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# 'Angry and heartbroken for the failure of the system' A content and thematic analysis of viewer reactions to When They See Us

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Article abstract

As the number of wrongful conviction media productions released to the public increases, an understanding of their potential impact on viewers is prudent. One such production, *When They See Us*, depicts the wrongful conviction of five racialized youth, and we investigated the effect of watching this specific wrongful conviction media production on a subset of Reddit users' online conversations about wrongful convictions and the criminal justice system in general. Following an inductive content analysis of Reddit comments shared to r/WhenTheySeeUs (N = 461), seven coding categories were observed. The 'Wrongful Conviction Relevant' coding category was the third most frequently occurring, representing 28% of total comments. Additionally, after conducting a deeper thematic analysis of the 'Wrongful Conviction Relevant' comments, the following themes and subthemes were identified: Risk Factors (Individual Characteristics and System Factors), Exoneration and Beyond (Impacts on Exonerees and Changes to System), and the Innocence Movement (Unmet System Expectations and Public Awareness). Users' 'Wrongful Conviction Relevant' comments were situated within the academic literature investigating wrongful conviction correlates, outcomes, and preventative measures, and discussed in relation to viewer reactions to other wrongful conviction media productions.

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**‘Angry and heartbroken for the failure of the system’: A content and thematic analysis of viewer reactions to *When They See Us***

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*As the number of wrongful conviction media productions released to the public increases, an understanding of their potential impact on viewers is prudent. One such production, *When They See Us*, depicts the wrongful conviction of five racialized youth, and we investigated the effect of watching this specific wrongful conviction media production on a subset of Reddit users’ online conversations about wrongful convictions and the criminal justice system in general. Following an inductive content analysis of Reddit comments shared to r/WhenTheySeeUs (N = 461), seven coding categories were observed. The ‘Wrongful Conviction Relevant’ coding category was the third most frequently occurring, representing 28% of total comments. Additionally, after conducting a deeper thematic analysis of the ‘Wrongful Conviction Relevant’ comments, the following themes and subthemes were identified: Risk Factors (Individual Characteristics and System Factors), Exoneration and Beyond (Impacts on Exonerees and Changes to System), and the Innocence Movement (Unmet System Expectations and Public Awareness). Users’ ‘Wrongful Conviction Relevant’ comments were situated within the academic literature investigating wrongful conviction correlates, outcomes, and preventative measures, and discussed in relation to viewer reactions to other wrongful conviction media productions.*

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## I Introduction

There are many media productions<sup>1</sup> about suspected and confirmed cases of wrongful conviction (Blom et al., 2023; Golob, 2017; Stratton, 2013). In fact, both Innocence Canada and the Innocence Project have compiled dozens of such productions on their websites, including movies, documentaries, television series and podcasts, that are meant to shed light on these injustices and expand the public's knowledge (Innocence Canada, n.d.; Innocence Staff, 2019). However, in comparison to the numerous media productions depicting wrongful convictions, there is considerably less research investigating whether, and how, such media impacts consumers' knowledge of, and attitudes toward, wrongful convictions (Golob, 2017). Understanding the public's attitudes toward wrongful conviction is important, given that members of the public have the ability to facilitate the reintegration of exonerees (e.g., renting to and/or hiring exonerees) and to support legislation aimed at reducing wrongful convictions and assisting exonerees (Blandisi et al., 2015; Kukucka et al. 2020; Westervelt & Cook, 2010; Zannella et al., 2020).

Empirical research suggests that wrongful conviction narratives (as opposed to aggregated statistics or fact-based reports from experts) reduce prejudices towards exonerees and increase support for innocence related reforms (Norris & Mullinix, 2020; Savage, 2013; Tudor-Owen et al., 2019; Zannella et al., 2022). For instance, Norris and Mullinix (2020) found that in comparison to statistics about wrongful convictions, written narrative cases resulted in the emergence of support for innocence-related reforms and individual concern about a wrongful conviction happening to oneself or someone they know. Across a series of three studies, Zannella and colleagues (2022) found that participants had more positive attitudes towards exonerees after watching a video of a real exoneree describing their experience compared to watching an expert in wrongful convictions share facts about its occurrence or an unrelated control video. Finally, Tudor-Owen et al (2019) theorized that the marked improvement in the public's perceptions of exonerees compared to previous empirical findings may have been attributable to an increased

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<sup>1</sup> According to the University of Cincinnati's media production Bachelor of Fine Arts program information, media production "encompasses the integrated media arts of film and digital cinema, television and broadcast media news, audio production, and new media design" (University of Cincinnati, 2023).

awareness of wrongful convictions via news media coverage of popular cases. Wrongful conviction media productions may similarly increase the public's awareness of, and concern about, wrongful convictions – however, research in this area is nascent.

Research investigating the public's reactions to specific wrongful conviction media productions seems to have varying results. Using a narrative analysis, Stratton (2013) compared documentary productions depicting three Australian cases of wrongful conviction<sup>2</sup>, all broadcasted for the documentary series *Australian Story*. Stratton (2013) found that differences in the resolution of the cases (and the narratives that these resolutions conveyed) may have impacted how each case was perceived. Specifically, two productions focused on individual cases of wrongful conviction that had been resolved for several years prior to the production (i.e., survivor narratives), whereas the other focused on a multiple wrongful conviction that was still unresolved at the time of production (i.e., a mystery narrative). According to Stratton (2013), the Australian news media critiqued the series, saying it was inappropriate to depict an unresolved (i.e., potential) case of wrongful conviction as an injustice prior to its legal determination as such – which seemed to have resulted in public apathy, disrepute, and negative perceptions of the show. Stratton's (2013) findings may suggest that wrongful conviction media productions about confirmed and resolved cases of wrongful conviction are better received by the public.

More recently, studies investigating public reactions to released media productions featuring unresolved, potential wrongful conviction cases, however, have found positive affective and behavioral responses (e.g., Golob, 2017; Kennedy, 2018; Rodriguez et al., 2019; Stratton, 2019). For instance, season one of the *Serial* podcast (Koenig, 2014) described the (then) unresolved wrongful conviction of Adnan Syed, who at 17 years old, was found guilty of murdering his ex-girlfriend, despite maintaining his innocence. Following the release of *Serial*, members of the public investigated the case on Syed's behalf and submitted theories of alternate scenarios and suspects to the Innocence Project Clinic at the University of Virginia School of Law, who were handling Syed's case (Stratton, 2019). Further, more than 66,000 people discussed the case across several social media platforms, more than 31,000 people signed a petition to have Syed's case reopened, and more than \$200,000 was donated to fund Syed's legal defense (Golob, 2017). Eight years after *Serial*'s release – and 23 years of wrongful incarceration – Syed's conviction was vacated and he was finally released (Innocence Staff, 2022)<sup>3</sup>. *Serial* has been credited with beginning the renaissance of the true crime genre (Blom et al., 2023); spawning an additional podcast and a Home Box Office documentary about Syed's case; and arguably, contributing to Syed's eventual release (Golob, 2017; Walfisz, 2022).

Another example is Netflix's *Making a Murderer*, which depicted Steven Avery's wrongful conviction for sexual assault and attempted murder, his exoneration 18 years later, and his subsequent (and presumed erroneous; Allocca, 2016) conviction for a separate murder shortly thereafter (Ricciardi & Demos, 2015).

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<sup>2</sup> The three cases depicted were those of John Button (two episodes in 2002); Sam Fazzari, Carlos Pereiras and Jose Martinez (three episodes in 2006); and Andrew Mallard (two episodes in 2010).

<sup>3</sup> Syed's conviction was later reinstated because the victim's brother was denied the right to attend Syed's release hearing in person. His case is currently under appeal with the Maryland Supreme Court, though Syed remains released (Segelbaum, 2023).

Following the release of *Making a Murderer*, more than 130,000 individuals signed a petition requesting the White House pardon Steven Avery (Allocca, 2016; Golob, 2017), and more than 71,000 people took to social media to further investigate the possibility of Avery's innocence (Stratton, 2019). Further, a content analysis of social media posts found that *Making a Murderer* fostered empathy for Avery in its viewers (Kennedy, 2018).

It is unclear from the literature at this point, whether the public responds more positively to confirmed (vs. potential) and single (vs. multiple) wrongful conviction cases, if reactions to wrongful conviction media productions have improved over time, or if the differential findings reflect national differences (Australian vs. American). To help resolve these questions, and to further our knowledge about public reactions to wrongful conviction media productions, the current research provides an analysis of public reactions to a more recently produced and resolved multiple wrongful conviction media production in the U.S. (i.e., *When They See Us*). This analysis will examine if recent reactions to a survivor narrative are similar to recent mystery narrative reactions – which may suggest that public opinion in the U.S. is more supportive of innocence narratives than in the past – or if viewers respond differentially to survivor and mystery narratives in the U.S. as was witnessed in Australia.

### A. When They See Us

*When They See Us*, a four-part dramatized miniseries, depicted the resolved multiple wrongful convictions of five teenagers, all of whom were Black or Latino, known now as the Exonerated Five (DuVernay, 2019). The miniseries was released on May 31, 2019 and garnered a viewership of over 23 million Netflix accounts in less than one month (Bennett, 2019). Antron McCray, Kevin Richardson, Korey Wise, Raymond Santana, and Yusef Salaam—all between the ages of 14 and 16 years old—were convicted of sexually assaulting Trisha Meili while she jogged in New York City's Central Park in April 1989. After being interrogated for hours on end and experiencing manipulation, deception, and physical abuse at the hands of the police, four of the five youths eventually officially falsely confessed to some involvement in the assault (depicted in Part One). These confessions were used as evidence against the five youths despite the inconsistencies among the confessions, and despite the physical evidence from the crime scene not matching any of the suspects. Antron, Kevin, Korey, Raymond, and Yusef were each convicted in 1990, receiving sentences ranging from 5-15 years imprisonment (depicted in Part Two); moreover, Korey was tried as an adult and served his sentence in various adult prisons. Their convictions were vacated in 2002 after the actual offender finally confessed to committing the crime. By then, all of the defendants, save Korey Wise, had served their sentences (depicted in Part Three). The five exonerees were awarded a \$41-million settlement from the City of New York in 2014 and a \$3.9-million settlement from the State of New York in 2016, and proceeded to rebuild their lives with marriage, fatherhood, entrepreneurship, criminal justice system advocacy, the establishment of an Innocence Project, and more (depicted in Part Four).

A critical discourse analysis<sup>4</sup> of *When They See Us* suggested that its stylistic choices (e.g., title, camera angles, language) enhanced the polarisation between the depiction of the Black and White characters, and between the powerless civilians treated as suspects and the powerful

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<sup>4</sup> For more detailed critical discourse analyses of *When They See Us*, see Melina and Irawan (2023) and Trevisan (2022).

criminal justice system actors (Trevisan, 2022). Further, using a qualitative analysis of the miniseries' discourse and depictions of discrimination and stereotypes, Melina and Irawan (2023) found that the Exonerated Five were depicted as troublemakers, animals, rapists, liars, and perhaps most importantly, as guilty. Finally, given that the Exonerated Five were released, exonerated, and financially compensated years before the release of *When They See Us* (in addition to their characters 'aging' onscreen), the audience may have perceived the miniseries and the survivor narrative it depicted with increased legitimacy compared to productions depicting mystery narratives (Stratton, 2013). Thus, although the true crime renaissance may be marked by the public's generally positive perception of wrongful conviction media productions, it is possible that the public's exact reactions to specific wrongful conviction media productions may still be impacted by the production's stylistic, qualitative, and narrative choices in conveying a case and its resolution.

Further, it is currently unknown whether these productions also impact consumers' understanding of wrongful convictions in general. For instance, watching the depiction of wrongful convictions due, in part, to false confessions may impact viewers' perceptions of false confessors, which research has generally found to be negative (Bernhard & Miller, 2018; Clow & Leach, 2015; Kukucka & Evelo, 2019). Research has established that interrogation tactics are inherently psychologically coercive, persuasive and can contribute to the occurrence of false confessions and wrongful convictions (Kassin, 2017; Leo & Ofshe, 1998; Scherr et al., 2020a). Further, some people are at a higher risk of making false confessions than others. For instance – as was depicted within *When They See Us*, youth are more vulnerable to deceptive and manipulative interrogation tactics, more likely to waive their rights during interrogations, and more likely to falsely confess, than adults because they are less likely to fully comprehend the implications of any admissions of guilt (Gould et al., 2014; Spierer, 2017). Despite this, members of the public often perceive false confessors as being more guilty, more responsible for their conviction, less competent, and less warm than individuals wrongfully convicted due to other contributing factors (Bernhard & Miller, 2018; Clow & Leach, 2015; Kukucka & Evelo, 2019). These attitudes may be due to a poor understanding of the impact of various situational factors that contribute to false confessions and/or the counterintuitive nature of one confessing to something they did not do (Henkel et al., 2008; Kassin, 2017). As such, perhaps watching several false confessions occur throughout *When They See Us* may better inform viewers and normalize the occurrence of false confessions.

## **B. Current Study**

Given that hundreds of thousands of people take to social media to discuss recent wrongful conviction media productions (Golob, 2017; Stratton, 2019), the online discussions that members of the public engage in may provide insight into the public's attitude towards, and understanding of, wrongful convictions; both in relation to the specific productions they consume, as well as their more general attitudes. Further, the continued analysis of these online conversations may help to demonstrate whether the public's reactions to wrongful conviction media productions change over time and/or by geographic location (e.g., demonstrating whether recently released resolved and unresolved wrongful conviction media productions receive differential reactions in the United States as found previously in Australia by Stratton (2013)). In order to analyze viewer reactions to the resolved case depicted in *When They See Us* and to compare them to past literature of other American unresolved wrongful conviction media productions, the aim of this study was to

investigate (1) which elements of the miniseries were most discussed; (2) whether these discussions aligned with academic literature about, and exonerees' lived experiences of, wrongful conviction; and (3) to what extent these conversations were occurring before and after the miniseries' release.

## II Method

### A. Data

Reddit is a social media platform on which users can post to a variety of interest-based community pages, which are known as subreddits and are preceded by the symbol r/ (Reddit, n.d.). Many studies, across a wide variety of fields, including medicine, parenting, and sustainability, have investigated data collected from Reddit (e.g., de Carvalho et al., 2022; Derksen et al., 2017; Engelhardt & Royse, 2022; Ölcer et al., 2020; Pilkington & Rominov, 2017; Ruan & Lv, 2022; Shao et al., 2022; Wang et al., 2015; Wu et al., 2022). As of January 2021, Reddit reports over 57 million daily active users – which are preceded by the symbol u/ – who have shared more than 13 billion posts and comments to more than 100 thousand active communities (Reddit Inc, n.d.). Data was extracted from Reddit because social media, in general, can be useful in the study of public opinion by generating new insights and capturing emergent opinions on sensitive, and difficult to study, research topics (e.g., racism; Reveilhac et al., 2022), and research has found Reddit users to be more involved in discussion than users on other social media platforms (i.e., X (formerly Twitter); Arazzi et al., 2023).

The r/WhenTheySeeUs (2019) subreddit, which has 1,900 members, was analyzed to examine the conversations that Reddit users had about the miniseries. The r/WhenTheySeeUs administrators created five discussion thread posts, one for each of the four episodes and another for the miniseries as a whole, to which more than 258<sup>5</sup> users voluntarily posted comments discussing the miniseries following its release. A total of 539 comments were made to the five discussion threads in this sample. Seventy-eight comments were excluded from analyses (14.47%) because users either stated that they had not watched the miniseries, appeared to have violated the subreddit's rules (yet evaded deletion), had their comments removed by the administrators, or responded to a comment that was subsequently removed. The final dataset consisted of 461 comments created between May 31, 2019, and November 14, 2019.

### B. Procedure

An inductive content analysis was conducted to categorize the comments to the five selected r/WhenTheySeeUs (2019) discussion threads, and to analyze the frequency of said categories (Hsieh & Shannon, 2005; Vaismoradi et al. 2013). Initially, the content of each comment was read, and a mutually exclusive and exhaustive list of codes was created such that every concept within every comment was coded for. Subsequently, codes with related content were

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<sup>5</sup> The exact number of users that created the comments in the final dataset is unclear due to 3.25% ( $N = 15$ ) of all coded comments being created by users who had subsequently deleted their accounts, thereby replacing the specific user's username with 'u/deleted', while keeping the content of the comments.

grouped into larger categories to further condense the dataset. Subsequently, an inductive thematic analysis was conducted specifically on the comments that pertained to wrongful convictions, in order to identify repeated patterns within this category (Vaismoradi et al., 2013). These patterns were organized into themes, allowing the researchers to analyze the qualitative data more thoroughly than possible with a content analysis alone. In the following section, we will discuss the results of the content and thematic analyses as well as their relation to the extant literature investigating factors related to wrongful convictions and consumer reactions to unresolved wrongful conviction media productions.

### III Results & Discussion

#### A. Content Analysis

The content analysis resulted in seven coding categories: ‘Review of the Show’ ( $N = 281$  comments), ‘Other Parties’ ( $N = 153$  comments), ‘Wrongful Conviction Relevant’ ( $N = 133$  comments), ‘Exonerated Five’ ( $N = 99$  comments), ‘Case Details’ ( $N = 98$  comments), ‘Connections’ ( $N = 70$  comments), and ‘Other’ ( $N = 50$  comments). Thus, the majority of posts (60.95%) focused on the ‘Review of Show,’ where users talked about their emotional response to, and assessment of, the miniseries. About half as many posts (33.19%) involved ‘Other Parties,’ where users mentioned other individuals relevant to the case, mostly to criticize the police officers and the specific prosecutors involved in the wrongful conviction. The parties discussed in this category were all case-specific. Slightly fewer posts (28.85%) were ‘Wrongful Conviction Relevant,’ and the focus of our research, where users mentioned variables – both related to the specific case and more broadly – that are practically and theoretically related to wrongful convictions (described in more detail in the following sub-section).

Two other categories focused specifically on the case at hand, rather than wrongful conviction more broadly: the ‘Exonerated Five’ category (21.48%), where users mentioned any of the five exonerees in the case or their backstories, and the ‘Case Details’ category (21.26%), where users mentioned various elements of the criminal case, such as culpability and evidence. While encouraging that viewers picked up on relevant case information from the miniseries, these posts were not analyzed further as viewers did not apply this information to wrongful convictions in general. In the ‘Connections’ category (15.18%), users made a connection between *When They See Us* and other criminal cases or media productions – connections between *When They See Us* and other Exonerated Five media productions were the most frequent. While interesting, connections were rarely made between *When They See Us* and other wrongful conviction cases or case studies. However, any posts within this category that spoke to factors relevant to wrongful convictions or the criminal justice system were accounted for in the ‘Wrongful Conviction Relevant’ category. Finally, posts were coded in the ‘Other’ category (10.85%) when users made miscellaneous comments, such as the miniseries being based on a real story or exposing them to the case of the Exonerated Five for the first time, that did not fit within the criteria of the other coding categories.

#### B. Thematic Analysis

In the content analysis, the ‘Wrongful Conviction Relevant’ category was composed of 16



subcategories, and included comments in which users mentioned concepts related to wrongful convictions (including the case of the Exonerated Five's), and/or the criminal justice system. Following a thematic analysis of the comments in this category, its 16 subcategories were organized into three overarching themes – each with two subthemes (see Table 1). In the Risk Factors theme, users discussed demographic and systemic factors that can increase one's risk of being wrongfully convicted. In the Exoneration and Beyond theme, many users commented on, and sympathized with, a wide range of the difficulties that the Exonerated Five experienced because of their wrongful convictions, while fewer mentioned how changes within the criminal justice system could impact wrongful convictions. Finally, the Innocence Movement theme included comments that referenced issues addressed by the Innocence Movement, which is a term used to encompass the public's growing awareness about the occurrence of wrongful convictions and a widespread effort to take proactive and reactive measures to rectify these errors (Acker, 2017). In the following subsections, each of the six subthemes are explained in detail and with excerpts from included posts.

### C. Risk Factors

The 'Risk Factors' theme emerged given commonalities among posts that discussed various factors that increase the likelihood of wrongful convictions, both as they relate to those at risk of wrongful conviction and the elements of the criminal justice system that contribute to said risk. This theme was summarized well by a user who noted that the criminal justice system seems to function differentially for individuals of different demographics: "there is a different judicial system for the poor and minorities in the USA." This theme could be further divided into two subthemes: Individual Characteristics and System Factors, as described below.

#### 1. Individual Characteristics

This subtheme encompassed demographic variables that make an individual more vulnerable to being wrongfully convicted, namely race, youth, and socioeconomic status (Gould et al., 2014; Scherr et al., 2020b; Smith & Hattery, 2011). Many of the comments in this subtheme addressed systemic prejudices present within the criminal justice system. For instance, a number of these comments focused on the impact of race in particular. For example, one user noted: "I'm quite sure they [the jurors] saw five black men (not children, which is what they were) accused of a violent crime against a white woman. Full stop. That's all they wanted and needed to see." It was also noted that the racial prejudice seen in this case still occurs today, as one user compared the Exonerated Five case to the "Black Lives Matter campaign and how incredibly difficult the journey will be until we defeat this systemic discrimination and slavery."

**Table 1.** 'Wrongful Conviction Relevant' themes, subthemes, and codes

| Themes       | Subthemes  |       |                           |
|--------------|------------|-------|---------------------------|
|              |            | Codes | <i>N</i> (%)              |
| Risk Factors | Individual | Race  | 40 (30.08% <sup>6</sup> ) |

<sup>6</sup> These percentages represent the proportion of comments within the 'Wrongful Conviction Relevant' category that were included in each code.

|                        |                           |  |                               |
|------------------------|---------------------------|--|-------------------------------|
|                        | Characteristics           | Youth                                    | 36 (27.07%)                   |
|                        |                           | Socioeconomic Status                     | 2 (1.50%)                     |
|                        | System Factors            | Interrogation Tactics                    | 18 (13.53%)                   |
|                        |                           | False Confessions                        | 7 (5.26%)                     |
| Exoneration and Beyond | Impacts on Exonerees      | Lost Time                                | 13 (9.77%)                    |
|                        |                           | Reintegration Difficulties               | 9 (6.77%)                     |
|                        |                           | Compensation Is Not Enough               | 8 (6.02 %)                    |
|                        |                           | Learning Disability/Mental Health Issues | 7 (5.26 %)                    |
|                        |                           | Changes to System                        | Holding Officials Accountable |
|                        |                           | DNA Exoneration                          | 3 (2.26%)                     |
| Innocence Movement     | Unmet System Expectations | Broken Criminal Justice System           | 11 (8.27%)                    |
|                        |                           | Injustice                                | 9 (6.77%)                     |
|                        |                           | Desire for Transformative Action         | 6 (4.51%)                     |
|                        | Public Awareness          | Wrongful Conviction Happen/are Issues    | 10 (7.52%)                    |
|                        | Could Happen to Anyone    | 6 (4.51%)                                |                               |

Another user noted that they were unsurprised at the events depicted in the miniseries because they are “so use [sic] to black people being treated like they don’t matter by cops.” For another user, the miniseries left them asking “how many other young boys lives have we ruined/are we ruining because of the color of their skin [...]?” Thus, it appears that *When They See Us* led many Reddit users in the sample to think about racial discrimination in the United States and how it relates to wrongful conviction – far beyond the impact race might have had in this one specific case.

Many comments also reflected on the exonerees’ ages. For example, some users condemned the criminal justice officials involved in the case for directing their actions towards minors: “It’s so hard to watch the detectives/officers abuse and manipulate these KIDS, it’s infuriating.” These users appreciated the inherent difference between children and adults in the context of the justice system, in line with research indicating youth as a risk factor for false confessions and wrongful convictions (Gould et al., 2014; Scherr et al., 2020b).

Finally, some users commented on how socioeconomic status was relevant to the case. For instance, given that *When They See Us* portrayed Kevin’s father as missing a significant portion of his son’s interrogation while he was at work and Antron’s father as convincing his son into making a false confession so the police would not expose his criminal record to his employers, one user suggested that low socioeconomic status may have impacted the ability of the parents of the Exonerated Five to fully support their children:

i was really struck by the way Ava + team depicted class in Ep 1. [...] we've already seen a good number of parents & their interactions with their children & the cops. many of these parents' responses are directly tied to class. from raymond's dad having to leave for work to kevin's mom having to leave due to health complications (which may not have happened if she had better access to healthcare or more support) to anton's [sic] dad getting flipped by the cops after they specifically

threaten him & his job, class has a direct impact on the support that each of the Five receive.

The mention of these issues demonstrates that some Reddit users are cognizant of obstacles surrounding education, employment, financial stability, support, and physical and mental health resources that arise for individuals based on socioeconomic status when interacting with the criminal justice system (Strang, 2017). These results are in line with the results of Kennedy's (2018) review of Reddit posts about *Making a Murderer*, which found that dozens of posts addressed that the criminal justice system disproportionately harms some people based on demographic variables such as low income and a lack of formal education.

## 2. System Factors

This subtheme focused primarily on manipulative interrogation practices – practices that research has shown to increase the likelihood of false confessions (Kassin et al., 2010; Scherr et al., 2018). The Exonerated Five were “harassed by the police and had their constitutional rights violated - for a crime that evidence clearly shows they did not commit.” Many of these comments included users’ emotional responses to seeing the interrogation tactics employed by the police officers (e.g., “the f\*\*\*\*g<sup>7</sup> fear tactics have me seething”). Some users appeared to have existing negative views about police practices that were further fueled by the miniseries. For instance, one user noted that “it's not bad enough that the cops and the system are both crooked; the people we see get sucked into its bulls\*\*t barely seem to have a leg to stand on in terms of protecting themselves, their families, and their rights. and when they do, as in the case of anton's [sic] dad, the cops have no qualms with sweeping that leg out from under them,” Other comments focused on the more heinous aspects of the police officers’ abuses in this case, such as the Exonerated Five being “beaten and intimidated” by the police officers.

These comments are consistent with previous literature examining the impact of manipulative police tactics on the likelihood of a suspect falsely confessing (Kassin, 2017; Kassin et al., 2010). Similar to the present results, Kennedy (2018) found that hundreds of Reddit comments suggested that official misconduct contributed to the presumed wrongful convictions depicted within *Making a Murderer*. These findings might suggest that consumers of wrongful conviction media productions may look for people to blame after learning about the specifics of a case. In the case of *When They See Us*, some users that expressed this theme appeared to understand that these issues were not unique to this case, but a larger problem within the criminal justice system.

## D. Exoneration and Beyond

The ‘Exoneration and Beyond’ theme included topics relevant to various phases of exoneration and reintegration. In general, users had an interest in the impact of wrongful conviction and exoneration on the lives of the Exonerated Five post-exoneration. For example, one user shared several of their questions:

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<sup>7</sup> Obscenities have been partially censored for this manuscript.

I kind of wish we had 2 more episodes that went through the transition from prison to home, the relationships these guys had and how they grew. [...] I think a few of them had children, right? Did they meet the girlfriends in jail? I just want to know more about that. Then it's curious to see how does your life change after you've been told "we were wrong! Here's millions of dollars!", what happens then? I wish we could see them find new homes and lives.

Within this theme, two subthemes were identified: Impacts on Exonerees and Changes to System.

### 1. Impacts on Exonerees

This subtheme focused on how exonerees are affected by their wrongful conviction post-release, and has not previously been noted within the literature. This may be because the previous studies that analyzed online viewer reactions to American wrongful conviction media productions used unresolved cases (e.g., Kennedy, 2018; Rodriguez et al., 2019; Stratton, 2019) within which the protagonists had not yet been released, or because other American wrongful conviction media productions of resolved cases may not have emphasized the reintegration difficulties that exonerees often experience by focussing on the survivor narrative.

In the present sample, Reddit users acknowledged the lost years, stating that "the best years of their lives were spent in jail its just the saddest thing," and that "one can only imagine what those boys could have become had they not had their youths stolen from them by such an unfair justice system." This loss appeared to make users feel sad, angry, and empathetic for the Exonerated Five. These affective reactions aren't surprising as the miniseries was a dramatized, and emotional, retelling of the case (Ryffel et al., 2014). However, Kennedy (2018) also observed strong emotional responses among Reddit comments about the *Making a Murderer* documentary series, which was not dramatized. This might suggest that wrongful conviction media narratives in general, regardless of their specific visual style, can elicit a wide range of affective responses from consumers.

Users also acknowledged the difficult experience of reintegrating into society post-release. In general, several users seemed to notice "how hard reintegration is." For instance, in mentioning the transitional point in *When They See Us* when the young actors portraying Antron, Kevin, Raymond, and Yusef were switched to their adult counterparts, one user proposed that this change in actors was done "to show the long term impact of these guys and how it affected them upon release into society." Further, one user proposed that the portrayal of the relationship between Raymond and his stepmother in the miniseries might have been dramatized "to emphasize how hard it is for an ex con to reintegrate into society. In Ray's case not even his family accepted him." Exonerees frequently report experiencing stigma from the public upon their release (e.g., Chinn & Ratliff, 2009; Grounds, 2004) which can lead to difficulties reintegrating into society, such as difficulties obtaining employment (Clow, 2017; Westervelt & Cook, 2010) and housing (Kukucka et al., 2021; Zannella et al., 2020). The finding that Reddit users discussed these obstacles for exonerees was encouraging, as recognizing that a problem exists is the first step towards correcting it.

Another difficulty that exonerees often face is in obtaining financial compensation from the government, which tends to be a very long, and sometimes unsuccessful, process (Cole, 2017;

Goldberg et al., 2020; Norris, 2012). Some users felt that the financial compensation received by the Exonerated Five – a combined \$44.9 million – was insufficient to rectify their misfortune. These users acknowledged that the money the Exonerated Five received could not return the lost years that they spent incarcerated: “that settlement they all received will never give them back time, youth and innocence,” “No settlment [sic] will give them back what they lost or undo the awful memories they must have from that time,” and “No amount of money can ever make up for that ever.” These views match current discussions about the inadequacy of the reparations made available to exonerees. For example, in Canada, and in almost half of the states in the United States, there is no legal obligation to financially compensate exonerees (Norris, 2012; Schuller et al., 2021). Further, many jurisdictions with this obligation impose strict eligibility criteria that often exclude many exonerees – particularly false confessors – from receiving compensation (Norris, 2012). The finding that users were in support of compensation in response to viewing *When They See Us*, however, is unexpected considering previous research has found such support to decrease for exonerees who falsely confessed (Kukucka & Evelo, 2019, Scherr et al., 2018, 2020a).

Finally, users also addressed institutionalization and the negative mental health consequences of being in prison. These comments focused almost exclusively on the miniseries’ portrayal of Korey Wise, whose mental health deteriorates during several long stints in solitary confinement in the miniseries. For example, one user said: “Also, mental illness def [sic] took its toll on that poor man. [...] It’s not just a story. It was HIS life.” Another user seemed to critique society by saying “We stuck a 5’5 130 innocent child with a learning disability and hearing impediment into some of the worst prisons in America.” Academic research and exoneree accounts demonstrate that imprisonment can have a plethora of negative impacts on the mental health of inmates during – and following – their incarceration, including grief and loss, post-traumatic stress and other anxiety disorders, and severe psychiatric disorders (Chinn & Ratliff, 2009; Kukucka et al., 2022; Westervelt & Cook, 2004). In fact, the negative impact of imprisonment on mental health may be heightened in cases of wrongful conviction where the knowledge of, and constant campaigning for, one’s own innocence results in additional stressors and affective responses that rightfully convicted individuals may not experience (Grounds, 2004; Jackson et al., 2020; Scott, 2010). By vividly depicting the decline of Korey’s mental health in *When They See Us*, the miniseries appears to have enlightened users to the psychological trauma that wrongly convicted individuals often experience.

## 2. Changes to System

This subtheme represented changes within the criminal justice system that have already, or could, impact wrongful conviction cases. Within this subtheme, a handful of users referenced how DNA evidence could be used to exonerate an innocent defendant and referenced its relative novelty in 1990 when the Exonerated Five were convicted. One user noted that “In 1989 DNA was cutting edge technology, it was rarely used and most people did not know what it was or how accurate its results really were. The first use of DNA in trial had been in 1984.” Since its introduction in criminal cases, DNA testing has been instrumental in excluding and identifying suspects in cases in which forensic evidence has been collected (Findley & Scott, 2006; Olney & Bonn, 2015). For example, research has found that DNA evidence significantly increases the likelihood of an exoneration in cases of violent crimes, such as murder and sexual assault (Olney & Bonn, 2015). Comments about the impact of DNA evidence did not appear in the studies that analyzed viewer

responses to other wrongful conviction media, such as *Making a Murderer* (Kennedy, 2018; Rodriguez et al., 2019; Stratton, 2019). Whether this specific thematic element emerges in response to a wrongful conviction media production will likely depend on the extent to which DNA evidence is relevant to the cases portrayed.

Users also wanted consequences for the criminal justice system officials who were involved in the wrongful conviction of the Exonerated Five and went so far as to suggest moderate to extreme punishments for these officials. For example, some merely stated that they should be held accountable: “every police official, prosecutor and judge involved in this case should have to answer to these obscene injustice,” while others felt that the officials involved deserved public backlash: “she [Linda Fairstein] deserves the tidal wave of hate that’s coming her way,” or jail time: “dare I say throw her [Linda Fairstein] in jail for as long as she incarcerated these innocent boys.” Finally, some users proposed other more extreme punishments for these officials, depicting their anger and moral outrage: “I hope those law enforcement officials are Catholics so they burn in their hell for what they have done.” This sentiment was also found in viewer reactions to *Making a Murderer*, with comments calling for those involved in Avery’s potential wrongful conviction to experience physical violence, undergo investigation, and to be disbarred, prosecuted, and/or jailed (Kennedy, 2018).

Unfortunately, discipline for police officers and prosecutors who engage in misconduct is uncommon, and generally pales in comparison to the results of their actions (Gross et al., 2020; Yaroshefsky, 2004). For instance, following the release of *When They See Us*, the district attorney for the case, Linda Fairstein, was dropped by her book publisher and stepped away from her role as a board member of Vassar College, while the prosecutor, Elizabeth Lederer, resigned as a professor at Columbia Law School (Bruney, 2019). The repercussions that befell these lawyers came 17 years after the wrongful convictions of the Exonerated Five were overturned – due primarily to the release of the miniseries – and were mild in comparison to the consequences of their actions on the lives of the Exonerated Five. More generally, where the National Registry of Exonerations claims that 30% of its wrongful conviction cases were due, at least in part, to prosecutorial misconduct (Gross et al., 2020), only four prosecutors have ever been disbarred for professional misconduct contributing to a wrongful conviction, and only one has ever been jailed (Selby, 2021).

## **E. Innocence Movement**

Finally, posts within the ‘Innocence Movement’ theme referenced issues addressed by the Innocence Movement, which is a term used to encompass the public’s growing awareness about the occurrence of wrongful convictions and a widespread effort to take proactive and reactive measures to rectify these errors (Acker, 2017; Zalman, 2011). This theme, and the goals of the Innocence Movement, are summarized well by a user who stated that “it [wrongful conviction] happens everyday and it’s happening right now. Stay angry. The more people who realize what’s going on, the better chance there is for change.” Within this theme, two subthemes were identified: Unmet System Expectations and Public Awareness.

### **1. Unmet System Expectations**

This subtheme addressed users’ perceptions of the failures of the criminal justice system.

Users noted that “the [criminal justice] system is supposed to be fair and just but it is so beyond flawed.” Several users shared how the miniseries made them feel about the criminal justice system; for example, one user reported feeling “angry and heartbroken for the failure of the system.” Several users also commented on more deep-rooted issues within the criminal justice system, and how they apply to both the case of the Exonerated Five, and to the public, more generally. For instance, one user commented on the systemic discrimination in the criminal justice system: “There’s something truly evil and disgusting beyond words, watching children—who have no chance of defense and have no advocates—get manipulated by a system that has been historically designed for their failure.” Although the occurrence of wrongful convictions demonstrates that the criminal justice system is fallible (Stratton, 2019), and popular media depictions of wrongful conviction cases highlight shortcomings within the system (Strang, 2017), the extent to which these users critiqued the criminal justice system was surprising, and perhaps a step toward demanding improvements. After watching *Making a Murderer*, over 100 comments noted several flaws within the criminal justice system, including the prosecutorial pursuit of convictions as opposed to the truth (Kennedy, 2018). Previous literature has suggested that wrongful conviction media may subvert the previously held notions of its consumers by highlighting the incongruence between what is expected of the criminal justice system and what it delivers, leading to the realization that the criminal justice system requires reform (Leo, 2017; Strang, 2017); the present results further support this idea.

Users also highlighted that the wrongful conviction of the Exonerated Five was unfair, using the term of ‘injustice’ specifically. For example, one user stated that wrongful conviction is an important and serious topic deserving of discussion: “I’m really enjoying this show and the depiction of this horrific shameful injustice that happened relatively recently and continues to occur to this day. It’s disgusting and I’m glad the show is handling the subject with the gravity and honesty it deserves.” Again, users spoke beyond the case of the Exonerated Five to the issue of wrongful convictions more broadly. Moreover, users highlighting the ‘injustice’ of the Exonerated Five’s wrongful conviction is consistent with the reactions to the depiction of the presumed wrongful convictions of Steven Avery and Brandon Dassey in *Making a Murderer* (Kennedy, 2018). The similarities between these studies suggest that wrongful conviction media narratives – with quite different approaches and focused on very different cases – may effectively convey the severity of the atrocities that exonerees endure, and the very nature of wrongful conviction cases appears to highlight the extreme unjustness of the issue among the present sample.

Finally, users also voiced a desire to support the Innocence Movement and exonerees. For instance, one user stated they had joined r/WhenTheySeeUs (2019) specifically “to see if any ways to support present themselves in the future.” Further, comments indicating users’ desire to bring about changes within the criminal justice system were often conveyed alongside an emotional response. For example, one user posted the following: “Anyone else feel infuriated but hopeless at the same time? Knowing not much has changed, I feel so strongly that this is not a system I agree with or stand by but have no idea what I can do to change it or protect the most vulnerable in our communities.” Given that the Exonerated Five were already exonerated and compensated when *When They See Us* was released, and because the miniseries did not address any of the ongoing struggles that the men may have experienced post-exoneration, the specific contributions that users could have made to these exonerees and to the Innocence Movement after viewing the miniseries may not have been obvious to users. However, the present results support that wrongful conviction media may be able to increase the public’s awareness about wrongful convictions

(Tudor-Owen et al., 2019). In fact, based on the responses observed to wrongful conviction media productions, Kennedy (2018) and Stratton (2019) suggested that viewers transcended passive consumption, and instead actively demonstrated behavioural and affective responses in favour of the exonerees (e.g., displaying empathy, signing petitions, *websleuthing*). Thus, wrongful conviction media may present a valuable resource in attracting members of the public towards innocence advocacy. Perhaps similar behavioural and affective responses will emerge in response to wrongful conviction media productions that depict resolved cases should these productions suggest avenues to assist exonerees reintegrating into society.

## 2. Public Awareness

Several comments within this subtheme spoke to the fact that wrongful convictions are an ongoing issue – to which many users expressed a range of negative emotions. For example, one user claimed: “to think that something as disgusting and ridiculous could happen in this day and age is horrific and it makes me hurt inside that I can’t do more as one person,” while another felt: “sad that this happens so often to so many people.” Some users, however, were more appreciative of *When They See Us* bringing attention to the occurrence of wrongful convictions, such as one user saying that “history has to be told and this story is one of many; they’ve [wrongful convictions] come hand over fist.” Clearly, these users were thinking beyond the specific case they had viewed, and contrary to some critiques of the wrongful conviction true crime genre (Leo, 2017), were able to generalize their reactions to wrongful conviction more broadly. *When They See Us* appears to have imparted on many viewers within this sample that the occurrence of wrongful conviction is important to highlight given its many damaging effects. As such, wrongful conviction media productions may be a tool to increase the public’s awareness of wrongful convictions.

Some users realized that a wrongful conviction could happen to anyone, including themselves. An exchange between two users highlighted the importance of this message within *When They See Us*. The exchange began with one user noting that they “actually live/grew up in the neighborhood” in which the Exonerated Five lived and that the miniseries “was hard to watch without thinking this could have been me,” to which another user responded “thats [sic] just the point of the miniseries, yeah? It COULD have been you because the NYPD was just rounding up any and everyone it was easy to catch.” While it is unclear whether this feeling of risk resonated with users who do not share demographic similarities with the Exonerated Five (e.g., race, socioeconomic status), Rodriguez and colleagues (2019) also found that *Making a Murderer* viewers who shared demographic similarities with Avery were more likely to rate Avery as being innocent than those who did not. Further, Kennedy (2018) found that Reddit users in their sample noted that a wrongful conviction could happen to anyone, and especially individuals lacking wealth and formal education, as was displayed in *Making a Murderer*. These results may demonstrate the utility of wrongful conviction narratives in humanizing the plight of exonerees and increasing the public’s concern – and that focusing on a diversity of cases across media productions is important, as different viewers will likely identify with different exonerees.

## F. Before and After *When They See Us*

Finally, quantitative analyses were conducted to investigate whether the abovementioned content and thematic analysis results emerged after – and could be attributed to – the release of



*When They See Us*, or if these users were discussing these themes all along. The profiles of each of the 258 known users in the present sample were searched to assess the content of their posts and comments across Reddit in the three months prior to and following miniseries' release. The available<sup>8</sup> posts and comments from the included Reddit users ( $N = 184$ ) between March 1, 2019 and August 31, 2019 were coded based on whether their content fell within the 'Wrongful Conviction Relevant' coding category. The profiles of 74 users (28.68%) were not included in the present quantitative analyses because they were either deleted or suspended at the time of data collection, or because they did not have a comment or post within the specified timeframe.

A chi-square analysis on the remaining 184 participants revealed that users posted significantly more wrongful conviction relevant posts after the release of *When They See Us* than before,  $X^2(1, N=184) = 5.95, p = .015$ . Specifically, prior to the release of *When They See Us*, only 1.6% ( $N = 3$ ) of users in the present sample shared posts or comments relevant to wrongful conviction or the criminal justice system anywhere on Reddit, while 15.8% ( $N = 29$ ) did so afterwards. These quantitative results indicate that a small, but significant, number of Reddit users in this sample who watched *When They See Us* began to discuss wrongful convictions online after the production when they previously had not.

#### IV Implications

The present results suggest that a portion of wrongful conviction media consumers may discern the broader criminal justice system issues and implications that these productions exemplify (Strang, 2017). Specifically, results of the content analysis indicate that the Reddit conversations about *When They See Us* included in this sample addressed many important themes within wrongful conviction literature and experience. Further, these conversations also complimented previous research analyzing online viewer reactions to other American wrongful conviction media productions, suggesting some similarities in viewers' reactions to survivor and mystery wrongful conviction narratives. Similar to responses to *Making a Murderer* (Kennedy, 2018), comments related to the 'Risk Factors' and the 'Innocence Movement' themes may arise in response to a variety of wrongful conviction media productions. However, diverging from previous research, comments related to the 'Exoneration and Beyond' theme may be more common in response to survivor narratives, especially those that highlight the reintegration difficulties that exonerees often face. In addition, viewer responses to *When They See Us* diverged from those of other productions in that users addressed the post-exoneration and reintegration experiences of the Exonerated Five – a line of discussion not possible in research examining mystery narrative productions that depict unresolved wrongful conviction cases. Finally, quantitative results suggest that wrongful conviction media productions may help to facilitate the Innocence Movement's goals of raising awareness, assisting exonerees, and promoting policy reform. As demonstrated in the present sample, there was a significant increase in the number of Reddit users discussing wrongful convictions on the social media platform after they watched *When They See Us* compared to before. Given that most American adults connect to the internet

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<sup>8</sup> Individual posts or comments were not included in analyses if Reddit indicated that they were missing, if they were not written in English, or if they were in response to a post or comment that was removed or deleted.

daily (Perrin & Atske, 2021), and that social media platforms and their usage continue to evolve over time, researchers may wish to consider novel means by which to use social media as a tool to understand user perceptions of wrongful convictions and the ability of wrongful conviction media to mobilize users towards innocence advocacy (Childs et al., 2020).

## V Limitations & Future Directions

The current study analyzed responses to one wrongful conviction media production on one social media platform. Although we found that only three of the Reddit users in the present sample were posting about wrongful conviction and the criminal justice system prior to the release of *When They See Us* – and 29 were posting about it afterwards – it is possible that these results demonstrate something unique about this group of individuals over and above the impact of the miniseries itself. Perhaps Reddit users are more likely to speak about social issues or to protest inequities online compared to others of the general population. With the current methodology, any unique factors about the individuals who did choose to post about wrongful convictions after viewing the miniseries are unknown. Moreover, we were unable to ensure that the users did in fact watch *When They See Us* – though we know they were self-presenting as if they had. Finally, this study did not include experimental manipulation, random assignment, or the collection of demographic variables. Therefore, conclusions about causality, selection biases, and demographic trends cannot be drawn. Given the lack of research on viewer responses to wrongful conviction media productions, a qualitative analysis may have been the most appropriate means by which to gain understanding within this line of research (Reveilhac et al., 2022). Our findings suggest that viewing *When They See Us* lead to the effects we describe – especially as users were not posting similar views prior to the release of the miniseries – but to confidently assert that *When They See Us* caused these findings would necessitate replication with an experimental design.

Further studies analyzing various styles and mediums of wrongful conviction media would help to determine the stability of media effects across productions. For instance, the present study examined an American wrongful conviction drama with a survivor narrative and found similar, though not identical, results to a study examining the impact of an American wrongful conviction documentary with a mystery narrative (Kennedy, 2018). However, the effects of a production that is more heavily based on research and statistics (e.g., *The Innocence Files*; Garbus et al., 2020), for instance, may vary from those of a dramatized or documentary production (Norris & Mullinix, 2020; Savage, 2013), and the reactions to American wrongful conviction media productions may differ from those produced in other countries (e.g., Australia; Stratton, 2013). Future studies could continue to expand this line of research to further investigate the impact of varying mediums of wrongful conviction media as well (Kassin, 2017; Stratton, 2019). This information would be invaluable to innocence organizations when deciding how to best invest in educational strategies regarding wrongful conviction.

## VI Conclusions

Nearly a third of the Reddit comments analyzed in the present sample referenced subject matter relevant to wrongful conviction, and the themes that emerged within these comments included the factors that increase one's risk of being wrongly convicted, the experiences that

wrongly convicted individuals encounter throughout incarceration and exoneration, and awareness about the fallibility of the criminal justice system. In sum, the qualitative and quantitative results suggest that, when watching *When They See Us*, and wrongful conviction media productions in general, a subset of viewers may focus on, and begin to engage in discussions about, wrongful convictions and their implications on the criminal justice system. Ultimately, the present research demonstrates that wrongful conviction media productions can be disseminated for reasons other than entertainment; they can serve as a cultural reference to help the public understand the concept of wrongful convictions and its complexities. By humanizing the plight of wrongfully convicted individuals via its depiction of the Exonerated Five, *When They See Us* appears to have exemplified the egregious nature of wrongful convictions and fostered a personal concern about the occurrence of wrongful conviction among viewers. As summarized by one user in the present study, *When They See Us*' portrayal of the Exonerated Five case reminded them that "You get one life, one chance and theirs were all robbed from them." Given that media can likely reach a larger audience than academic research (Leo, 2017), media may be an effective tool to raise awareness about wrongful convictions and improve attitudes toward exonerees.

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