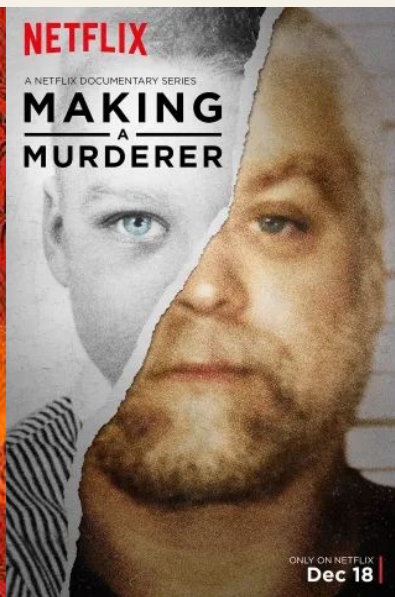
Movie Adaptations



Documentaries



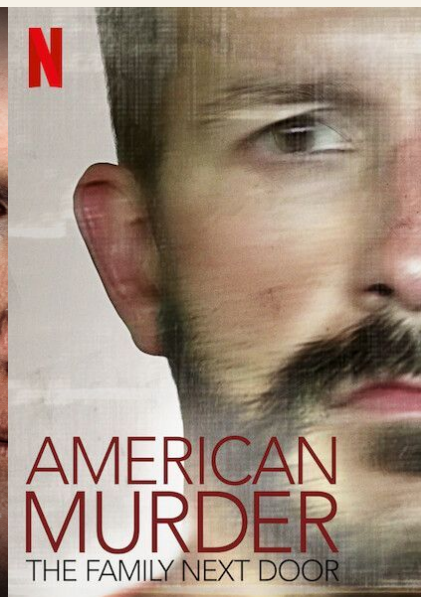
(2020)



(2015)



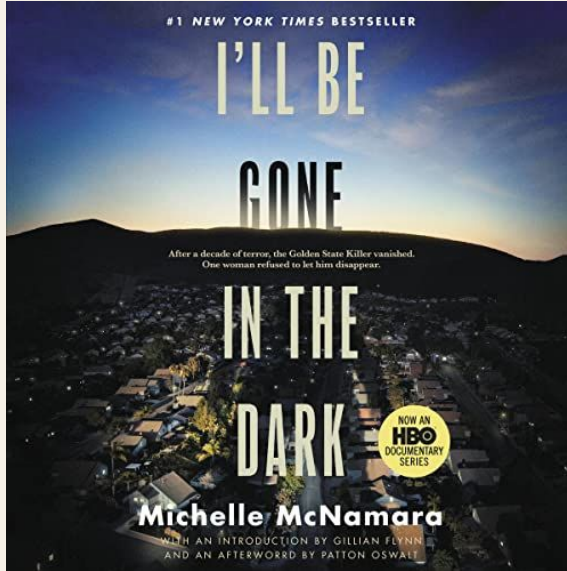
(2023)



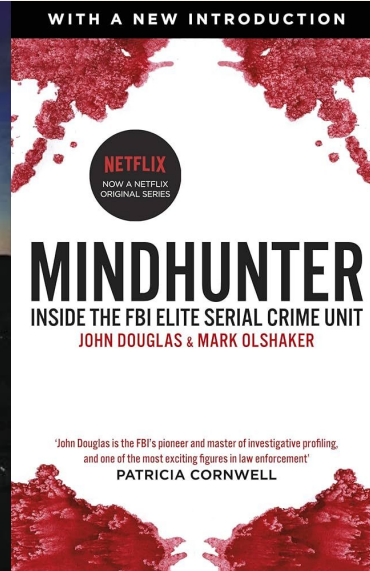
(2020)

- ◆ Demand for documentaries (majority coming from true crime) more than doubled between January 2018 and March 2021
 - ◆ *Tiger King* → 34 million views within first 10 days of release
1. Evelyn Richards, 2021; 2. Issy Packer

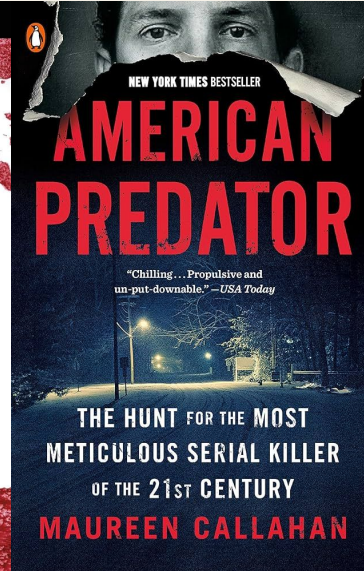
Novels



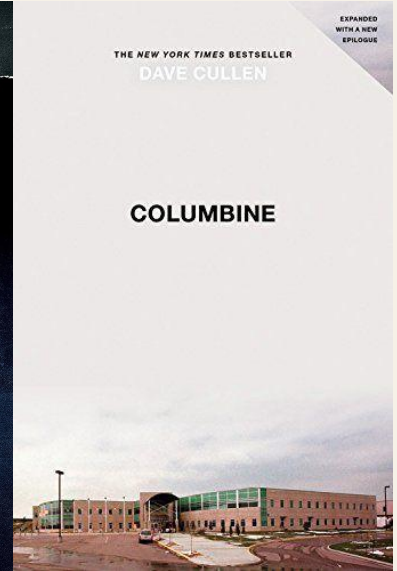
(2018)



(1995)



(2019)



(2009)

- ◆ In 2020, crime was the most popular book genre in the UK
- ◆ In 2018, more than 1.6 million print copies of true crime books were sold in the US

1. Evelyn Richards, 2021; 2. Melissa Chan, 2020



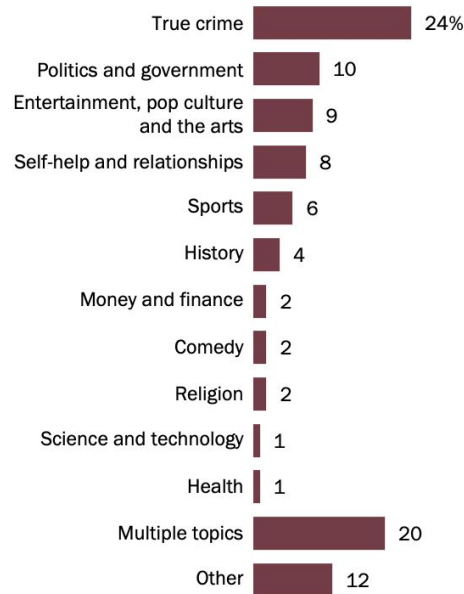
Podcasts



- ◆ In 2020, true crime was the 3rd most popular podcast genre across all major podcast platforms
- ◆ Approximately 2,800 true crime podcasts available for users to listen to

About a quarter of top-ranked podcasts are about true crime

% of top-ranked podcasts that are primarily about each topic



Note: N=451 top-ranked podcasts. Refer to methodology for details.
Source: Pew Research Center analysis of 451 podcasts that were in the top 300 in average U.S. daily rankings on Spotify and Apple Podcasts from April 1 to Sept. 30, 2022.
"A Profile of the Top-Ranked Podcasts in the U.S."

PEW RESEARCH CENTER

(2023)





02



Potential Issues to Address





1: VICTIMS & THEIR FAMILIES



- ◆ Not legally entitled to notification or consultation before production companies tell their stories
- ◆ Production companies only need to portray the story accurately & respect privacy rights
- ◆ Most victims/families only find out their story has become a production after it premieres ¹
- ◆ Asymmetry/imbalance between “those who experience & feel and those who describe & convey” ²



1: McNulty, 2023
2: Smail, 2022





EXAMPLES

**JUST ANOTHER
MISSING KID¹**



**MAKING A
MURDERER^{2,3}**

**DAHMER -
MONSTER⁴**



MINDHUNTER³

1: Houpt, 2018
2: Schulz, 2016

3: Williams, 2020
4: McNulty, 2023





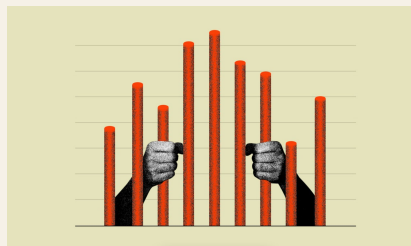
THE PROBLEMS WITH STORYTELLING



HIDDEN BIASES AND NARRATIVES



MISCARRIAGES OF JUSTICE



“OBJECTIVITY IS IMPOSSIBLE.
IT’S ALSO BORING.”



Leszkiewicz, 2022
Dowler, Fleming, & Muzzatti, 2006



ADVERSE IMPACTS



GLORIFYING OFFENDERS

Rather than highlighting the effects on victims ¹



CONCEALING VOICE

Directors subtly incorporate their own perspectives ²



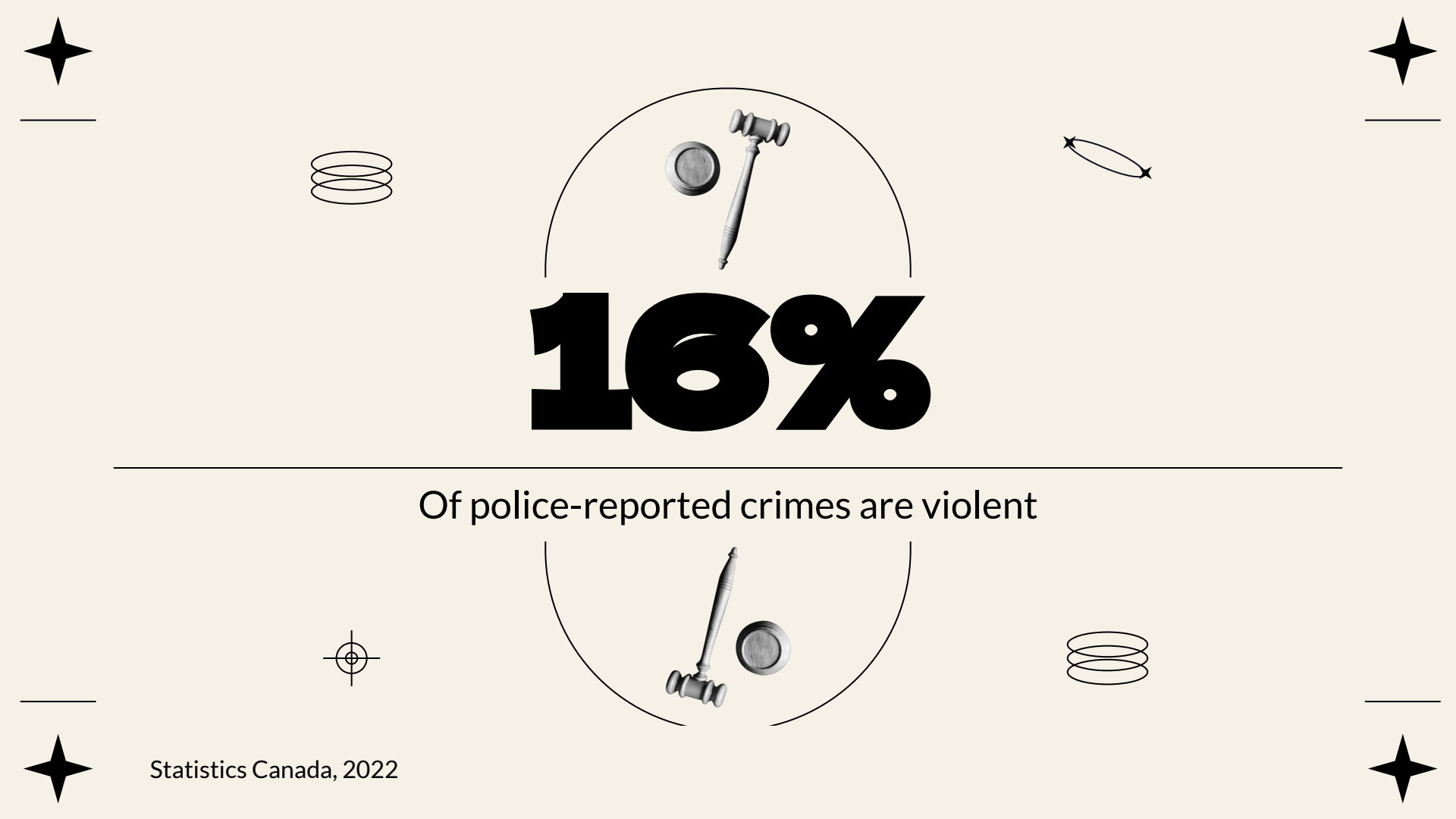
FOCUSING ON SHOCK VALUE

Highlighting violence and special-interest issues ³

1: Central Alberta Sexual Assault Support Centre, 2023

2: Smail, 2022

3: Dowler, Fleming, & Muzzatti, 2006



16%

Of police-reported crimes are violent



Statistics Canada, 2022



MISCARRIAGES OF JUSTICE



**EXCLUDING
CRUCIAL
INFORMATION¹**



**WITHHOLDING
EVIDENCE FOR
MAX IMPACT²**



**REPRODUCING
SYSTEMIC
BIASES³**



1: Schulz, 2016

2: Leszkiewicz, 2022

3: Dowler, Fleming, & Muzzatti, 2006



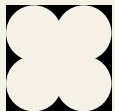


03



Current Legal Landscape in Canada





RIGHTS FOR SUBJECTS & TORT SYSTEM



LIFE STORY RIGHTS

Not recognized under Canadian law



RIGHT TO PRIVACY

Torts of inclusion upon seclusion and public disclosure of private facts



RIGHT OF PUBLICITY

Tort of misappropriation of personality



RIGHT TO PROTECTION OF PERSONAL INFO

Tort of defamation





CRIMINAL LAW

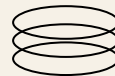
PUBLICATION BAN

- Section 486.1 of *Criminal Code*
- “Necessary for the proper administration of justice”
- Media cannot report name or any identifying information



ISSUES

- Most criminal proceedings occur in open court, where names and other identifying information are made public
- No strict guidelines about “identifying information”





Online Streaming Act (Bill C-11) → Podcasts

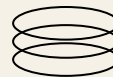
✖ **Myth:** The CRTC will regulate content and digital creators

✔ **Fact:** We will only regulate broadcasters, including providers of both traditional broadcasting services and online streaming services.

Content and digital creators will not be regulated, just as creators, artists and producers are not regulated today. A person who creates audio or video content or creates a **podcast**, is not a broadcaster under the modernized *Broadcasting Act*.

By content and digital creators, we mean:

- YouTubers;
- influencers or individuals making content on social media platforms like Facebook or Instagram for other users to enjoy;
- podcasters making content that is carried on audio streaming platforms like CBC Listen or Spotify; and
- producers making content that is sold to an online streaming service like Netflix.





Online Streaming Act (Bill C-11) → Streaming Services

NATIONAL POST



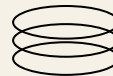
CRTC to 'ask questions' about making Netflix comply with Broadcast Act objectives

Foreign streaming services obviously 'have an impact on the broadcasting system,' says the regulator's executive director of broadcasting

Anja Karadeglija

Published Oct 11, 2023 • Last updated Oct 11, 2023 • 4 minute read

 83 Comments





04



Conclusion

What does this mean for the true crime genre?



Broadcasters' responsibilities and industry codes of conduct

Canada's broadcasters follow codes that:

- prevent the showing of gratuitous or glamorized scenes of violence on TV

INDEPENDENT

Visit The USA > ENHANCED

NEWS SPORT VOICES CULTURE LIFESTYLE TRAVEL PREMIUM MORE

The Independent's journalism is supported by our readers. When you purchase through links on our site, we may earn commission.

Voices

Glamorising serial killers like Jeffrey Dahmer through 'true crime' shows has to stop

As a criminologist who teaches at a university, I was shocked when one of my students expressed admiration for Ted Bundy

Nanthe Malkin • Wednesday 28 September 2022 10:49 BST

🔖 f 🐦 📧

From Jeffrey Dahmer To Mass Shooters, Media Are Glamorizing Killers And It Needs To Stop

BY: BAILEY DURAN | OCTOBER 14, 2022 | 4 MIN READ

The Ted Bundy movie starring Zac Efron sure does love Ted Bundy

Extremely Wicked, Shockingly Evil, and Vile didn't have to be this morally confused.

By Alissa Wilkinson | @alissamarie | alissa@vox.com | Updated May 3, 2019, 10:08am EDT

f 🐦 📧 SHARE



AD

🔍

CANADA NO.1
OFFICE & PRINTER
SUPPLIES EXPERT
Since 2007

Office & Printer Supplies Expert
since 2007

Most Read

- 1 Why Norway — the poster child for electric cars — is having second thoughts
- 2 Sign up for the Meat/Less newsletter course



Canadian Association of Broadcasters Violence Code (1993)



1.16 Censorship is not an answer. Canadian viewers continue to ask for a wide range of programming options to be made available to them no matter where in the country they live.





SUGGESTIONS & POLICY IMPLICATIONS

- Consent / Right to be consulted
- Official recognition of LSR / Expansion to ancillary characters
- Uniform right of publicity
- Guidelines for objective, informative storytelling / Oversight
- Awareness of interactions with criminal justice system





Thank you for listening



CREDITS: This presentation template was created by Slidesgo, including icons by Flaticon, infographics & images by Freepik



Please keep this slide for attribution





References



Susan Abramovitch & Madison MacColl, "Life Rights Exposed: Pam & Tommy", (7 April, 2022), online: *Gowling WLG* <<https://gowlingwlg.com/en/insights-resources/articles/2022/life-rights-exposed-pam-and-tommy/>>

Jody Amable, "The Murder Ballad Was the Original True Crime Podcast", (30 January 2021), online: *JSTOR Daily* <<https://daily.jstor.org/the-murder-ballad-was-the-original-true-crime-podcast/>>.

Pamela Burger, "The Bloody History of the True Crime Genre", (24 August 2016), online: *JSTOR Daily* <<https://daily.jstor.org/bloody-history-of-true-crime-genre/>>.

Melissa Chan, " 'Real People Keep Getting Re-Traumatized.' The Human Cost of Binge-Watching True Crime Series", (24 April 2020), online: *Time* <<https://time.com/5825475/true-crime-victim-families/>>.

Central Alberta Sexual Assault Support Centre, "Victims deserve support and a voice in true crime stories" (17 January 2023), online: CASASC <<https://casasc.ca/victims-deserve-support-and-a-voice-in-true-crime-stories/>>

David Costello, "Un-Making a Murderer: New True Crime Sensationalism and the Criminal Justice System", online (pdf): *American Criminal Law Review* <<https://www.law.georgetown.edu/american-criminal-law-review/wp-content/uploads/sites/15/2023/02/55-0-Costello-Un-Making-A-Murderer.pdf>>.

Ken Dowler, Thomas Fleming, & Stephen L. Muzzatti, "Constructing Crime: Media, Crime, and Popular Culture", online: *Canadian Journal of Criminology and Criminal Justice* <<https://web.lib.unb.ca/instruction/bcuil/ARTICLES/ConstructingCrime.pdf>>

Jessica Dukes, "What is True Crime?", (last modified 2023), online: *Celadon Books* <<https://celadonbooks.com/what-is-true-crime/>>.

Simon Houpt, "Our Addiction to True Crime Has a Human Cost", (2 October 2018), online: *The Globe and Mail* <<https://www.theglobeandmail.com/arts/article-true-crime-is-booming-as-entertainment-how-do-victims-and-families/?login=true>>

Anja Karadeglija, "Social Media, Streaming Services Must Register with the CRTC by November" (last modified 2 October 2023), online: *National Post* <<https://nationalpost.com/news/politics/social-media-streaming-services-register-crtc#:~:text=revenues%20in%20Canada.%E2%80%9D-The%20decision%20is%20part%20of%20the%20CRTC%27s%20implementation%20of%20the.under%20the%20CRTC%27s%20regulatory%20authority>>.

Anja Karadeglija, "CRTC to 'Ask Questions' About Making Netflix Comply with Broadcast Act Objectives" (last modified 11 October 2023), online: *National Post* <<https://nationalpost.com/news/politics/crtc-questions-making-netflix-comply-broadcast-act-objectives>>.

Anna Leszkiewicz, "From Jeffrey Dahmer to Adnan Syed: can true crime as entertainment ever be ethical?" (27 September 2022), online: *The New York Times* <<https://www.newstatesman.com/culture/tv/2022/09/jeffrey-dahmer-adnan-syed-serial-true-crime-entertainment>>





References Continued



Caitlin McNulty, "The Downside to True Crime: How Current Laws Fail to Protect Victims and Their Families", (26 March 2023), online: *University of Miami Law Review* <<https://lawreview.law.miami.edu/the-downside-to-true-crime-how-current-laws-fail-to-protect-victims-and-their-families/>>

Peter Menzies, "The CRTC Said it Would Leave Podcasts Alone. Turns Out That Was Myth: Peter Menzies in the Hub" (4 October 2023), online: *Macdonald-Laurier Institute* <<https://macdonaldlaurier.ca/crtc-said-it-would-leave-podcasts-alone/>>.



Issy Packer, "The Rise of the True Crime Series and Why We're So Obsessed with Them", online: *The Everyday* <<https://theeverydaymagazine.co.uk/photographyandfilm/the-rise-of-the-true-crime-series-and-why-were-so-obsessed-with-them>>.

Evelyn Richards, "Why Are We So Obsessed With True Crime? Here's what the experts say", (13 November 2021), online: *Metro* <<https://metro.co.uk/2021/11/13/why-are-we-so-obsessed-with-true-crime-15576951/>>.

Jamie Sarkonak, "The CRTC is Coming for the Internet, Just as Justin Trudeau Intended" (last modified 10 May 2023), online: *National Post* <<https://nationalpost.com/opinion/the-crtc-is-coming-for-the-internet-just-as-trudeau-intended>>.

Kathryn Schulz, "Dead Certainty" (6 January 2016), online: *The New Yorker* <<https://www.newyorker.com/magazine/2016/01/25/dead-certainty>>

Jordan Smail, "The Ethical Dilemmas of the True Crime Genre", (May 2022), online: *ScholarWorks @ University of Arkansas* <<https://scholarworks.uark.edu/cgi/viewcontent.cgi?article=1071&context=mktguht>>

Statistics Canada, "Chart 2: Police-reported crime rates, Canada, 1962 to 2022" (last modified 27 July 2023), online: *Statistics Canada*, <<https://www150.statcan.gc.ca/n1/daily-quotidien/230727/cg-b002-eng.htm>>

Galen Stocking et al, "A Profile of the Top-Ranked Podcasts in the U.S." (15 June 2023), online: *Pew Research Center* <<https://www.pewresearch.org/journalism/2023/06/15/a-profile-of-the-top-ranked-podcasts-in-the-u-s/>>.

Ashton Williams, "Shocking Evil: The Cruel Invasive Appropriation and Exploitation of Victims' Rights of Publicity in the True Crime Genre" (2020) 27:2 J of Intellectual Property, 303.

AJ Willingham, "True Crime Sells, But Fans are Debating the Ethics of Their Passion", (last modified 26 January 2023), online: *CNN Entertainment* <<https://www.cnn.com/2023/01/26/entertainment/true-crime-podcast-show-ethics-dahmer-cec/index.html>>.

