

2019

Making Connections with The Wire: Telling the Stories Behind the Statistics

Rachel E. Barkow

Follow this and additional works at: <https://chicagounbound.uchicago.edu/uclf>

Recommended Citation

Barkow, Rachel E. (2019) "Making Connections with The Wire: Telling the Stories Behind the Statistics," *University of Chicago Legal Forum*: Vol. 2018 , Article 2.

Available at: <https://chicagounbound.uchicago.edu/uclf/vol2018/iss1/2>

This Article is brought to you for free and open access by Chicago Unbound. It has been accepted for inclusion in University of Chicago Legal Forum by an authorized editor of Chicago Unbound. For more information, please contact unbound@law.uchicago.edu.

Making Connections with *The Wire*: Telling the Stories Behind the Statistics

Rachel E. Barkow[†]

America has been leading the world in incarceration for decades.¹ We have 5% of the world's population but more than 20% of its prisoners.² One out of every three adults in America has a criminal record.³ Millions of people cycle in and out of our criminal courts and jails every year.⁴ The racial disparity of those entangled with criminal justice is striking. African-Americans make up 34% of the people incarcerated,⁵ even though they are only 13.3% of the U.S. population.⁶ More than 20% of black men born since the late 1960s have been incarcerated for at least a year for a felony conviction.⁷ In some cities, more than 40–50% of black men in their twenties are under the supervision of the criminal

[†] Vice Dean and Segal Family Professor of Regulatory Law and Policy, Faculty Director, Center on the Administration of Criminal Law, NYU School of Law. Thanks to Alexander Gelb for excellent research assistance.

¹ See ROY WALMSLEY, WORLD PRISON POPULATION LIST 3–13 (2016), http://www.prisonstudies.org/sites/default/files/resources/downloads/world_prison_population_list_11th_edition_0.pdf [<https://perma.cc/224G-REVR>] (listing the trends in prison populations of 223 countries from 2000 to 2015).

² As of 2015, the United States housed 2,217,000 of the world's 10,357,134 prisoners. See *id.* at 5, 14. At that time, the total population of the United States was 321,931,311, compared to a world population of approximately 7,536,000,000. See U.S. CENSUS BUREAU, POPULATION DIV., MONTHLY POPULATION ESTIMATES FOR THE UNITED STATES: APRIL 1, 2010 TO DECEMBER 1, 2017, https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=PEP_2016_PEP_MONTHN&prodType=table [<https://perma.cc/ZWK8-ALWQ>]; POPULATION REFERENCE BUREAU, 2017 WORLD POPULATION DATA SHEET 8 (2017), http://www.prb.org/pdf17/2017_World_Population.pdf [<https://perma.cc/CV3U-JGN8>].

³ THE SENTENCING PROJECT, AMERICANS WITH CRIMINAL RECORDS (2015), <https://www.sentencingproject.org/wp-content/uploads/2015/11/Americans-with-Criminal-Records-Poverty-and-Opportunity-Profile.pdf> [<https://perma.cc/58MH-UAP3>].

⁴ See TODD D. MINTON & ZHENG ZENG, U.S. DEP'T OF JUSTICE, NCJ 250394, JAIL INMATES IN 2015, at 1 (2016), <http://www.bjs.gov/content/pub/pdf/ji15.pdf> [<https://perma.cc/UCC3-X4CK>] (stating that in 2015 there were 10.9 million admissions to jails).

⁵ NAACP, *Criminal Justice Fact Sheet*, <http://www.naacp.org/pages/criminal-justice-fact-sheet> [<https://perma.cc/9TH2-R7H7>].

⁶ *QuickFacts*, U.S. CENSUS BUREAU, <https://www.census.gov/quickfacts/fact/table/US/PST045217> [<https://perma.cc/75UN-F2MP>].

⁷ See BRUCE WESTERN, PUNISHMENT AND INEQUALITY IN AMERICA 26 (2006).

justice system.⁸ In the District of Columbia, more than 75% of black men can expect to be incarcerated during their lives.⁹ By age twenty-three, almost 50% of black males have been arrested.¹⁰

These statistics should move anyone to seek reform. As Senator Jim Webb noted, reflecting upon these statistics, “either we have the most evil people on earth living in the U.S., or we are doing something dramatically wrong in terms of how we approach the issue of criminal justice.”¹¹ Senator Cory Booker has likewise highlighted how misplaced our priorities have been. “While our infrastructure was crumbling, we built a new prison every 10 days between 1990 and 2005 to keep up with our mass incarceration explosion of nonviolent offenders.”¹²

But the reality of human nature is that facts and statistics do not move people to action—stories and personal connections do.¹³ So while politicians and criminal justice reformers can tout statistics like these and hope to motivate change, what really moves the electorate are powerful stories that put human faces on what numbers like these mean. Narratives, more than raw numbers, help people see the relationship between social and economic inequality and crime. For most Americans, the stories that have informed their view of criminal justice have created the misleading impression that many, if not most, people who commit crimes are violent by nature and unredeemable. With that perception, the statistics cannot break through because the public incorrectly believes the people in prison must all deserve to be there and retribution and public safety demand no less. *The Wire* provided a different narrative that showed its viewers the way crime and policing really look in America, offering many of its viewers their first realistic view of these

⁸ See Alfred Blumstein, *Racial Disproportionality of U.S. Prison Populations Revisited*, 64 U. COLO. L. REV. 743, 744 (1993).

⁹ JEREMY TRAVIS, BUT THEY ALL COME BACK: FACING THE CHALLENGES OF PRISONER REENTRY 122 (2005).

¹⁰ See Robert Brame et al., *Demographic Patterns of Cumulative Arrest Prevalence by Ages 18 and 23*, 60 CRIME & DELINQUENCY 471, 471 (2014).

¹¹ Andrew Romano, *Jim Webb's Criminal-Justice Crusade*, NEWSWEEK (Sept. 11, 2011), <http://www.newsweek.com/jim-webbs-criminal-justice-crusade-67347> [<https://perma.cc/5JVM-G335>].

¹² Keely Herring, *Was a Prison Built Every 10 Days to House a Fast-Growing Population of Nonviolent Inmates?*, POLITIFACT (July 21, 2015), <http://www.politifact.com/truth-o-meter/statements/2015/jul/31/cory-booker/was-prison-built-every-10-days-house-fast-growing/> [<https://perma.cc/ZQC8-R23C>].

¹³ See generally Tehila Kogut & Ilana Ritov, *The “Identified Victim” Effect: An Identified Group, or Just a Single Individual?*, 18 J. BEH. D. MAKING 157 (2005); Paul Slovic, *“If I Look at the Mass, I Will Never Act”*: *Psychic Numbing and Genocide*, 2 JUDGMENT & DEC. MAKING 79 (2007); Deborah A. Small & George Loewenstein, *Helping a Victim or Helping the Victim: Altruism and Identifiability*, 26 J. OF RISK & UNCERTAINTY 5 (2003); Deborah A. Small & George Loewenstein, *The Devil You Know: The Effects of Identifiability on Punishment*, 18 J. BEH. D. MAKING 311 (2005); Deborah A. Small et al., *Sympathy and Callousness: The Impact of Deliberative Thought on Donations to Identifiable and Statistical Victims*, 102 ORG. BEH. & HUMAN DEC. PROCESSES 143 (2007).

dynamics. The statistics came to life and the audience saw that the status quo is the product of widespread and systemic dysfunction. It showed how structural forces propel people to commit crimes and vividly captured the daily struggles of people living in poverty in America's cities. Viewers came to care about the show's characters and saw their humanity even when they committed crimes. For many viewers, it would be the first time they had a realistic view of crime and policing up close. And once you have that perspective, you cannot help but see all that is wrong with the current approach to crime. *The Wire* was art at its transformative best.

I. THE CONVENTIONAL NARRATIVE AROUND CRIME

The public's view of criminal law and punishment is shaped by the information it receives about the kinds of crimes being committed and who is committing them. So where does the public get its stories about criminal justice in America? As the statistics in the opening paragraph make clear, many people get their stories through direct experience. The lived experience of more and more people gives them comprehensive knowledge about how criminal law applies in the real world, either because they themselves are justice-involved or someone close to them is. Some of the most powerful advocates for reform are those who are or have been directly affected by the excesses of criminal justice in the United States—those personally arrested or charged, their close friends and family members, and those who live in communities with high rates of crime and incarceration. These people are deeply invested in criminal justice reform because they are deeply connected to the problems. Glenn Martin founded JustLeadership USA, an organization of formerly incarcerated people dedicated to leading the way for change, precisely because he knows that “those closest to the problem are closest to the solution.”¹⁴ And his strategy is already paying off: his dedicated band has pushed the question of closing Rikers Island to the top of the agenda of New York City politics, with the mayor and governor discussing not whether, but when it should happen.¹⁵ Martin recognized that the people who personally felt the brutality of Rikers would not rest in their efforts to get the jail closed, and their campaign has been remarkably

¹⁴ Open Letter from Glenn Martin, Founder and President, JustLeadershipUSA, to President Barack Obama (June 25, 2015), http://gallery.mailchimp.com/71970e5a1fb529fabf5143424/files/Letter_to_President.pdf [<https://perma.cc/YTC6-3NM4>].

¹⁵ J. David Goodman, *Mayor Backs Plan to Close Rikers and Open Jails Elsewhere*, N.Y. TIMES (Mar. 31, 2017), <https://www.nytimes.com/2017/03/31/nyregion/mayor-de-blasio-is-said-to-back-plan-to-close-jails-on-rikers-island.html> (last visited Jan. 20, 2018).

successful because of the determination and participation of those who had directly experienced the abuses at Rikers.¹⁶

People with first-hand experience and knowledge of criminal justice administration tend to cluster in particular neighborhoods with high rates of arrests and incarceration, such as inner cities. It is in places like these, where the real stories are known, that the push for criminal justice reform is most powerful. Consider, for example, the recent election of Larry Krasner for the district attorney in Philadelphia. Krasner is a former civil rights attorney who sued the police more than seventy-five times, ran on a platform of progressive criminal justice reform, and beat an experienced prosecutor who had the support of the police union.¹⁷ Krasner credits his win to the support of black voters in Philadelphia who “are more likely to have a family member who is a police officer, a family member who is in jail, and a family member who has been killed or severely victimized. They are more likely to have seen this whole thing in three dimensions.”¹⁸ In other words, people who knew the real stories of criminal justice and could put faces on the statistics recognized that substantial change was needed.

But despite the sweep and sprawl of criminalization and incarceration, most people in America still do not have direct experience with criminal justice enforcement, or they have only a limited window into its sweep. Those Americans get their picture of crime in America from the news media and the creative arts. Indeed, more than 90% of Americans rely on news media accounts as their primary source of information about crime.¹⁹ Unfortunately, if one looks to the media for information, he or she gets a skewed perspective. One is left with the misimpression that homicides and other violent crimes are rampant. Local news outlets spend a third of their news broadcasts covering stories about crime,²⁰ and they prefer to cover the most violent offenses,²¹ even though most crimes

¹⁶ Juleyka Lantigua-Williams, *Can a Notorious New York City Jail Be Closed?*, ATLANTIC (Apr. 26, 2016), <https://www.theatlantic.com/politics/archive/2016/04/will-rikers-island-be-closed/479790/> [<https://perma.cc/JD72-M5A8>].

¹⁷ Alan Feuer, *He Sued Police 75 Times. Democrats Want Him as Philadelphia's Top Prosecutor*, N.Y. TIMES (June 17, 2017), https://www.nytimes.com/2017/06/17/us/philadelphia-krasner-district-attorney-police.html?_r=0 (last visited Jan. 10, 2018).

¹⁸ Harrison Jacobs, *Our Exclusive Interview with New Philadelphia District Attorney Larry Krasner, Who Blew Out the Competition with an Ultra-Progressive Platform*, BUS. INSIDER (Nov. 8, 2017), <http://www.businessinsider.com/larry-krasner-philadelphia-district-attorney-interview-platform-2017-11/#krasner-says-he-may-have-spent-his-career-defending-protesters-but-he-wont-be-defending-nazis-1> (last visited Jan. 10, 2018).

¹⁹ KATHERINE BECKETT, MAKING CRIME PAY: LAW AND ORDER IN CONTEMPORARY AMERICAN POLITICS 62 (1997); Willard M. Oliver, *The Power to Persuade: Presidential Influence Over Congress on Crime Control Policy*, 28 CRIM. JUST. REV. 113, 120 (2003).

²⁰ JAMES KILGORE, UNDERSTANDING MASS INCARCERATION: A PEOPLE'S GUIDE TO THE KEY CIVIL RIGHTS STRUGGLE OF OUR TIME 113 (2015).

²¹ Gregg Barak, *Between the Waves: Mass-Mediated Themes of Crime and Justice*, in POLITICS,

involve no violence.²² Homicides are particular favorites, and there always seem to be enough murders to fill a broadcast, whether overall homicide rates are up or down.²³ During the 1990s, for example, when overall crime rates fell by 20%, television coverage of crime stories increased by a whopping 83%.²⁴

The disconnect between crime rates and news coverage is not a relic of the past. This same phenomenon persists today, as studies repeatedly show that media coverage of crime bears no relationship to overall crime rates or the rate of violent crime.²⁵ Consider the *New York Times* and its coverage of homicides. The homicide rate in New York fell from thirty-one per 100,000 people in 1990 to four per 100,000 people in 2013, but one would never know based on the amount of coverage the *New York Times* gave to stories about homicides or murders; the use of the words “homicide” or “murder” in its headlines remained steady, with 129 such mentions in 1990 and 135 in 2013.²⁶ As a result of the media’s emphasis on violence, the public consistently thinks crime rates are rising and violence is a threat.²⁷ A Pew study recently noted that “[d]espite double-digit percentage decreases in U.S. violent and property crime since 2008, most voters say crime has gotten worse during that span.”²⁸

The media further distorts the picture of crime in America by disproportionately focusing on crimes where the offender is black and the victim is white.²⁹ The combined emphasis on the most violent crimes

CRIME CONTROL AND CULTURE 135–36 (Stuart A. Scheingold ed., 1997); Sarah Eschholz, *The Media and Fear of Crime: A Survey of the Research*, 9 FLA. J.L. & PUB. POL’Y 37, 38 (1997); Marc Mauer, *Why Are Tough on Crime Policies So Popular?*, 11 STAN. L. & POLY REV. 9, 15 (1999).

²² Rachel E. Barkow, *The Criminal Regulatory State*, at 47 n.12, in THE NEW CRIMINAL JUSTICE THINKING (Sharon Dolovich & Alexandra Natapoff, eds., 2017) (citing E. ANN CARSON & WILLIAM J. SABOL, BUREAU OF JUSTICE STATISTICS, PRISONERS IN 2011, at 1 (2012), <https://www.bjs.gov/content/pub/pdf/p11.pdf> [<https://perma.cc/6MJJD-TFFPG>] (estimating that 48% of prisoners in the state and federal systems are sentenced for violent crimes)).

²³ Craig Haney, *Media Criminology and the Death Penalty*, 58 DEPAUL L. REV. 689, 694 (2009).

²⁴ *The Media at the Millennium: The Networks’ Top Topics, Trends, and Joke Targets of the 1990s*, MEDIA MONITOR (Ctr. Media Pub. Aff.), 2000 at 2; Mauer, *supra* note 21, at 15.

²⁵ See, e.g., LORI DORFMAN & VINCENT SCHIRALDI, BUILDING BLOCKS FOR YOUTH, OFF BALANCE: YOUTH, RACE & CRIME IN THE NEWS 10 (2001), http://www.justicepolicy.org/uploads/justicepolicy/documents/off_balance.pdf [<https://perma.cc/K6N8-8SH9>]; Nazgol Ghandnoosh, RACE AND PUNISHMENT: RACIAL PERCEPTIONS OF CRIME AND SUPPORT FOR PUNITIVE POLICIES 22–23 (2014).

²⁶ Lauren-Brooke Eisen & Oliver Roeder, *America’s Faulty Perception of Crime Rates*, BRENNAN CNTR. FOR JUSTICE (March 16, 2015), <https://www.brennancenter.org/blog/americas-faulty-perception-crime-rates> [<https://perma.cc/JJT4-UCG2>].

²⁷ *Id.*

²⁸ John Gramlich, *Voters’ Perceptions of Crime Continue to Conflict with Reality*, PEW RESEARCH CNTR. (Nov. 16, 2016), <http://www.pewresearch.org/fact-tank/2016/11/16/voters-perceptions-of-crime-continue-to-conflict-with-reality/> [<https://perma.cc/L9AY-NKWX>].

²⁹ Travis L. Dixon & Daniel Linz, *Overrepresentation and Underrepresentation of African Americans and Latinos as Lawbreakers on Television News*, 50 J. OF COMM. 131, 143–44 (2000);

with a skewed racial lens thus creates images in the minds of many consumers of American media that black men are violent. And the stories of violence rarely, if ever, seek to understand the life circumstances of people committing these crimes, so the stories come across as simplistic morality tales of good versus evil, with innocent victims falling prey to monstrous offenders.

Those who rely on the media for their knowledge of crime in America may miss the forest for these very select and unrepresentative trees. The media fails to portray the most common crimes committed and instead covers only the most violent and tragic offenses.³⁰ Nor does the media spend time analyzing overall policy choices, such as what it means to criminalize such a broad sweep of conduct or to impose lengthy sentences. Rarely does the media consider the background circumstances of those who commit crimes or seek to understand what larger societal and structural forces might make criminal behavior more likely.³¹ The result of this portrayal is that 84% of the public thinks we are treating crime “about right” or “not harsh[ly] enough.”³² The media thus makes the case for the status quo—even if that means criminalizing a third of all adults and record levels of mass incarceration. And if it turns out that pursuing punishment has a pronounced racial skew, the public accepts this, too, because the media creates the impression that the crimes being committed are horrific and violent and that the perpetrators are overwhelmingly people of color. The public is thus primed to accept the state of criminal punishment in America without much thought because a strong response is needed in the name of public safety and justice, whatever the disparate effects.

What can break through this narrative in the absence of direct experience with crime or expertise in studying its overall trends and practices? One crucial avenue for changing perceptions is art. We often rely on movies, television, novels, and other art forms to fill in our knowledge gaps and show us a world we might be missing. And art is particularly good at translating the statistics into stories that grab people and make

see also DORFMAN & SCHIRALDI, *supra* note 25, at 3; Travis L. Dixon & Daniel Linz, *Race and Misrepresentation of Victimization on Local Television News*, 27 COMM. RES. 547, 560–61 (2000); Daniel Romer et al, *The Treatment of Persons of Color in Local Television News: Ethnic Blame Discourse or Realistic Group Conflict?*, 25 COMM. RES. 286, 297 (1998).

³⁰ See e.g., Valerie J. Callanan, *Media Consumption, Perception of Crime Risk and Fear of Crime: Examining Race/Ethnic Difference*, 55 SOC. PERSP. 93, 105 (2012) (citing generally RAY SURETTE, MEDIA, CRIME, AND CRIMINAL JUSTICE: IMAGES AND REALITY (2007)).

³¹ See e.g., Franklin D. Gilliam Jr. & Shanto Iyengar, *Prime Suspects: The Influence of Local Television News on the Viewing Public*, 44 AM. J. POL. SCI. 560, 560–73 (2000); Mira Sotirovic, *Affective and Cognitive Processes as Mediators of Media Influences on Crime-Policy Preferences*, 4 MASS COMM. & SOC. 311, 311 (2001); Michael Morgan & James Shanahan, *The State of Cultivation*, 54 J. BROADCASTING ELEC. MEDIA 337, 337 (2010).

³² NAOMI MURAKAWA, THE FIRST CIVIL RIGHT: HOW LIBERALS BUILT PRISON AMERICA 152 (2014).

them care. As Barbara Kingsolver puts it, “[w]e didn’t evolve to cope with tragedy on a global scale,” but “[a]rt is the antidote that can call us back from the edge of numbness, restoring the ability to feel for another.”³³

Unfortunately, most creative takes on crime in America have followed a standard blueprint: the cops are the good guys catching the bad guys. Sometimes, the bad guys are so bad, vigilante justice is needed to achieve real justice. If a police officer has to cut corners or ignore legal “technicalities” to get the villain, the audience sees that as a good thing because it leads to a just outcome of an evil criminal getting his just deserts. As Susan Bandes observes, “[t]he standard procedural is concerned mainly with individual fault and individual heroism,” that “does not raise disquieting questions about the criminal justice system, the legal system, or the social and political arrangements that lead to a permanent underclass.”³⁴ With this as the standard storyline, it is easy to see why the general movie- and television-watching public would not have much concern with a bloated prison population or over-criminalization. Everyone who is incarcerated must deserve it because what we see on our television and movie screens reinforces what we see in news accounts as well. To the extent these shows and movies elicit empathy, it is for victims and law enforcement officers trying to bring villainous criminals to justice.

II. A TASTE OF REALITY FROM *THE WIRE*

The Wire was a welcome change from this dominant and misleading narrative in two fundamental ways. First, the show dispensed with the false notion that crimes are isolated morality tales. As Bandes aptly puts it, *The Wire* “widen[ed] its lens to reveal the context in which crime and policing take place”³⁵ and showed us the powerful institutional forces that shape the characters’ decisions. “[I]nstead of stylized dilemmas,” David Sklansky notes, *The Wire* gives us “characters and situations that are many things at once.”³⁶ Through this complexity, *The Wire* helped its viewers to better understand the flaws with urban policing and politics and to develop more empathy and understanding for the people who live in inner cities and become involved in the drug trade. We get a realistic portrait of why people commit crimes, what constrains their choices, and how they can change over time based on

³³ BARBARA KINGSOLVER, *HIGH TIDE IN TUCSON* 231–32 (1996).

³⁴ Susan A. Bandes, *And All the Pieces Matter: Thoughts on The Wire and the Criminal Justice System*, 8 OHIO ST. J. CRIM. L. 435, 435 (2011).

³⁵ *Id.* at 436.

³⁶ David Alan Sklansky, *Confined, Crammed, and Inextricable: What The Wire Gets Right*, 8 OHIO ST. J. CRIM. L. 473, 479 (2011).

their experiences. Second and relatedly, instead of portraying caricatured “good guys” and “bad guys,” *The Wire* offered three-dimensional people who sometimes do good things and sometimes do bad things based on context and the pressures they face. And we see those people everywhere (just as in real life). They are in the ranks of the police force, in the city government, and among those engaged in criminal activities.

A. Putting Crime in Context

The entire arc of the show demonstrates how deeply embedded structural forces contribute to crime in America, and particularly urban crime. *The Wire* focused on different structural forces that influence criminal behavior with each new season to show us how the range of those forces operated on individual characters. Season One takes us to the segregated world brought by redlining and housing projects, and the social and economic isolation of those who live there. If one does not live in communities like these or spend time there or talk to the people who do, this part of America could be—and all too often, has been—completely ignored. The average white suburban or rural voter has no idea what these neighborhoods are like, and if they rely on media accounts and most other television and movie depictions, they perceive of these landscapes as war zones occupied by “superpredators.”³⁷ Without understanding the pressures faced by those who live in neighborhoods with high rates of crime and addiction, one may simply assume that lack of a moral compass or willpower is to blame for poor choices. But Season One and the rest of the series show viewers how the lack of opportunity in these communities creates a breeding ground for drugs and crime. We see this play out in Baltimore, but that division is common across America’s urban landscapes. The deck is stacked against the people who live in these areas of concentrated poverty, and we see the fraught relationship between the residents and the police. The viewer who learns about this world in *The Wire* gets context that is otherwise missing from news accounts and most fictional depictions of crime. Situational forces are powerful, and *The Wire* puts viewers in the situation to see for themselves the constrained set of choices. From this vantage point, the choice to turn to the drug trade begins to look rational instead of the product of an evil nature.

³⁷ Clyde Haberman, *When Youth Violence Spurred “Superpredator” Fear*, N.Y. TIMES (Apr. 6, 2014), https://www.nytimes.com/2014/04/07/us/politics/killing-on-bus-recalls-superpredator-threat-of-90s.html?_r=0 (last visited Jan. 12, 2018) (describing the origins of the superpredator notion and how the public viewed juvenile crime as the product of “feral youths devoid of impulse control or remorse”).

Season Two likewise presents Baltimore as a stand-in for any post-industrial American city that went from a boom period of manufacturing to the bust that came along with global capitalism and technologies that replaced human workers. Just as Charles Dickens was able to capture the misery brought by the shift from manual labor to industrialization, Season Two shows the hardship brought by the end of industrialization and vanishing jobs in manufacturing and the decline of labor unions. *The Wire* is so powerful precisely because it places criminal acts within these broader contexts. Instead of stories of good and evil *people*, we see broader social forces at play that transcend the individual and his or her choices. The stevedores, like the kids on the corners, take to the drug trade because of socioeconomic pressures, political powerlessness, and the lack of other opportunities.

Though we see the effects of dysfunctional political pressures and corruption throughout the series, Season Three showcases them. The election of idealistic politicians cannot solve the deep-rooted structural problems in urban America because the political system has enormous structural problems of its own. We see the power of money in politics and its corrupting influence on elected officials and the downstream effects on the police department and the citizenry. Again, it is not simply politicians or police officers making poor individual decisions in isolation, but a web of forces creating pressures that inexorably lead to bad outcomes.

Given the complexity of the problems with urban America, there is no one fix. The show amply demonstrates why the law enforcement approach to drug crime is destined to fail. Whenever the police take out one dealer, someone else takes his place, “on the same corner and in the same role.” In the words of Alafair Burke, the show thus “directly tak[es] on the assumptions underlying our War on Drugs” by showing how futile the approach is.³⁸ But the show does not accept legalization or decriminalization as an easy alternative. Season Three showcases what would happen if we shifted from the law enforcement paradigm and had a truce on the War on Drugs. Though many criminal justice reformers speak as if legalization is a panacea for the problems with criminal justice administration today—from police violence to mass incarceration—*The Wire* dismisses that simplistic narrative just as it demolishes cookie-cutter accounts of crime. When Major Colvin decides to set up zones in the city where low-level drug trafficking and use will no longer be policed (zones that come to be called Hamsterdam), he thinks this will allow his officers to focus on violent crimes like murder and robbery, “the kind of police work that is actually worth the effort, that

³⁸ Alafair S. Burke, *I Got the Shotgun: Reflections on The Wire, Prosecutors, and Omar Little*, 8 OHIO ST. J. CRIM. L. 447, 449 (2011).

is worth actually taking a bullet for.”³⁹ The viewer then gets to see what this experiment brings. In part, Colvin gets what he desired, as we see peaceful streets that were previously the sites of violence. This experiment does seem to better allocate limited police resources. But in Amsterdam itself, we see drug addicts who look like zombies, overdose victims dying alone, public sex acts, and the overall decay of anything resembling a functioning society. Colvin is able to address some of these problems only when he realizes that decriminalization alone is not a silver bullet and calls in public health experts to address the problems of addiction.

The feds put an end to the experiment in the show and the law enforcement model returns, so we do not get to see how the decriminalization experiment would have played out if the feds had not intervened. But we know from watching the rest of *The Wire* that deeper structural problems of poverty, failing schools, and lack of jobs that plague the poor in urban America would remain. Given the lack of options, the turn to addiction and to crime will not go away just because the paradigm for addressing drug trafficking shifts away from law enforcement. So while *The Wire* shows that the War on Drugs amounts to a war on poverty because of the forces that lead people down this path, it also makes clear that even if we stop the War on Drugs, all the problems of poverty remain. The decriminalization model may be better than the law enforcement approach, but *The Wire* shows that it is no all-purpose solution.

Indeed, Season Four lays to rest any doubt that the structural forces run so much deeper than the War on Drugs. Season Four is, in my view, the best season of the show because it is the most effective at showing how the pull of external structural forces shapes the lives of young people. Decisions to commit crimes are not simply reflections of weak character, but of larger forces that would bring most people to make the same choices given the circumstances. Although we meet the group of young characters highlighted in Season Four for the first time, they seem familiar because we have met their older counterparts already. We understand Bubbles and his path to addiction because we see the tragic forces at play in Dukie’s life. We recognize the internal conflict Omar faces because we see it develop in Michael. This is *The Wire* at its most brilliant, showing the fallacy of simplistic stories of good and evil rooted in individual weakness or depravity. Urban poverty, addiction, parental neglect and abuse, and failing schools are central characters in *The Wire*, and we see how they conspire to put children on paths that are almost impossible to escape. To bring the point home, *The Wire*

³⁹ *The Wire: Time After Time* (HBO television broadcast Sept. 19, 2004) (Season Three, Episode One).

offers what would happen if we removed children from this environment and gave them real opportunities. Namond Brice was well on his way to a life of drug dealing and crime at the urging of his mother until he goes to live with Major Colvin and his wife instead. In a new environment, Namond thrives, and in him, we see the lost potential of all the children who have no escape from the world of urban poverty in which they live.

In its final season, *The Wire* makes the case for why a show like *The Wire* itself is needed. Specifically, Season Five takes on media coverage and its shortcomings as one of the structural flaws with the system. McNulty creates a fake serial killer to get more money for the police department to investigate Marlo Stanfield because that is the kind of crime story that the media craves, particularly a newspaper that is otherwise in financial straits. But the real point of Season Five is what the media did not cover. As David Simon, the show's creator pointed out in a blog post, the "newspaper missed every major story."⁴⁰ The newspaper in the show failed to cover the failing school system. It had no stories on the dysfunction in the police department and by its political overseers that made long-term investigations prohibitive.⁴¹ The "drug wars, territorial disputes and the assassination of the city's largest drug importer manage to produce a brief inside the metro section that refers only to the slaying of a second-hand appliance store owner."⁴² It provided no coverage of how "[t]he mayor, who came in promising reform, is instead forcing his police department to once again cook the stats to create the illusion that crime is going down."⁴³ As Simon puts it, Season Five "amounted to ten hours of a newspaper that is no longer intimately aware of its city."⁴⁴ And that critique in Season Five mirrored reality, as Simon argues that the Baltimore Sun failed to "penetrate municipal institutions and report qualitatively on substantive issues in a way that explains not just the symptomatic problems of the city, but the root causes of those problems."⁴⁵

The Wire spent five seasons filling that vacuum created by the mainstream media—showing a realistic picture of crime in America, including the factors that shape its occurrence, the people committing it,

⁴⁰ David Simon, *The Wire's Final Season and the Story Everyone Missed*, HUFF. POST (Mar. 17, 2008), https://www.huffingtonpost.com/david-simon/the-wires-final-season-an_b_91926.html [<https://perma.cc/Z3P6-62YD>].

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ *Id.*

and the police officers responding to it. It brilliantly lived up to its promise of showing how these structural forces are all connected and the effects they have on individual lives.

B. The Importance of Getting Closer

Through its rich characters, *The Wire* showed us why understanding social context is so important. The characters on the show go through versions of what the viewers do—they get closer to problems and learn about the complexity of people’s choices and the effects those choices have. The characters evolve and change; they are not simply good or bad. They respond to situations and context, and as they gain greater understanding of broader structural forces at play, their views change as well. Two characters in particular highlight this evolution well.

1. Omar Little

Omar Little is a favorite of many viewers,⁴⁶ including me. When viewers first meet Omar, it seems as if he will be another stock character committing crimes. The show portrays him robbing a group of drug dealers with a shotgun at his side, and the interaction ends violently.⁴⁷ In the usual television or movie narrative, a character like Omar would be reduced to a one-dimensional villain who takes lives with abandon and does not care. The premise of the show would be to get viewers to root for the cops seeking to bring him to justice. But as it does with all its characters, *The Wire* presents Omar as a character in full, with good and bad features.

We learn Omar has a personal moral code that guides his actions. He does not kill indiscriminately. People who are in “the game” (such as other drug dealers) are doing so at their own risk and they know it, just as Omar knows he puts himself at risk through his own criminal behavior. Thus, drug dealers can be robbed⁴⁸ and, if necessary, even killed because the risk of violence is inherent in the nature of the trade.⁴⁹ It is not unlike industries where some workplace accidents are

⁴⁶ Burke, *supra* note 38, at 450 n.14 (noting Omar is President Obama’s favorite character); Bennett Capers, *Crime, Legitimacy, Our Criminal Network, and The Wire*, 8 OHIO ST. J. CRIM. L. 459, 460 (2011).

⁴⁷ *The Wire: The Buys*, (HBO television broadcast June 16, 2002) (Season One, Episode Three).

⁴⁸ See, e.g., *id.* (Omar robs a group of drug dealers); *The Wire: The Pager* (HBO television broadcast June 30, 2002) (Season One, Episode Five) (same); *The Wire: That’s Got His Own* (HBO television broadcast Dec. 3, 2006) (Season Four, Episode Twelve) (Omar commits large scale robbery of drug dealing kingpins’ supply).

⁴⁹ See, e.g., *The Wire: Lessons* (HBO television broadcast July 21, 2002) (Season One, Episode Eight) (Omar justifies shooting of enforcer Wee-Bey, saying “the game out there and it’s either play or get played”); *The Wire: Game Day* (HBO television broadcast Aug. 4, 2002) (Season One,

acknowledged as a cost of doing business because of the nature of the activity itself. The idea is that people know what they sign up for when they enter the field, and the risk is part of the enterprise. Civilians, on the other hand, are strictly off limits because they did not sign up for those same risks.⁵⁰ Omar lives by this code and is adamant about not breaking it, boasting that he “ain’t never put my gun on nobody who wasn’t in the game.”⁵¹

Omar expects others in the game to live by this code as well. It offends Omar’s sense of morality when Marquis “Bird” Hilton, one of Avon Barksdale’s men, kills a maintenance worker who had become a state’s witness.⁵² By killing a “working man,”⁵³ Bird violated the rules of the game. Omar seeks to restore justice to the rules of the game by cooperating with the police to take down Bird. Omar tells detectives that Bird was the one who killed the worker⁵⁴ and instructs them on where to find the murder weapon.⁵⁵ In a twist on the usual vigilante justice tales we see on television and in the movies, Omar testifies falsely as a prosecution witness in Bird’s trial, claiming that he witnessed the murder.⁵⁶ *The Wire* gets viewers to sympathize with Omar’s code just as traditional programming gets viewers to sympathize with police officers cutting corners to bring bad guys to justice. Omar’s false testimony is justified because Bird killed an innocent person.

But *The Wire* does not try to get us on Omar’s side unequivocally in the way the usual police drama seeks to get the viewers to wholly side with police officers. Omar is forced to reckon with the consequences of his code and what it really means; viewers, in turn, are forced to reckon with it as well. When Tosha, one of Omar’s friends and co-conspirators gets killed, Omar tells Detective Bunk that the police should not be concerned about her death because there is “no victim.”⁵⁷ Omar is thus referencing his code—Tosha is in the game and not a civilian, so

Episode Nine) (Omar tries to kill drug kingpin Avon Barksdale); *The Wire: Middle Ground* (HBO television broadcast Dec. 12, 2004) (Season Three, Episode Eleven) (Omar kills drug kingpin Stringer Bell).

⁵⁰ See *The Wire: Lessons* (HBO television broadcast July 21, 2002) (Season One, Episode Six) (“There are some rules here right? . . . No bystanders, no taxpayers getting caught up in the mix.”).

⁵¹ *The Wire: One Arrest* (HBO television broadcast July 14, 2002) (Season One, Episode Seven).

⁵² See *The Wire: The Target* (HBO television broadcast June 2, 2002) (Season One, Episode One).

⁵³ *The Wire: The Pager* (HBO television broadcast June 30, 2002) (Season One, Episode Five).

⁵⁴ See *id.*

⁵⁵ See *The Wire: The Wire* (HBO television broadcast July 7, 2002) (Season One, Episode Six).

⁵⁶ See *The Wire: All Prologue* (HBO television broadcast July 6, 2003) (Season Two, Episode Six).

⁵⁷ See *The Wire: Homecoming* (HBO television broadcast Oct. 31, 2004) (Season Three, Episode Six).

her death is just a cost of doing business. She essentially signed up knowing that risk. Bunk is enraged by this response and tells Omar: “bullshit. No victim? I just came from Tosha’s people, remember? All this death, you don’t think that ripples out?”⁵⁸ Then he tells Omar that he recently saw a group of children playing and they were pretending to be Omar. Bunk relays that it made him sick to his stomach to see Omar serving as a role model for kids.⁵⁹ To see them “glorify your ass,” he says, “makes me sick how far we done fell.”⁶⁰

Omar thus has to confront the reality of his choices because Bunk forced him to get closer to the problem and see it from other perspectives. Omar begins crying after hearing this story, and he remains affected by Bunk’s comments for days afterwards, saying “that man gave me an itch I can’t scratch.”⁶¹

We, the viewers, cannot either. Bunk exposed the lie at the heart of Omar’s code; there is no clean separation between people who are engaged in the drug trade and civilians. They are all part of the same community, and any act of violence ripples out to everyone in that community. We may understand why Omar makes the choices he does and like aspects of his character, but we have to confront that his resort to violence is not reserved for people who in some sense had it coming or at least assumed the risk. Omar’s choices have devastating consequences for his community, including the so-called civilians. He may have a code, but it still brings tragedy. *The Wire* thus lets us see the humanity and the decency in someone who commits horrible acts of violence while at the same time requiring us to acknowledge the tragedy and horror of those acts. There is no easy escape by saying the good people deserve our sympathy and the bad people deserve what they get. Instead, we see one community torn apart by constrained choices and systemic forces that put them in impossible situations.

2. Roland “Prez” Pryzbylewski

The series’ treatment of Roland Pryzbylewski (Prez) provides a second character study that shows how people change their opinions and attitudes when they get personal experience with others and their problems. We are first introduced to Prez when he is a police officer, and what we first learn is that he is incompetent, corrupt, and aggressive—even hostile to the community he is supposed to be serving. He was transferred from his last detail because he shot up his own squad car

⁵⁸ See *id.*

⁵⁹ See *id.*

⁶⁰ *Id.*

⁶¹ See *id.*

and then filed a false report about it.⁶² He gets put into Lieutenant Carver's Barksdale detail, and promptly shoots a wall accidentally. When a young teenager sits on the hood of his car, Prez responds by brutally pistol-whipping the child, leaving him blind in one eye.⁶³ Prez owes his job security to the fact that his father-in-law is a high-ranking police officer.⁶⁴ But even that connection cannot ultimately save his job after he shoots and kills a plainclothes police officer whom he thought was an armed suspect.⁶⁵ Prez as a police officer is a failure.

But we learn that Prez, too, is shaped by his circumstances. He is in over his head as a police officer, and it brings out the worst in him. He is fearful and thus overly aggressive. And he remains distant from those he is policing, never really learning who they are.

But then *The Wire* brings Prez closer to the community. He starts a career as a teacher after leaving the force. And as he learns about the problems the kids in his class are facing, he develops empathy and starts to understand the choices they make. His relationship with Dukie shows his growth. Dukie is the shy child of drug addicts. He wears old, tattered clothes to school and gets bullied by other students because of his poor hygiene. Prez tries to help by giving him extra lunch money as well as new clothes.⁶⁶ When Dukie starts to wear his old clothes again, Prez discovers that Dukie's mother likely sold his new clothes to buy drugs.⁶⁷ A few days later, Prez takes Dukie aside and walks him to the locker room. Prez set up a locker for him with clean clothes and soap, and Prez explains that he will let Dukie in early to school so he can shower and change.⁶⁸ It is an act of pure kindness and empathy, and one hardly sees traces of Prez the police officer.

Prez and Dukie's friendship continues to develop over the course of the school year. Prez finds a computer that he lets Dukie use during class and at lunchtime.⁶⁹ He even lets Dukie and his classmate Randy use his credit card when they want to buy bulk candy over the internet as part of a money-making scheme.⁷⁰ When Dukie is given a promotion

⁶² See *The Wire: The Detail* (HBO television broadcast June 9, 2002) (Season One, Episode Two).

⁶³ See *id.*

⁶⁴ See *id.*

⁶⁵ See *The Wire: Slapstick* (HBO television broadcast Nov. 21, 2004) (Season Three, Episode Nine).

⁶⁶ See *The Wire: Alliances* (HBO television broadcast Oct. 8, 2006), Season Four, Episode Five).

⁶⁷ See *id.*

⁶⁸ See *id.*

⁶⁹ See *The Wire: Unto Others* (HBO television broadcast Oct. 29, 2006) (Season Four, Episode Seven).

⁷⁰ See *The Wire: Know Your Place* (HBO television broadcast Nov. 12, 2006) (Season Four, Episode Nine).

to the ninth grade, Prez is upset because he knows that Dukie is not ready for the challenges of high school. Prez confronts the school's principal, who advises him to have kids of his own, because "for better or worse, they're yours for life. These kids aren't."⁷¹ In that moment, we share Prez's heartbreak—for Dukie's fate and for the limits of what Prez can accomplish as a teacher. One individual is no match for the systemic forces conspiring against Dukie.

But at the same time, we see the power of proximity. It is only after Prez gets closer to these kids that he realizes their humanity and the circumstances that drive their choices. As a police officer, he kept his distance, but as a teacher, he got close enough to understand. *The Wire* helps viewers make that same transformation. No one can get to the end of Season Four and not share Prez's attachment to these children or his concern with their fate. And we recognize that these children are no different from all the others who grow up under similar circumstances.

III. CONCLUSION

Bryan Stevenson, the author of *Just Mercy*, says at the outset of the book that his grandmother taught him that "[y]ou can't understand most of the important things from a distance . . . You have to get close."⁷² Getting close can often be difficult in a country as large as ours. In so many areas, we have to rely on sources other than direct observation to understand what other people experience. For far too long, the news media and the arts ignored the lived experience of people in inner cities, leaving those who did not live in those communities with no real sense of their struggles. Instead, most of the American viewing public got cartoonish displays of crime and punishment—black and white tales of good versus evil without any sense of the structural obstacles preventing people from achieving their potential and making their way out of abject poverty.

The Wire was a critical step in showing its viewers what urban America really looks like. Policing and crime take on new perspectives when situated in a broader landscape of poverty, inequality, corruption, and bureaucratic dysfunction. *The Wire* gave us powerful narratives that put faces on those glaring statistics about incarceration and criminalization in America. While people can ignore the numbers, one never forgets the stories of those children in Season Four, or the choices faced by characters like D'Angelo, Stringer, or Omar.

⁷¹ See *The Wire: That's Got His Own* (HBO television broadcast Dec. 3, 2006) (Season Four, Episode Twelve).

⁷² BRYAN STEVENSON, *JUST MERCY: A STORY OF JUSTICE AND REDEMPTION* 14 (2014).

Of course art has its limits, particularly any one work. *The Wire* was not a runaway hit with wide viewership when it aired, so it is hard to calculate its overall impact on American attitudes toward crime and punishment. But we do know that among its viewers was President Obama, who took a far more nuanced view of criminal justice policies than his recent predecessors in the White House.⁷³ President Obama openly praised the show for its humanization of those involved in drug trafficking, and he was especially moved by Season Four's depiction of the struggles children in inner-city communities face.⁷⁴ And among those interested in criminal justice policy (whether law professors or reform advocates), the show is a common favorite, as this conference and prior scholarly events dedicated to it attest.⁷⁵ The show made a lasting impact on a population that cares deeply about these issues.

The show remains a model of what the best storytelling can accomplish in educating the public about broader structural forces shaping crime and punishment in America. It shows the structural forces that make criminality more likely, and it offers realistic portrayals of the people seeking to negotiate those forces. It connected the dots, while connecting us to its characters. Anyone who watched *The Wire* understands why the statistics on criminalization and incarceration are so jarring and is moved to do something to fix it.

⁷³ Rachel E. Barkow & Mark Osler, *Designed to Fail: The President's Deference to the Department of Justice in Advancing Criminal Law Reform*, 59 WM. & MARY L. REV. 387 (2017) (noting President Obama's stated commitment to criminal justice reform but highlighting structural obstacles at the Department of Justice in achieving it).

⁷⁴ The Obama White House, *A Conversation with President Obama and The Wire Creator David Simon*, YOUTUBE (Mar. 26, 2015), <https://www.youtube.com/watch?v=xWY79JCfhjw&feature=youtu.be> (last visited Jan. 14, 2018).

⁷⁵ Bennett Capers, *The HBO Series The Wire: Introduction*, 8 OHIO ST. J. CRIM L. 431 (2011).

