

A literature review of forensic sciences, media gatekeeping, and agenda setting.

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Introduction

While there is a great wealth of research available on offender profiling or forensic psychology, forensic linguistics in its current state, media gatekeeping theory, and agenda setting theory, there are no studies available on how they can work together in harmony to assist law enforcement investigations. These topics do work at the same time in certain situations and during specific investigations, but outside of a single particular investigation, these fields have not been delved into deep enough to see how they can work in unison.

This paper will cover the history of the Federal Bureau of Investigation's (F.B.I.) Behavioral Science Unit (B.S.U.) and the facts behind specific sciences and theories that make up the forensic sciences known as offender profiling and forensic linguistics. There is a single case that illustrated the use of all elements covered in this paper working together in unison, and that case is the investigation and subsequent capture of Dennis Rader, a serial murderer that was caught in large part because of his continued communications with law enforcement throughout his investigation (Douglas, 2007; Hansen, 2006).

Rader's case is the main cause of this literature review research that will cover the topics of offender profiling information, forensic linguistic information, media gatekeeping information, and agenda profiling information. The research questions posed at the conclusion will be designed to see what gaps exist and how further research can open up the possibility of law enforcement working with the media as a tool to assist in the investigations of serial offenders.

Offender Profiling

Profiling has been used in many different areas of life, in fact there are actually some very obvious cases in which profiling and behavioral sciences have come into play in aspects that have proven useful. If we were to look to the business world, it is quite obvious that marketing and advertising are studies in behavioral science, which is what offender profiling is (Rynes, Trank, 1999).

This area of forensic science is clearly the most famous and popular area that the F.B.I. pursues, because according to Julian V. Roberts (1992) “crime – and the criminal justice system’s response to crime – has long fascinated the public”. This is the reason that profiling comes under so much scrutiny against detractors for the claim that it is in fact a science based on assumptions rather than actual science (Devery, 2010). But the F.B.I. is not an organization willing to give up on the chance that a science can help lead to the capture of a criminal and assist investigations (Mueller III, 2008).

The F.B.I. is widely known as an organization that spends billions of dollars into the counterintelligence and information gathering aspects of investigation (Mueller III, 2008). There has been much research done to cover the topic of Criminal Profiling since the Federal Bureau of Investigations (F.B.I.) decided to put a significant amount of resources into their Behavioral Science Unit (B.S.U.) in the 1970’s, however the role of communications with the suspects and offenders in question has largely remained after the offender is brought to justice (Ramsland,

2010). The F.B.I. has a storied history in counterintelligence that began with gangsters in the 1930's (Theoharis, 2008). The F.B.I. uses many forms of counterintelligence including surveillance, both domestic and international (Price, 2004/2005).

This area of the F.B.I. is developed because it helps the F.B.I. prevent further catastrophes and to help counteract criminals (Mueller, 2003). The new era of counterintelligence lives in the psychological sector. This practice is known as Offender Profiling, and has become a tool that the F.B.I. This has been utilized since the early 1970's (Ramsland, 2010). Sometimes the F.B.I. will even resort to wiretapping to gain information on the communications, and then they disseminate this information to help understand what exactly is about to occur and use the information to help build an idea of the person that they're dealing with (Rodden, Rossi, 2009). They decide on whether or not the information is enough to pursue a case, or if there is even a threat level with the case (Rodden, Rossi, 2009). The F.B.I. utilizes communications in several areas of their investigations, including by determining threat levels on threats against the US (Fitzgerald, 2007; Keller, 2010).

The best way to describe what the purpose of offender profiling is, we turn to John Douglas and Corinne Munn (1992):

“To ensure a satisfactory ending, that is, the apprehension and prosecution of the violent crime offender, investigators must realize that the outcome depends on their insight into the dynamics of human behavior. Speech patterns, writing styles, verbal and nonverbal gestures, and other traits and patterns give shape to human behavior. These individual characteristics work in concert to cause each person to act, react, function, or perform in a unique and specific way. This individualistic behavior usually remains consistent, regardless of the activity being performed. Since the commission of a violent crime involves all the

dynamics of "normal" human behavior, learning to recognize crime scene manifestations of behavioral patterns enables investigators to discover much about the offender. It also provides a means by which investigators can distinguish between different offenders committing the same types of offense.”

While the forensic sciences were underdeveloped and not entirely understood, people were making generalizations that were not true about what is and isn't present in a serial killers mind (Pataki, 1997; Weisberg, 1983). We now know that serial killers are likely not thinking about anything other than their own satisfaction (Oates, 1994). There are many people that will also make parallels between movies and real life killers that aren't there (Oates, 1994).

According to John Gunn and Graham Robertson (1976), they believe that “in order to test the practicality of this technique and obtain information about reliability” you have to talk to prisoners. Some people even go so far as to analyze the relationships between fictional characters to see if there are any relationships between F.B.I. agents and those they investigate by saying “...to become a professional is to resemble the serial murderer who is her mentor”, instead of taking it at face value for the entertainment it is (Robbins, 1996).

Something that people need to understand when studying abnormal psychology is that the people that we are studying are not merely laboratory animals, but human beings with seriously fractured minds. These people aren't actors, but incredibly dangerous individuals that need to be taken seriously and worked with serious safety precautions taken into consideration. These human beings are not acting with the frame of mind that other people deal with. They are seeking out purely their own desires, and have no qualms about how they reach that final goal

(Oates, 1994). If that means you are in the way or means to an end, they have no issues overpowering you to make themselves happier.

The beginnings of the F.B.I. are rooted in helping create an agency that could help with investigations the local law enforcement couldn't handle by themselves (Cunningham, 2003). One aspect that local law enforcement can't handle is the counterintelligence that is necessary to help the federal government keep the general U.S. public safe (Cunningham, 2003).

While the art of criminal profiling has been in the F.B.I. as a unit since only the 1970's (Ramsland, 2010), the history shows that offender profiling started to show up around the mid-1950's, and the first case of police contacting a psychologist or psychiatrist is illustrated in Lea Winerman's (2004) study on how exactly profiling earned its chance with the first major case cracked thanks to forensic psychology:

“In 1956, the frustrated investigators asked psychiatrist James Brussel, New York State's assistant commissioner of mental hygiene, to study crime scene photos and notes from the bomber. Brussel came up with a detailed description of the suspect: He would be unmarried, foreign, self-educated, in his 50s, living in Connecticut, paranoid and with a vendetta against Con Edison--the first bomb had targeted the power company's 67th street headquarters. While some of Brussel's predictions were simply common sense, others were based on psychological ideas. For instance, he said that because paranoia tends to peak around age 35, the bomber, 16 years after his first bomb, would now be in his 50s. The profile proved dead on: It led police right to Metesky, who was arrested in January 1957 and confessed immediately.”

The case of the “mad bomber” was so high profile in nature, that during the span of his 16 year bombings, the police reached out to Brussel only after being unable to solve the case at all (Douglas, et al., 1986). The school of thought used by Brussel falls into the category of

utilizing the psychological aspects of what he would likely be suffering from, rather than using investigative analysis only (Douglas, et al., 1986).

There are some cases that show offender profiling popping up as early as the 1880's, the truth is that those were less about creating a science as they were desperate police departments grasping at straws (Winerman, 2004). Offender profiling is still trying to make its way even now (McGrath, 2000). There are those who understand offender profiling only from the perspective of movies like "Silence of the Lambs" or television programs like "Criminal Minds", but the fact is that offender profiling is a "relatively new field with few set boundaries or definitions" and that even those who practice it "don't always agree on methodology or even terminology" (Winerman, 2004).

There are different types of offender profiling such as hostage taking and violent crimes (Douglas, et al., 1986). The art of hostage taking profiling largely surrounds the communicative aspect, but also allows law enforcement to potentially gain an edge in negotiation tactics (Douglas, et al., 1986). This portion of offender profiling is important to note it exists, but will not be further dissected as violent crime offender profiling is involved in the case that the literature pertains to at the end.

There has long been controversy surrounding whether or not there are patterns or profiles that actually exist within the field of offender profiling (Devery, 2010; Pinizzotto, 1990). These will be covered later, but the fact remains that when there is a study conducted about the historical analysis of crime or when there are studies that take objective looks at exactly what kind of criminal patterns have existed (Eisner, 2003). We see that even so far back as the

thirteenth century it is possible to see the criminal patterns that existed are still similar in today's society if the numbers reported and unreported remain the same, which studies have shown (Eisner, 2003). It is even possible to draw parallels to the numbers of crimes that have taken place in their various crime types, ranging from rape to arson to murder (Eisner, 2003; Piquero, Farrington, Blumstein, 2003).

The perceived chances of one to become a victim are generally high because most people believe that they will fall victim to a crime (McBride, 2002). Sometimes that is because they have already been attacked and sometimes it is because the perception of being attacked is perpetuated by the media (McBride, 2002). The fact remains though that crime has remained constant or decreased over the years, even showing that historical data analysis from the 1200's and beyond clearly illustrate a steady flow of crime (Eisner, 2003). According to Manuel Eisner (2003) "what makes any assessment of our knowledge about the long-term trend in homicide rates relatively difficult is that relevant research has been published in many different languages, sometimes in difficult-to-find specialized historical journals, and with widely varying research questions forming the background of scholarly work." This clearly illustrates that throughout history, the crime rates actually remain in a pattern that largely remains the same over time (Eisner, 2003).

However, there are historians that disagree with the use of pre-modern criminal activity rates, and Eisner (2003) clearly outlined the concerns that were called upon by other forensic scholars and historians:

“Historians who analyze extensive criminal justice records usually re-sort to statistical counts in presenting their findings. But they disagree whether retrieved historical data should be used to compute homicide rates, whether such numbers provide any useful information about the real incidence of killings, and whether long-term historical comparison is scientifically justifiable.”

Regardless of whether or not these numbers are completely accurate, it does show that if the history of crime is studied, it is completely within reason to make judgments on what crime, or criminals, will be like in the future (Eisner, 2003). These studies are important, because they help build and develop the field of forensic psychology and allow us to better research serial offenders through offender profiling (Eisner, 2003).

It was in 1974 that a group of F.B.I. agents came together and formed the area of the F.B.I. that would become the Behavioral Science Unit of the F.B.I., the arm that studies offenders and helps profile them (Winerman, 2004). It was John Douglas and Robert Ressler who spearheaded a researching interview project that ran from 1976 to 1979 in which the federal agents involved traveled to interview “thirty-six serial murderers to develop theories and categories of different types of offenders”(Winerman, 2004).

The findings were largely kept internal, but the science has received much publicity because of the public fascination with serial murderers (Douglas, 2006). The questions of whether or not it can be reliably studied have risen and been clearly the major issue that has face offender profiling, but many others will argue the validity through science (Harris, Skilling, Rice, 2001). There are different studies that exist about when criminals begin their offenses, but the truth is that it varies (Harris, Skilling, Rice, 2001).

The studies became public knowledge eventually, but not everything was divulged into the academic paper that was provided by John E. Douglas, Robert K. Ressler, Ann W. Burgess, and Carol R. Hartman (1986) that was the foundation for building and delivering a “criminal personality profile”. This document is widely viewed as the first source that elaborated on so much information when it comes to the criminal profiling science as a field (Fox, Levin, 1998). There are a series of five overlapping stages that are involved in the offender profiling science according to Douglas, et al. (1986). The five stages are “profiling inputs”, “decision-process models”, “crime assessment”, “the criminal profile”, “investigation”, and “apprehension” (Douglas, et al., 1986). There are also key feedback filters in the process that assist in the building of a profile and subsequent capture of a fugitive, and they are “achieving congruence with the evidence, with decision models, and with investigation recommendations” and “the addition of new evidence” (Douglas, et al, 1986).

Deductive reasoning is not the only factor in offender profiling, even if that is the way that television and movie entertainment would lead us to believe (Douglas, et al, 1986; Robbins, 1996). There are several questions that must be asked, and answered (Douglas, et al., 1986). Offender profiling takes a look at various aspects of criminal cases, such as the verbal contact that takes place between law enforcement and offender, letters written in anonymously, and spoken threats to victims in any particular case that involves offenders in violent crimes (Douglas, et al., 1986). Besides serial homicide, serial rape and serial arson also lend themselves to the behavioral aspect of offender profiling, because each type of crime has been chronicled and there is now a basic understanding of what kind of personality it takes to complete each one

of these crimes (Douglas, et al., 1986). The rationale behind the approach of building the offender profile is, and always has been, “behavior reflects personality (Douglas, et al., 1986; Prentky, et al., 1989).

Behavior lends an idea into the personality of the criminal because they follow patterns, and human beings are creatures of habit and revert to doing what makes them feel good, and do so in a pattern that they know works (Douglas, et al., 1986). Douglas et al. (1986) even go into discussion about how common characteristics of arsonists have shown that there are personality profiles that exist within the ranks of arsonists that are not exhibited by serial homicide and serial rapist criminals. The type of crime you commit and the way in which you commit it lends your personality to law enforcement running the investigation against you (Douglas, et al., 1986; Prentky, et al., 1989).

The obvious questions exist like “can we really profile offenders” (McGrath, 2000) and “how reliable are these findings” (Devery, 2010), and there are even those that claim the entire science is based on “common sense intuitions and faulty theoretical assumptions” (Devery, 2010). The fact is that offender profiling is not exact and that those trained specifically in profiling are not always correct in their analysis of a crime that has occurred (Kocsis, 2003; Pinizzotto, 1990).

Citing Fox and Levin (1998), they even took note and cited Pinizzotto (1990) in their study, “Thus, while profiles work wonder-fully in fiction, they are much less than a panacea in real life, even when constructed by the most experienced and skillful profilers like those at the F.B.I. unit” (Fox, Levin, 1998). There are many studies that blatantly attack the science as being

flawed in the fundamental fact that it is not a predictable hard science like math, where a formula can exist and be used every single time (Devery, 2010; Kocsis, 2003; Pinizzotto, 1990). They fail to comprehend that the profiling units of the B.A.U. and B.S.U. in the F.B.I. don't actually go to work on most cases until the local law enforcement has exhausted their investigation (Fox, Levin, 1998).

There has been a great deal of research based on this topic since the original papers, but few have actually been able to accomplish what the original papers did initially, and that is explain exactly what makes profiling a viable option to use as a tool in a homicide investigation (Fox, Levin, 1998).

Douglas, et al. (1986) went so far as to state why criminal profiling works so well in violent and serial homicide cases because “these crimes create a great deal of fear because of their apparently random and motiveless nature, and they are also given high publicity”. The patterns that are involved in serial homicide cases just seem random and motiveless, when in reality each crime serves a specific purpose to the criminal, and the job of law enforcement is to determine what that is (Douglas, et al., 1986; Prentky, et al., 1989).

Richard Kocsis (2003) conducted a study that showed that while profiling is an inexact science, people can illustrate the ability to deduce, logically, that there is a specific type of offender that law enforcement should be seeking out. The skills that showed up as typically essential for profiling showed up in different ways (Kocsis, 2003). In Kocsis' study, it was shown that profilers had the best percentage of cases “solved”, but they had the most variation, showing that the science is still inexact even if the person is trained in the science of offender

profiling (Kocsis, 2003). The study also showed that science students did the second best out of all the other groups of people, which lead Kocsis (2003) to believe that logical deduction and reasoning was likely to be the most important trait in a psychological profile while building a profile of an offender.

The science of offender profiling is also not about who exactly committed the crime, but rather entirely about what kind of person committed the crime (Douglas, et al, 1986). The offender profile is a guideline or investigative tool to be used by law enforcement to better understand exactly what kind of perpetrator would have the prowess or desire to commit such heinous crimes (Douglas, et al., 1986).

The motive in these cases of violent homicide, especially those of a sexual or perverted nature, is seemingly lost on the public (Douglas, et al., 1986). Even more terrifying though is that the motives may seem lost on law enforcement as well (Douglas, et al., 1986). The motives are not entirely untraceable, but they are most often also known only to the offender, at least at first (Douglas, et al., 1986). The building of the profile is what creates the spectrum of the profile for law enforcement and for their investigation (Douglas, et al., 1986; Prentky, et al., 1989).

While the field of Offender Profiling grows and proves its usefulness in investigations, there are still those who believe that profiling actually derails investigations and look to the cases in which profiling has not worked (Devery, 2010). Even though profiling has worked in more cases than it has failed, there are cases in which profiling has lead an investigation down the wrong path (Devery, 2010). There are even those that go so far as to call profiling “a

compendium of common sense intuitions and faulty theoretical assumptions and in practice appears to consist of little more than educated guesses and wishful thinking” (Devery, 2010).

It is more important for these detractors to understand that profiling is an inexact science that is not meant to offer an exact look into the criminals mind, but rather a tool to be used by law enforcement (Heller, 2006). The opposite problem that faces profiling as a science is the school of thought that it works in every single case and that everyone believes in the science (Kocsis, 2010). While the truth is that profiling is an investigative tool, the fact is that it works more often than it fails (Heller, 2006).

One of the earliest examples of studies that were published by the B.S.U. team was when Robert Alan Prentky, Ann Wolbert Burgess, Frances Rokous, Austin Lee, Carol Hartman, Robert Ressler, and John Douglas (1989) put together a comprehensive study of the role of internal fantasy “as an internal drive mechanism for repetitive acts of sexual violence. There is clearly a pattern that exists within homicidal tendencies, and the major patterns that are found can help profile individuals and lead the investigation towards a person of interest and give the police a suspect in the case (Prentky, et al., 1989). However, they did find that sexually based offenses are not the most common cause for executing serial murder, but that the homicides related to sexual fantasy do in fact exist:

“Among the four violent Crime Index offenses of the Federal Bureau of Investigation (F.B.I.), murder is the most infrequent, accounting for about 2% of the total violent crimes. And of those who murder once, only a small fraction murder again (1). Within the overall category of murder, homicides that appear to be sexually motivated are uncommon, (2, 3), and serial sexual homicide is even more infrequent. Despite the proportionately few serial sexual murderers, the number of victims accounted for by each perpetrator is often very high.”

The previous statement also illustrates that there are patterns that sexual offenders also fall into (Prentky, et al., 1989). This finding raises hope that offenders should have communication patterns in the linguistics as well (Alldridge, 1994; Baldwin, 1993; Butters, 1993; Dumas, 1993; Gibbons, 2003; Nolan, 1991; Olsson, 2008; Oxburgh, Myklebust, Grant, 2010; Svartvik, 1968). This study by Prentky, Et al. (1992) also delved into the race, marital status, and age.

The determining factors into what create the makeup of these serial offenders that commit the heinous act of sexual murder showed that the offender would likely have a “higher prevalence of paraphilia’s”, “a higher prevalence of organized crime scenes”, and “a higher prevalence of violent fantasies” (Prentky, et al., 1989). One tool that was put together by law enforcement to help find out more about these factors was the Violent Criminal Apprehension Program (VICAP) (Fox, Levin, 1998). The VICAP is a compilation of data about any crime that has been in place through a “lengthy questionnaire completed by local police investigators, VICAP analysts assess victim characteristics, elements of modus operandi, crime scene attributes, and available offender information” (Fox, Levin, 1998). The point of the VICAP is to help flag similarities in cases so they don’t go unnoticed (Fox, Levin, 1998).

There is clearly a note of planning that goes into these crimes, which is also how we are able to note that the crime scenes show a more than organized tone to them (Prentky, et al, 1989). These codes that exist are helpful to making a more accurate profile that can help lead law enforcement to the correct suspect (Fox, Levin, 1998; Prentky, et al, 1989).

It is worth noting that other sciences that are now considered staples of investigations were once misunderstood and questioned openly (Holmes, 1994). As Helen Bequaert Holmes asks about DNA fingerprinting, right before it would become considered the most reliable form of evidence:

“Is the theory correct? Is everyone’s DNA really different? And do methods developed so far and those under development actually measure this uniqueness? Each of us will have of our mother’s unique RFLP’s and half of our father’s. However if we test several RFLPs (cut by different enzymes), we should see differences even among close relatives. But clearly this technique has racial implications, i.e., some similarity might be found in persons of the same race or ethnic group. Does the sample of semen come from the suspect or someone else in the same racial group?”

The fact remains that communications play a major role in even national security (Fitzgerald, 2007). The Behavioral Analysis Unit-1 focuses on the communications between terrorist organizations and places perceived threat potentials against the United States (Fitzgerald, 2007).

Something about abnormal psychology that needs to be noted is that the people can come from one of two areas in their lives that they have had to attempt to separate themselves from, but they find that impossible to do (Seltzer, 1995). According to Mark Seltzer (1995), the two largest things to take into account are the “subject of repetitive behavior and the typical scene of the crimes”. The inner logic of a killer is not one that any one of us can fully grasp based on the inability to truly understand why these people have done what they have done, but it is typical that a killer be perceived as “normal” by those they know (Seltzer, 1995).

There are two very major aspects of criminal profiling, and that is the understanding that criminal psychology is a leg of abnormal psychology (Harris, Skilling, Rice, 2001; Prentky, et al, 1989). The area of psychology that deals with psychopathy, which is a “real phenomenon” and “essentially a restriction of that described as antisocial personality”, is known as abnormal psychology (Harris, Skilling, Rice, 2001). Although there are in fact misguided understandings that the serial killer is a modern phenomenon (Haggerty, 2009), this is inherently not true because of the fact that psychopathy has existed and been exhibited in certain patients since the inception of abnormal psychology (Harris, Skilling, Rice, 2010).

This is called abnormal because the differing characteristic of a psychopath is that it is largely “heritable and mediated, in part at least, by genes that modulate some neuroanatomical structures and monoamine oxidase-type A (MAO) neurotransmitters (Harris, Skilling, Rice, 2001). What that is saying is that psychopathy is a brain function that works differently from that of a healthy, normal brain (Harris, Skilling, Rice, 2001). The difference between a psychopath and a sociopath is that a sociopath was “turned” that way by neglect or a traumatic event in their life (Buss, 1997). For the sake of this paper, the term sociopath and psychopath will be one in the same, because while there are slight differences, it is easier to follow that of other studies where the sociopath and psychopath fall under the same umbrella for easier use with the language (Harris, Skilling, Rice, 2001).

One thing to remember is that “profiling” can also mean racial profiling. Racial profiling is notable in many cases because it can lead to faulty information being released based on discriminations that the law enforcement can levy on suspects (Ruiz, Julseth, Winters, 2010).

Another portion of profiling is taking into account the geographic area in which the attacks have taken place since there is oftentimes the “comfort” zone in which a serial killer tends to commit most of their crimes (Fox, Levin, 1998; O’Leary, 2009). While race and age are the most difficult things to predict in a profile, geography can lend a great deal of information such as where the perpetrator is from or if they have experience in the wilderness (Fox, Levin, 1998; O’Leary, 2009). The link between communications that exist between criminals and law enforcement can give a look into how the criminal is thinking (Greenwald, 1959).

If the United States can provide better understanding to the field of Offender Profiling, there is a better chance that other nations will take notice. Currently, other nations remain oblivious about lower class populations being targeted, and aren’t noticed until a large number of people are already killed (Pauw, Brener, 2003). The accumulation of data of the years proves that the public fears strangers because of the increased rate of homicides nationwide (Riedel, 1987). Helping build a profile can help the public be more aware of who they are looking for. And how the public can learn to better protect themselves from a particular offender type if they were to surface (Riedel, 1987). There are always scientists that are attempting to take into account predictability factors in their research as well (Harcourt, 2003).

Another area of the science that has grown is the knowledge we now have of how serial criminals think within their element (Michalos, Zumbo, 2000). In one case that Alex C. Michaelos and Bruno D. Zumbo found was that a criminal area, or “Exhibit”, was that people had the same ego-centric biases against other areas of the city:

“Exhibit 1 shows the percentages of respondents affirming that, compared to two years ago, crime increased, remained the same or decreased in their neighbourhood, the city, Canada and in local schools. The first thing that strikes one inspecting this exhibit is the apparent ego-centric bias (Michalos, 1995) regarding people’s judgments about their own neighbourhoods compared to everywhere.”

Even more psychologically revealing than a geographic area is when the criminal themselves transcends their own barbaric and terrifying reputation in their neighborhoods (Athens, 1998). Lonnie Athens (1998) profiled a young gangster who stated the following in an interview:

“My family and neighbors were scared to death of me. They knew that I was hot-headed, full of hate, and could do any fucking thing to somebody. When I came around, they treated me like the walking dead. Even young up-and-coming low riders acted leery of me. If somebody fucked with me, I would righteously blow them away.”

Another area that reveals the most major portion of the profile is in the post capture interviews, and in one particular interview conducted by Ronald M. Holmes and Stephen T. Holmes (2009), a subject had this to say about why he choose to take the life of his very first victim:

“In our own conversations with serial killers and other violent offenders, we found evidence that many of these individuals do lack the ability to receive criticism and withstand frustration. This frustration often serves as a catalyst for action, which serves to validate the offender’s sense of importance and being in control. As one offender told us: ‘So when I murdered this first person, it was not to fulfill an inner craving, but only because this person frustrated my aims by being completely unresponsive to my brutality. As this victim was seemingly in a catatonic state, oblivious to my violence, I derived no gain or gratification from my acts, and this individual, therefore, was useless to me.’”

While offender profiling has grown as a science, it has had subsets of profiling break off to help make the science more reliable. People do not fully understand that a psychological profile isn't meant as evidence, rather as a tool to capture the criminal (Heller, 2006). One set of profiling is understanding the geography of the area in which they find disposal sites (Canter, Coffey, Huntley, Missen, 2000). One thing is to see if the bodies are being found along roads or in different sites amongst any kind of sentimental items or among debris and junk (Canter, et al., 2000).

“The effectiveness of a geographical decision support tool (Dragnet) for locating the base of serial offenders was compared across 570 models comprised of a range of negative exponential functions, buffer zone components, and normalization parameters. The models were applied to the body disposal locations within each series for 70 U.S. serial killers. Two normalization parameters were compared for all functions. The test of effectiveness was a specifically defined measure of search cost. When applied to the Dragnet predictions it was found that the specially developed normalization parameter (QRange) produced the optimal search costs. The optimal search cost was also found to be for a function that did not include any buffer zone. The optimal, average search cost across the whole sample was 11% of the defined search area. Fifty-one percent of the offenders resided in the first 5% of the search area, with 87% in the first 25%. All resided in the total defined search area. These results support the potential for operational tools using such procedures as well as contributing to our understanding of criminal's geographical behavior. The applicability to other forms of serial crime is considered.”

We have learned about new things that occur within the mind of serial offenders too that we didn't before (Douglas, 2007; Fox, Levin, 1994). There is something called a stressor that can help trigger these emotions of rage, and sometimes that stressor can lead to a workplace shooting even if the stressor itself is something as simple as being fired for budgetary reasons (Fox, Levin, 1994).

The findings of the B.S.U. and their profilers have been remarkable. From the 1970's through today, they have compiled enough data to be accurate and correct more often than not (Ramsland, 2010). A major portion of their studies actually came together in a breakthrough study that birthed a bulletin on the studies of the B.S.U. and helped launch profiling into the realm of relevant sciences (Douglas, Munn, 1992).

One of the biggest breakthroughs in offender profiling was the discovery of signatures, modus operandi, and staging (Douglas, Munn, 1992). The breakdown of these three specific criminal contingencies is important to understand in the breakdown of a crime (Douglas, Munn, 1992). The modus operandi, translated from Latin to be method of operating" is the way that a serial offender commits their crime, such as the use of a specific weapon or specific mode of killing (strangulation, stabbing, shooting, etc.) (Douglas, Munn, 1992). They take note of a particular case in Louisiana that shows an extreme change in modus operandi in three different crime scenes (Douglas, Munn, 1992).

Douglas and Munn (1992) point out that while modus operandi is important in the eventual serial offender, the entire purpose of an modus operandi can change because of the evolution of the perpetrator. They even give the following example:

“...a novice burglar shatters a locked basement window to gain access to a house. Fearing that the sound of a window breaking will attract attention, he rushes in his search for valuables. Later, during subsequent crimes, he brings tools to force open locks, which will minimize the noise. This allows him more time to commit the crimes and to obtain a more profitable haul.”

This shows that while looking at linked crime scenes, the investigators need to take into account specific factors that can lead from scene to scene and evolve with the criminal (Douglas, Munn, 1992). For example, if a criminal is captured and put into prison, they will likely have more care in their future crime scenes or will leave behind less evidence because the criminals themselves do not wish to be captured again (Douglas, Munn, 1992). According to Douglas and Munn (1992) that “developed over time, the modus operandi continuously evolves as offenders gain experience and confidence.” The evolution of the modus operandi on a rape scene also indicates whether or not an offender is having troubles controlling their victim (Douglas, Munn, 1992). If a rapist is having issues with being able to control their victims, they tend to move towards restraining the victim in some fashion, which is a change in the modus operandi (Douglas, Munn, 1992). In the case they illustrate, there is enough evidence to overcome the change in modus operandi and to convict the defendant and send him to prison for killing eight different people (Douglas, Munn, 1992).

The second major aspect of a crime scene in a violent serial offense is known as the signature (Douglas, Munn, 1992). This has been popularized in television and movie entertainment as a “calling card”, but Douglas and Munn (1992) also call “this criminal conduct is a unique and integral part of the offender’s behavior and goes beyond the actions needed to commit the crime” (Douglas, Munn, 1992). Fantasies or sexual thrills can be the basis for these signatures (Douglas, Munn, 1992). According to Douglas and Munn (1992) about signatures, “when they are finally acted out, some aspect of each crime demonstrates a unique, personal

expression or ritual based on these fantasies”. But how do criminals portray their individual signature?

Some examples of a signature are killing the victim in a particular way or committing a rape in a specific fashion (always strangling, stabbing in the genital area, abusive language in a rape), and this never changes from crime to crime, unlike the modus operandi (Douglas, Munn, 1992). This signature can be left out of certain crime scenes when the scene is interrupted or disturbed, but only then would a serial offender be unable to leave their mark on the scene of the crime (Douglas, Munn, 1992). Sometimes the signature can be the way in which the victim is disposed of, even being deposited among garbage and junk (Douglas, Munn, 1992). In one specific instance, the signature was quite clearly disturbing and that of an individual craving control (Douglas, Munn, 1992):

The offender spent considerable time at the crime scene. He made extensive preparations to bind the victim, allowing him to control her easily. His needs dictated that he move her around the house, exerting total domination over her. It appeared that he even took her into the bathroom and made her brush her teeth. None of this behavior was necessary to perpetrate the crime; the offender felt compelled to act out this ritual.

The signature is imperative to finding out about serial offenders because otherwise the investigation could be left without evidence that connects the crimes to one another (Douglas, Munn, 1992). A signature can also help eliminate suspects from violent crimes as well (Douglas, Munn, 1992):

David Vasquez had been imprisoned 3 years when the 1987 murder occurred. At the request of the Arlington, Virginia, Police Department, the National Center for

the Analysis of Violent Crime (NCAVC) conducted an extensive analysis of these two murders, a series of sexual assaults, and several other killings that occurred between 1984 and 1987. Eventually, the NCAVC linked these offenses through analogous signature aspects of another local suspect. Physical evidence later corroborated this connection and determined that the "calling card" left at the 1984 homicide did not belong to David Vasquez. As a result of this finding, the Commonwealth of Virginia released Vasquez from prison and exonerated him of the crime.

The importance of signature can mean innocence or guilt if the signature can in fact be tied to a specific individual (Douglas, Munn, 1992).

The last major portion of offender profiling is called staging (Douglas, Munn, 1992). The staging is how did the crime unfold and what kinds of evidence are available to show the investigators what kind of information is available about the happenings of the attack itself (Douglas, Munn, 1992). Some questions that can be answered at the crime scene are whether the attack was an ambush, a con job, if there was trust established; whether or not it was an organized scene or a disorganized scene (Douglas, Munn, 1992). There could also be signs of a struggle or sexual assault which would help the investigation as well (Douglas, Munn, 1992).

There are two major reasons for staging, and the first is to "direct the investigation away from the most logical suspect" (Douglas, Munn, 1992). The offender would obviously not want to be apprehended for their actions, and thus would attempt to make a crime scene that did not look as though they were present (Douglas, Munn, 1992). The staging is also able to happen because the victim and the perpetrator have a likely relationship with one another in some form (Douglas, Munn, 1992). These kinds of crime scenes are also a testament to investigators to never eliminate a suspect until they are found innocent (Douglas, Munn, 1992).

The second reason is “to protect the victim, or the victim’s family” (Douglas, Munn, 1992). This is odd because it is actually done by the family after the discovery of the body rather than by the offender (Douglas, Munn, 1992). Although it should be noted that if the offender, in a rare case, shows remorse for their victims, then this type of staging is expected to be found (Douglas, Munn, 1992).

When observing these crime scenes, the staging is a red flag for investigators, and will often show that inconsistencies have occurred (Douglas, Munn, 1992):

“Offenders who stage crime scenes usually make mistakes because they arrange the scene to resemble what they believe it should look like. In so doing, offenders experience a great deal of stress and do not have the time to fit all the pieces together logically. As a result, inconsistencies in forensic findings and in the overall "big picture" of the crime scene will begin to appear. These inconsistencies can serve as the "red flags" of staging, which serve to prevent investigations from becoming misguided.”

To ensure that these staging mechanics do not get in the way of an investigation, and help move it in the right direction, investigators must take great care to factors like what the motive is and whether or not they were interrupted (Douglas, Munn, 1992). The last thing to take into consideration is the point of entry of a staged crime (Douglas, Munn, 1992). If the suspects meant to harm or maim, then the intent is generally also shown in how badly they wanted to kill their intended target by looking at whether they came in through the front door or a window on the second story (Douglas, Munn, 1992). There are a variety of factors that go into a crime scene and the scenes need to not be neglected (Douglas, Munn, 1992).

The impact of this paper was thanks to the findings of Prentky, et al. (1989) and because the F.B.I. gave the proper attention to the fledgling B.S.U. (Ramsland, 2010). One of the studies that have been considered groundbreaking in the study of forensic psychology was written by James Allen Fox and Jack Levin (1998) and encompassed the theory that there were in fact patterns that could be followed by utilizing the data from previous studies in forensic psychology. The fascination with serial killers in the media exists so clearly, and there is also fascination with mass murder as well, but mass murder patterns were less evident than that of the serial killer type (Fox, Levin, 1998). The one thing we do know is that the serial criminal is not often deterred by capital punishment (Ekeland Jr., Jackson, Ressler, Tollison, 2006).

There is currently a push to create a new wave in the F.B.I.. How we gather information is more important than ever, and there are even agents that are helping bridge the gap between law enforcement and intelligence (Ragavan, 2004). The F.B.I. has even moved their communication efforts online in another effort to open up lines of communications (F.B.I., 2010).

The F.B.I. uses prior cases to study and understand how failed and successful attempts could either be tweaked or how to utilize successful cases (Ressler, Shachtman, 1992). In the case of Berkowitz, F.B.I. psychologists with the B.S.U. now understand that someone with a mental illness isn't best suited for media communication through interviews with Berkowitz and through analysis of his case (Ressler, Shachtman, 1992). F.B.I. psychologist Robert Ressler spoke with Berkowitz and eventually got him to confess that the "demon dog" story was a farce

that he had created before being captured in an effort to convince the jury he was in fact insane (Ressler, Shachtman, 1992).

F.B.I. psychologists understand now that people with mental illness do not typically respond well to communication efforts, but the interview that law enforcement conducted with Berkowitz allowed the B.S.U. to understand why he responded and how they could communicate with other offenders in an effective manner that would allow them a chance to capture a suspect before a further loss of life were to take place (Douglas, 2007; Ressler, Shachtman, 1992).

Forensic Linguistics

Language is something that we use to communicate on both an interpersonal and mass communication level (Stacks, Salwen, 2009). The study of the language is called linguistics, and there are actually those who study these linguistics in a way to help create a better investigation by law enforcement through knowing what kind of interrogation questions to ask each person to help create a better flow of information (Baldwin, 1993; DuBois, 1937; Dumas, 1993; Gibbons, 2003; Olsson, 2008; Oxburgh, Myklebust, Grant, 2010). One aspect that faces forensic linguistics is that since it is such a new science, it is misunderstood and questioned sometimes as being unrelated, much like other sciences that started out misunderstood by skeptics (Huber, 1993).

The very beginning of forensic linguistics came when Jan Svartvik wrote a paper titled *The Evans Statements: A case for forensic linguistics* in 1968. The paper covered the story of

Timothy John Evans, a man who entered into a police station and stated “I want to give myself up. I have disposed of my wife” (Svartvik, 1968). The study focused on the language used in the confessions of Evans, and how the language used could be studied (Alldridge, 1994; Coulthard, Johnson, 2007). In the confessions, Evans calimed that he had help from an accomplice by the name of Reg Christie (Svartvik, 1968). The story that Evans confessed to was that Evans’ pregnant wife had become a burden that Evans no longer wished to deal with, So he asked for Christie’s help to kill her (Svartvik, 1968). Christie, having had some formal training as a doctor, had the trust of Evans’ wife, and killed her by giving her pills that ultimately killed her (Svartvik, 1968).

The problem was that most of the language involved in Evans’ confessions lead investigators to believe that he did commit the acts without an accomplice that he confessed to because of the following reasons noted in Svartvik, 1968:

- “(1) The case for the Prosecution against Evans as presented to the jury at his trial was an overwhelming one;
- (2) Having considered all the material now available relating to the deaths of Mrs. Evans and Geraldine Evans, I am satisfied that Evans was responsible for both;
- (3) Christies’s statements that he was responsible for the death of Mrs. Evans were not only unreliable but were untrue.”

The study of the language used was more than enough to actually show that Evans was acting on his own, and that even though Christie was hung for the crimes, he was posthumously awarded pardon, which is obviously little comfort to those that knew and loved the man hung for Evans’ crimes (Svartvik, 1968).

This story of the confessions that lend the first ever look at language that was reviewed, not only in a criminal case to help determine guilt, but also in the way that a scholar taking the time to look into language and its use in the field of a forensic science (Coulthard, Johnson, 2007). To illustrate the look into the science, we turn back to Svartvik on what transpired (1968):

“In the debate preceding the Brabin Inquiry considerable attention was drawn to the statements made at Notting Hill Police Station (NH 1 and NH 2), which contain Evans’ confessions. Ludovic Kennedy goes as far to say that ‘both these “confessions” are demonstrably false.’ It was felt by many that these statements include a large number of features that are not expected in the language of an illiterate, as well as remarkable internal differences of style.”

If we look further into the language that Evans was using, we see why Ludovic Kennedy felt the way he did, because Evans said, according to Svartvik (1968), two very different things in his two separate confessions. Svartvik wanted to look at the language and to decipher what was going on from a linguistic perspective first and foremost, and to think about the legal repercussions secondarily (Svartvik, 1968). The claim was laid in his paper that linguistic analysis of these statements would be met with scrutiny because of the small nature of the words involved, the limited communication types, and the obvious fact that his language used was different than what he would normally speak like on account of him having no formal education and being illiterate (Svartvik, 1968).

The linguistic breakdown also takes into account the conditions under which the confessions were made (Svartvik, 1968). These conditions would in no way be conducive to speaking like one normally would, and so the language Evans was using could in no way be

what he would normally use in everyday life, however, Svartvik also saw that the transcriptions would have to have played a major role in the linguistic breakdown because if two people transcribed the two first confessions, then the outcome of placement of commas and other grammar sections would likely be affected (Svartvik, 1968). These were not major flaws with the new outcome, but simply factors that need to be taken into account when studying the linguistic patterns that exist (Svartvik, 1968).

The next thing that needed to be looked at was the language used, and Svartvik came up with a table that would allow those reading his study to see that the language used changed consistently (Svartvik, 1968). He was inconsistent in his speech patterns, going between proper and improper grammar (Svartvik, 1968). Using phrases like “she never said no more about then” and “he never asked no money for it”, they were able also take note of his obvious illiteracy in the written statements they collected from him (Svartvik, 1968).

The major issue that the police had after the investigation was the obvious inability to keep with a single particular style of writing, and that he also went into phrases that would not be used by an illiterate (Svartvik, 1968). One such example in Svartvik’s (1968) paper was the following examples of writings that had contained certain phrases or words from Evans’ confessions to the police at Notting Hill that would not be used or come from the “idiolect of an illiterate”:

“(26) ‘She was *incurring* one debt after another and I could not stand it any longer so I strangled her with a piece of rope and took her down to the flat below with the same night whilst the old man was in hospital.’”

(27) ‘*In a fit of temper* I grabbed a piece of rope from a chair which I had brought home off my can and strangled her with it.’”

(28) ‘He handed me the money which I counted *in his presence*.’

(29) ‘The same night I caught the 12:55 a.m. train from Paddington to Cardiff and *made my way to* Mount Pleasant, Merthyr Vale, where I stayed with my Uncle, Mr. Lynch.’”

The importance of understanding what was said in those transcripts is that otherwise there is no basis for the study or research that needs to take place in the future or after this case study of forensic linguistics (Svartvik, 1968). Svartvik (1968) does go back and remind the reader of the “difficulty of comparing the four statements” because they can be “minimized by analyzing each statement separately”.

This study was merely the beginning to forensic linguistics and helped lay the foundation for the future of the science (Coulthard, Johnson, 2007). The first studies into forensic linguistics were shakier, and the science still has its doubters. While speech and communications will not act in the same way as a fingerprint or DNA evidence, it can lend some clues into the suspect’s life (Nolan, 1991). There are complexities in the voice patterns that do not allow for completely undeniable evidence to be presented in a court of law with hopes of it holding up with one hundred percent certainty (Nolan, 1991).

One of the earliest studies into linguistics as a forensic science was completed by Francis Nolan at the University of Cambridge in 1991. Nolan’s argument was that the language used and the auditory analysis (a science that was also still young and under fire) could help lead investigations down a better path (Nolan, 1991). There were also the detractors, that Nolan acknowledged, and detractors would claim “the speech samples used were short, and mostly from speakers with similar accents, in order to focus the experiment on personal voice quality” (Nolan, 1991). Again, this science is not like a math or chemistry, the science wouldn’t be

perfect, but it is also to be used as an investigatory tool, not the final answer on any particular case outcome (Nolan, 1991).

Nolan's study was more interested in the auditory portion of the field, but his studies coupled with studies like Bolinger's allowed the field of forensic linguistics to begin taking its shape into a forensic science. The field is now largely based in interview type questions (Alldridge, 1994; Baldwin, 1993; Butters, 1993; Dumas, 1993; Gibbons, 2003; Nolan, 1991; Olsson, 2008; Oxburgh, Myklebust, Grant, 2010).

The words we choose can affect the way others view us and in how powerful our language can truly be (Bolinger, 1940; Hargie, Dickson, 2004). The other factor in language selection is that the words that work the same in speech, do not always work in writing, and the idea here is that using the proper language is imperative (Briggs, 2002). There is proof as to how powerful language can be. Some theorists claim that even during the holocaust, the "ordinary" German population must have had the desire to kill the Jewish population (Goldhagen, 1997), while others claim that something else drove the Germans to commit such heinous acts (Alford, 1997). Some claim that language helped lead Hitler into power (Alford, 1997; Goldhagen, 1997). This use of language shows that language can be utilized to manipulate situations with word choices (Bolinger, 1940). We also must take into account that even if we do have biases in the linguistic terms that we also understand that the oral and written linguistic terms are going to play a role in how we analyze the linguistics (Dyson, 2006).

Many lay people will make the argument that the police would rather close cases as quickly as possible, but those who understand the art of interview techniques would argue that

law enforcement is out to find the best information possible on each case. One reason why is because in the past there have been only broader terms used to describe how interview techniques should go. In one of the first writings about the topic, a researcher claimed that there were active and passive interview types that would elicit different responses based on the person you were interviewing (DuBois, 1937). The interviewing techniques of the past were considered outdated even 20 years ago (Baldwin, 1993), but there is also the new interviewing techniques that have allowed greater understanding as to how the process should take place (Oxburgh, Myklebust, Grant, 2010).

There is very clearly a link that can be made between the type of person using the communication, or at least a profile that we can fit them into (Boyle, 1987). Joseph Boyle (1987) wrote:

“Though links clearly exist between intelligence, reasoning, and language proficiency, the extent and nature of these links is not clear. . . . The nature of the connection between intelligence and language proficiency can perhaps best be examined through the intermediary of reasoning, which has strong affiliation with both intelligence and language proficiency. Experimental research in this area is limited, especially when the language concerned is a second or foreign language”

While we might not be able to make a complete psychological profile based on one's communications with law enforcement, we can make guesses as to what kind of intelligence level the other communicator would have (Boyle, 1987). There is also the ability to make guesses as to what level of education the offender would likely have (Boyle, 1987). While there are questions about IQ testing, the basic levels at which people operate is still able to be tested by this theory (Boyle, 1987).

The major portion of Boyle's (1987) research wasn't to test out the speech patterns as much as it was to find out the correlation between intelligence and reasoning portions of the brain and their direct relationship to the persons language proficiency. His paper covered over many topics, one of which is how to carry out the actual studies of language proficiency, which would likely be related directly to the intelligence of a person. The first portion of his proposed tests were to include a testing battery that included figuring out the intelligence of a person initially, which could be done, he argues (Boyle, 1987). These "marker tests" would allow for the IQ to be determined before moving forward (1987). After coming up with his study, Boyle took it to China for testing (Boyle, 1987).

Boyle ran his tests on Chinese students, aged eighteen to twenty, and discovered something that helps forensic psychology today (Boyle, 1987; Oxburgh, Myklebust, Grant, 2010). Boyle (1987) took his testing and determined that the information lead him to a conclusion of :

The results of this experiment provide evidence that inductive reasoning, especially as tested with symbols rather than with words, is clearly distinguishable from language proficiency. Since inductive reasoning is agreed to be central to intelligence, the experiment effectively provides evidence against the theory that language proficiency is indistinguishable from intelligence, and for the theory that there is a connection, but also a distinction, between the two.

This distinction and understanding of intelligence levels assists in the field of forensic psychology (Oxburgh, Myklebust, Grant, 2010). The field of forensic linguistics, as it exists right now, is more concerned with the creation of better interrogation and interview questions that will help lead law enforcement to the correct suspect through asking people around the

situation, or even someone directly accused of a crime (Alldridge, 1994; Baldwin, 1993; Butters, 1993; Dumas, 1993; Gibbons, 2003; Nolan, 1991; Olsson, 2008; Oxburgh, Myklebust, Grant, 2010). The use of in depth interviews is a well-documented form of information gathering when it comes to gaining information into the mind of your interviewee (Glueck, Glueck, 1950; Oxburgh, Myklebust, Grant, 2010).

Sheldon Glueck and Eleanor Glueck (1950) wrote a study on how in depth interviews are the best way to gather information on people living in low income housing, and also helped give way to the theory that communication can help gather the best kind of information on speech and the thought process of people in these low income areas. They were using their 1950 study as a follow up to an earlier study conducted. Glueck and Glueck (1950) came under fire during a follow up study to their survey, because a study was done by Harwin L. Voss (1963) to test the validity of their findings. Voss (1963) did not buy into their language portion of the testing and he stated that “clearly, this sample was quite different in its ethnic and racial composition from which the Gluecks’ original sample”. This is another illustration of how shaky sciences and studies can be.

While there are studies that linguistics rely heavily on education level, there are also studies that illustrate what people study outside of the classrooms have a major effect on their linguistic and speech patterns (Hull, Schultz, 2001). This merely backs the theory that intelligence and the communication patterns of individuals are extremely closely tied together (Boyle, 1987; Hull, Schultz, 2001).

The early skeptics were not only against forensic psychology, but also against their subsets that came along (Alldridge, 1994). One major belief was that forensic linguistics was in fact a “soft” science like psychiatry” (Alldridge, 1994). The reliability of these sciences were called into question based on the fact that they were considered the least reliable because of the lack of studies and understanding in the psychology field as opposed to their “hard” science partners, such as bloodstains, fingerprinting, and DNA evidence (Alldridge, 1994). This is the largest problem that plagues forensic linguistics as a science right now, the detractors are unwilling to view the science in the same way that they view DNA evidence (Alldridge, 1994). However, since it is a behavioral science, it needs to be taken into account that there is not really any way to make scientists respect it without first obtaining results (Alldridge, 1994; Baldwin, 1993; Butters, 1993; Dumas, 1993; Gibbons, 2003; Nolan, 1991; Olsson, 2008; Oxburgh, Myklebust, Grant, 2010).

When Peter Alldridge looked into the reliability of forensic sciences like behavioral analysis, hand writing analysis, and forensic linguistics, he found that even though the studies were not fool proof or perfect, the fact remained that just because the science was not as exact as DNA it was still a viable source to help supplement investigations in law enforcement (Alldridge, 1994).

Svartvik’s notations about what is said versus how it is transcribed is also evident in another study. A study that was completed in 2005 showed that another thing to note is the difficulty of understanding that there might be a difference between what is spoken and transcribed because inflections can have an effect on the linguistic analysis (Oliver, Serovich,

Mason, 2005). The word choices matter as much as how those words are being spoken (Bolinger, 1940; Oliver, Serovich, Mason, 2005). These speech patterns are merely a single aspect of the forensic linguistic science, but they can help the interviewers gain insight into what is actually being said (Oliver, Serovich, Mason, 2005). The difficulty in transcribing is a speed bump that simply needs to be taken into account when studying communication (Oliver, Serovich, Mason, 2005).

Forensic linguistics is a broader field than it was in the early stages, back when it was viewed as mostly dealing with “voice-prints” (Butters, 1993). However, even early champions of the science were attempting to illustrate the “practical real-life consequences” that forensic linguistics offers to the field of investigative tools (Butters, 1993). These different aspects of forensic linguistics are evident. The study of linguistics also needs to pull from psychology to be understood (Kassin, Gudjonsson, 2004). This is actually an area of study that deals with interrogation questioning, but using a similar style of open ended questioning that elicits a more detailed and genuine response (Oxburgh, Myklebust, Grant, 2010), the communication patterns will be more evident. These questions will be the foundation for this study since we know that they solicit more information (Oxburgh, Myklebust, Grant, 2010).

There is a difference in mass and face to face communications that Bruce H. Westley and Malcolm S. MacLean, Jr. (1957) and they give a small overview of how they explain the “face to face” model of communications:

“...let us look at a simple act of communication. Person A transmits something about an object X to person B. Newcomb (7) has found this simple model of

interpersonal communications useful in the study of roles and norms. He says that, when A communicates to B about X, (other things being equal) systematic changes in the condition of the system can be predicted. For example, if B likes A (or, at least, does not dislike him), B's perception of X will be more similar to A's after than before the communicative act."

One of the major detractors to the science cannot be ignored since the point they bring up is one that needs to be addressed. In Saul Kassin and Gisli H. Gudjonsson's *The Psychology of Confessions* (2004), they go so far into attempting to pick apart the validity of forensic behavioral sciences that they state:

"Distinguishing Truth and Deception: Despite popular conceptions, psychological research conducted throughout the Western world has failed to support the claim that groups of individuals can attain high average levels of accuracy in judging truth and deception."

While their research shows the obvious fact that the science is not an exact one, the fact remains that it is a science that is a tool for investigations, not the complete answer to every single criminal case (Butters, 1993).

There is a specific case in which linguistics were taken into account in the 1960's, the case of the Zodiac Killer in Northern California. In his letters, the Zodiac used cryptograms to encode his messages and the messages, while riddled with misspellings, were very straight forward and clearly intended to scare people into fearing he would kill them (Gibson, 2004). The Zodiac claimed that killing people in this life would lead his victims to become his slaves in the next life (Gibson, 2004). These letters filled with insanity laced tirades were published with the original ciphers and eventually broken and decoded (Gibson, 2004).

The Zodiac clearly wanted publicity for his misdeeds by sending in the letters to the police and calling into local television and newspapers (Gibson, 2004). With knowledge of this, the San Francisco Police Department attempted to target the killer through monitoring lover's lanes with great regularity. The police also spoke with criminal newspaper columnist Paul Avery about the Zodiac case, prompting Avery to write a column about the Zodiac where he called the Zodiac killer a "latent homosexual" who doesn't know how to control a crime scene (Avery, 2007). While the San Francisco Police have never admitted to it, many speculate that they intended to have Avery write the column to infuriate the Zodiac into making a rash decision (Gibson, 2004). Instead, the Zodiac ceased communications with the police, only sending occasional postcards to Avery himself, including one threatening message that was deemed legitimate even though the Zodiac never made an attempt on Avery's life (Gibson, 2004). The communications of Zodiac had forensic linguists looking into the psychological aspects of the man (Gibson, 2004).

Further investigations into his linguistics showed that the Zodiac communications could be categorized into four categories: Credit taking, silence, discussion, and information (Gibson, 2004).

While the earlier studies that took place tried to find different ways to look at linguistics in the law, the science started to come into its own in the 1990's when more studies were taking place. One such study actually attempted to even look at how divorce law could utilize the idea of linguistics and how depositions were stated (Tiersma, 1993).

There is another aspect to forensic linguistics and it is the aspect of language in the courtroom (Tiersma, Solan, 2002). One thing that forensic linguistic experts need to be careful of is to not misconstrue the language that suspects are using to benefit their case (Tiersma, Solan, 2002). It is far more important as law enforcement agents that the case is solved *correctly*. In the court rooms, linguists have long stated that they do not practice this, and it is important that they do not ever pick up that habit (Tiersma, Solan, 2002). There is still some controversy surrounding the science, but that is all a part of the path towards forensic linguistics becoming a bigger part in investigation (Tiersma, Solan, 2002).

One reason why is because in the past there have been only broader terms used to describe how interview techniques should go. In one of the first writings about the topic, a researcher claimed that there were active and passive interview types that would elicit different responses based on the person you were interviewing (DuBois, 1937). The interviewing techniques of the past were considered outdated even 20 years ago (Baldwin, 1993), but there is also the new interviewing techniques that have allowed greater understanding as to how the process should take place (Oxburgh, Myklebust, Grant, 2010).

One major factor in forensic linguistics is the use of critical discourse analysis because it is the observation and study of all the language and distinguishing between the language (Boyle, 1987; Oxburgh, Myklebust, Grant, 2010). Critical discourse analysis is the analysis of a grouping of works (Blommaert, Bulcaen, 2000; Locke, 2004; Wodak, 2007).

Critical discourse analysis is important to use as a tool in communications because it can help processes of communications that include negotiation (MacDonald, 2003). The use of this

science helps forensic linguists to understand that they are gathering the data and deciphering it, rather than just making a judgment on a single piece of data, even if the sample size is small (Svartvik, 1968). Cynthia Lewis (2006) gave an explanation about how critical discourse analysis would be used in different ways:

“Critical discourse analysis is both a theory and a method that examines how social and power relations, identities, and knowledge are constructed through written, visual, and spoken texts and the contexts of their production and consumption.”

This is only one component, and another thing that can help us unfold the mystery of forensic linguistics would be the criminals modus operandi (Oxburgh, Myklebust, Grant, 2010). The modus operandi is the particular way that a criminal commits his or her criminal deeds, not to be confused with a signature (Douglas, 2007). The modus operandi can not only give us an insight into the fracture psyche of these individuals, but it helps us understand how to better communicate with specific individuals (Oxburgh, Myklebust, and Grant, 2010). If there is a body left in a specific area, we can likely make an assumption as to who we are dealing with as well (Gunn, Roberston, 1976). For example, if a body is left in a specific dumping site, then we can begin to read into their patterns, such as if the body is left along the side of the road near debris and junk (Gunn, Robertson, 1976).

Many people view forensic linguistics and hold it to one area of investigation tools, such as a investigations (Dumas, 1993) and leave out speech patterns that might exist amongst offenders. One portion of the speech patterns that exist are hidden in the idea that Bruce H. Westley and Malcolm S. MacLean Jr. (1957) came up with a new model of communication that

illustrates that new patterns exist in communication between senders and receivers that show a convoluted mix of who exactly is sender and receiver anymore.

There is no denying that communications plays a major role in law anymore (Tiersma, 1993). In fact, there are even those who say that “both linguists and legal professionals have shown increasing interest in the ways that language and the law intersect” (Tiersma, 1993).

There are now more studies in the forensic linguistics field, but it is still not considered a mature science (Coulthard, Johnson, 2007). The growing science of forensic linguistics will be able to also play in the psychological aspect, which is where the science is undoubtedly heading (Oxburgh, Myklebust, Grant, 2010). These studies into the language used will also be able to help us better understand the relationship between criminals in the media as well (Ramsland, 2010).

Gatekeeping Theory

Kurt Lewin was the initial person to uncover the relationship between decision makers and their ability to influence what reaches the majority of the others affected by their decision making (Schudson, 1989; Shoemaker, 1991; Shoemaker, Reese, 1996; Shoemaker, Vos, 2009 A; Shoemaker, Vos, 2009 B; White, 1950). The point that Lewin was making though wasn't about mass media, but rather the relationship between decisions and the outcomes the outside forces that affect the process of decision making (Lewin, 1951). This process was not about

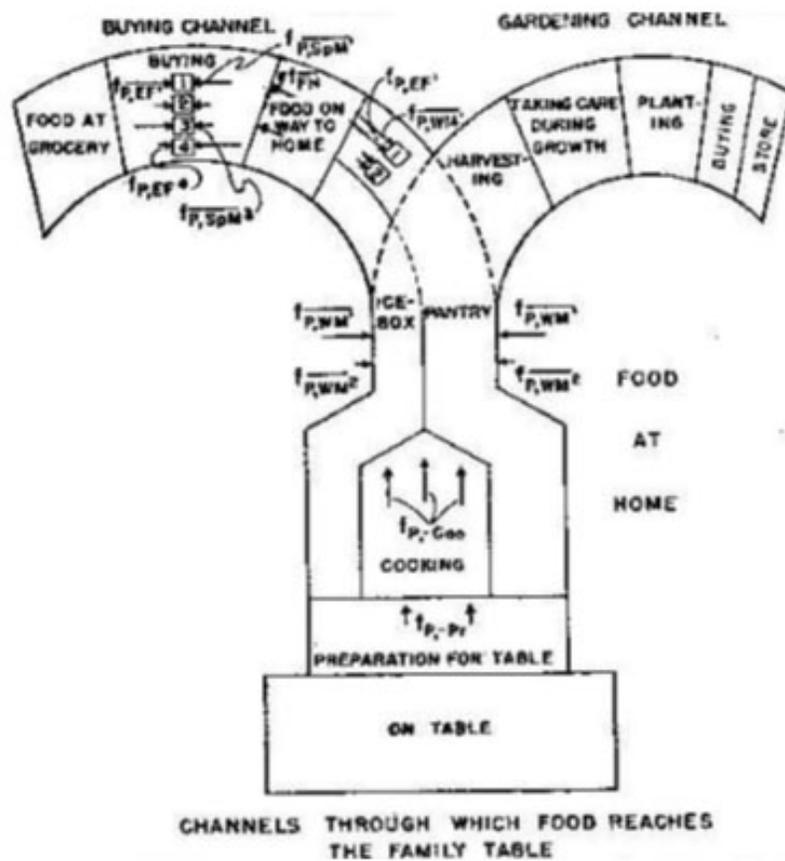
mass media though, but rather the decision making process from the fields of farmers to the tables of consumers (Lewin, 1951).

In figure 1.1 is the diagram that Lewin created to illustrate how food actually passes through a gate at different times and at any time can go from crop to garbage (Lewin, 1951). To understand what Lewin is saying, his chart must be explained. The chart follows a buying channel and a gardening channel that both have different channels and gates that will either stop or allow the flow of a sale (Lewin, 1951). At each channel a decision must be made that will be affected by a positive or negative force allowing each gate to open or close (Lewin, 1951). Eventually, the item will either be denied access past a gate, or it will be prepared as food and go from the beginning on the chain to the “Food On Table” end point illustrated (Lewin, 1951). Understanding the chart leads to an understanding of the rest of gatekeeping as it relates to other areas of study. According to Shoemaker and Vos (2009 A), the channels, sections, forces, and gates aren't physical structures, but “they are metaphors for a process through which items may or may not pass, step by step, from discovery to use”.

The food has to pass through something that Lewin termed a channel (Lewin, 1951; White, 1950; Shoemaker, Vos, 2009 A). At each of these channels there was a decision to be made, and this decision was called a gate that would determine whether the food would pass through the channel and onto the next step in the decision making process (Lewin, 1951). The food also had other decisions that would have to be taken into account when deciding whether or not it would pass through (Lewin, 1951). At each gate there are factors that determine whether or not the food will be passing through to the next channel, and these factors were termed forces

(Lewin, 1951). Forces could be either negative or positive and would have an effect on the decision either way (Lewin, 1951). Questions of affordability and freshness are taken into account and can be influential forces that would affect the decision of the gatekeeper at each channel (Shoemaker, Vos, 2009 A).

Fig. 2.1



Another important finding that helped relay the message of Lewin to mass media was the discovery that there were decision makers that held more power than others at each gate (Lewin, 1951; Shoemaker, Vos, 2009 A). For example, the decision maker that is responsible for the

purchase of the food holds more power than the rest of the family that will be eating the meal (Shoemaker, Vos, 2009 A). These movements through the gates helped the study grow beyond gatekeeping within the food channels alone, and even Lewin took notice (Lewin, 1951). Lewin (1951) stated the following about how we can relate this study of gatekeeping into something relative to communications:

“This situation holds not only for food channels but also for the traveling of a news item through certain channels in a group for movement of goods, and the social locomotion of individuals in many organizations.”

While the work of Lewin brought to light the idea that decisions on what passes through gates in the flow of goods, it was David Manning White who first took the gatekeeping theory proposed by Lewin, and turned it into a media-centric study (White, 1950). White was the first person to take Lewin’s work and translate it directly into the world of mass communications (Roberts, 2005; Shoemaker, Reese, 1996; Shoemaker, Vos, 2009 A; Shoemaker, Vos, 2009). White utilized the teachings of his professor Wilbur Schramm to help him decide on his study (White, 1950; Roberts, 2005). The study was how news stories go from ideas to print, and on how they get there (Roberts, 2005; Shoemaker, 1991; Shoemaker, Reese, 1996; Shoemaker, Vos, 2009 A; Shoemaker, Vos, 2009 B). White quoted Lewin in his work, and noted that while Lewin was referring to food throughout his study, the same theory could easily be applied to communications and the flow of information (Shoemaker, 1991; Shoemaker, Reese, 1996; Shoemaker, Vos, 2009 A; Shoemaker Vos, 2009 B, White, 1950). White (1950) wrote about how the findings of Lewin were groundbreaking and the proved the necessity of his own new study:

“to understand the functioning of the ‘gate’, Lewin said, was equivalent to understanding the factors which determine the decisions of the ‘gate keepers’, and he rightly suggested that the first diagnostic task is the finding of the actual ‘gate keepers’.”

The idea was that news flow was similar to that of the food going from farm to grocery to dinner because the news flowed from idea to journalist to print (White, 1950). White noted how many gates actually existed for a news story, including the process of communication (White, 1950). White’s first noted gate is the reporters because they create a barrier between the story and the editor (White, 1950). White uses the example of a senate hearing because the event proves to be newsworthy, but the story will be covered by a particular journalist that will bring their own “perceptual framework” to the initial news event (criterion event) and bring their own personal “experience, attitudes, and expectations” to the story (Bleske, 1997; White, 1950).

White (1950) explains his theory about the gatekeeping process:

“Thus a story is transmitted from one ‘gate keeper’ after another in the chain of communications. From reporter to rewrite man, through bureau chief to ‘state’ file editors at various press association offices, the process of choosing and discarding is continuously taking place. And finally we come our last ‘gate keeper’, the one to whom we turn for the purpose of our case study. This is the man who is usually known as the wire editor on the non-metropolitan newspaper. He has charge of the selection of national and international news which will appear on the front and ‘jump’ pages of his newspaper, and usually he makes up these pages.”

This explanation gives a prelude to the findings of his case study. The gate keeper that he follows is a wire editor that he follows to see how heavily gatekeeping is in place during a week (White, 1950). White was proving that the gatekeeping that would take place would be drastic because of the sheer volume of news stories that would come across the gate keepers desk

(White, 1950). The numbers were astounding and it illustrated what kind of news is also most prominently featured in newspapers (White, 1950). In Figure 1.2 is the numbers that were compiled during a single week:

Figure 2.2

Amounts of Press Association News Mr. Gates Received and Used During Seven-Day Period

CATEGORY	WIRE COPY RECEIVED		WIRE COPY USED	
	Col. In.*	% of Total	Col. In.*	% of Total
Crime	527	4.4	41	3.2
Disaster	405	3.4	44	3.4
Political				
State	565	4.7	88	6.8
National	1722	14.5	205	15.8
Human interest	4171	35.0	301	23.2
International				
Political	1804	15.1	176	13.6
Economic	405	3.4	59	4.5
War	480	4.0	72	5.6
Labor	650	5.5	71	5.5
National				
Farm	301	2.5	78	6.0
Economic	294	2.5	43	3.3
Education	381	3.2	56	4.3
Science	205	1.7	63	4.9
Total	11,910	99.9	1297	100.1

* Counting five lines of wire copy as one column inch.

The data that came out after only a single week was staggering in the fact that it showed such immense filtering of the news stories generated in a small town (White, 1950). The use of gatekeeping was clearly enforced during this week of study (Shoemaker, 1991; Shoemaker, Reese, 1996; Shoemaker, Vos, 2009 A; Shoemaker, Vos, 2009 B; White, 1950).

The study also found that gatekeeping decisions can be a direct result of editor bias (Bleske, 1997; Clayman, Reisner, 1998; Coser, 1975; Reed, 1951; White, 1950). White gives more than a few examples of how his participating editor was biased against certain stories, and reveals the negative forces that held some of the stories back and how the editor also used his personal feelings in the decision making process, shutting down gates to potential stories to run in the newspaper:

Thus we find him rejecting one piece of wire copy with the notation, "He's too Red." Another story is categorically marked "Never use this." dealt with the Townsend Plan, and because this "gatekeeper" feels that the merits of the Townsend Plan are highly dubious, the chances of wire news about the Plan appearing in the paper are negligible. Eighteen pieces of copy were marked "B. S."; 16 were marked "Propaganda." One interesting notation on a story said "Don't care for suicides." Thus we see that many of the reasons which Mr. Gates gives for the rejection of the stories fall into the category of highly subjective value-judgments.

In his study, White also found that space is another major factor in the reason that stories never see the printing press (White, 1950). The factors that went into the gatekeeping study were also largely subjective, which would also allow for some wiggle room when taking into account other reasons why gatekeeping would be a useful source and area to utilize when it comes to criminal works like they used in a case against a suspect in Wichita, Kansas (see Dennis Rader's capture) (Hansen, 2007). White compiled the reasoning that the editor from his study on his reasoning as to why stories would not make it to print (White, 1950). In Figure 1.3 is the editor's reasoning:

Figure 3.3

**Reasons for Rejection of Press Association News Given by
Mr. Gates During Seven-Day Period**

Reason	Number of Times Given
Rejecting incident as worthy of reporting	423
Not interesting (61); no interest here (43)	104
Dull writing (51); too vague (26); drags too much (3)	80
No good (31); slop (18); B. S. (18)	67
Too much already on subject (54); used up (4); passed—dragging out; * too much of this; goes on all the time; dying out	62
Trivial (29); would ignore (21); no need for this; wasted space; not too important; not too hot; not too worthy	55
Never use this (16); never use (7)	23
Propaganda (16); he's too Red; sour grapes	18
Wouldn't use (11); don't care for suicide stories; too suggestive; out of good taste	14
Selecting from reports of the same event	910
Would use if space (221); no space (168); good—if space (154); late—used up (61); too late—no space (34); no space—used other press service; would use partially if space	640
Passed for later story (61); waiting for later information (48); waiting on this (33); waiting for this to hatch (17); would let drop a day or two (11); outcome will be used—not this; waiting for later day progress	172
Too far away (24); out of area (16)	40
Too regional (36)	36
Used another press service: Better story (11); shorter (6); this is late; lead more interesting; meatier	20
Bannered yesterday	1
I missed this one	1

* In this and other cases where no number follows the reason, that reason was given only once.

These reasons for rejection show that personal biases are more than evident in media gatekeeping, especially when he gives reasons such as “don't care for suicide stories” or “B.S.” (White, 1950). White (1950) took notice of the reasons and even offered up that “Mr. Gates used highly subjective reasons in his selection of stories”. This showed that even in the original study there was notice of subjective biases in gatekeepers (Shoemaker, 1991; White, 1950). This

study also showed differences in particular story types when it came to how much print space, if any, the stories would be receiving (White, 1950).

White took notice that stories designated as “crime were not featured heavily in the paper, which caused White to believe that “crime news, as such, does not appeal to this wire editor” (White, 1950). It is also noted by White that “no ‘big’ crime stories broke that day” (White, 1950). In addition to the notion of particular stories being left out, White also noticed that conservative stories were featured much more prominently and often than the sensationalized writings (White, 1950). White (1950) also noticed that there was a large amount of this subjective thought that went into the style of writing of each story that he went so far as to state:

As to the way-of-writing that he preferred, Mr. Gates showed an obvious dislike for stories that had too many figures and statistics. In almost every case where one news agency supplied a story filled with figures and statistics and the competing agency’s story was an easier going, more interpretative than statistical type of story, the latter appeared in the paper. An indication of his standards for writing is seen in Table I, where 26 stories were rejected as being “too vague,” 51 rejected for “dull writing” and 61 for being “not interesting.”

While White’s study was the first study that truly related Lewin’s work to media gatekeeping, the study shows how subjective news media can be (Bleske, 1997; White, 1950). However there are different approaches to looking at gatekeeping theory and the relationship to its practice as well.

According to S.K. Seo (1988), she found that organizations are an even bigger wealth of information than individuals operating alone. Seo’s studies have helped other scholars note the

major outside influence of organizations as they pertain to media (Seo, 1988; Shoemaker, Reese, 1996). A specific model represents the notion that even in the retail process there is a gatekeeper that is influencing consumers (Shumsky, Pinker, 2003). Consumers are used to the notion that outside forces are helping them make decisions on how to move forward (Shumsky, Pinker, 2003). The research of this study indicates that media relations organizations, which can include federal law enforcement agencies, can influence what makes it to the air by offering more information to make a story more interesting or newsworthy (Shoemaker, Reese, 1996). This helps understand that if a case is high profile enough it will make it to air (Shoemaker, Reese, 1996).

While there are claims that media bias exists and runs rampant (Lichter, Rothman, Lichter, 1986), however there are other compilations of data that have seemingly disproved this (Shah, Watts, Domke, Fan, Fibison, 1999). Either way, the gathering of data to prove or disprove media bias is all tied into the idea of media gatekeeping. There is also the prominence of gatekeeping at the local newspaper level as well (Berkowitz, 1990; Berkowitz, 1991). Some scholars believe that “findings in the literature suggest apparent bias are inconsistent regarding the direction or nature of the bias across studies or at least over time” (Eveland, Shah, 2003). Furthermore, the academics have found very little evidence of any bias, be it liberal or otherwise (Eveland, Shah, 2003).

While many scholars and journalists will argue about whether or not gatekeeping truly exists in the way that some skeptics believe as a way to push an agenda (also known as agenda

setting), journalists are generally willing to go to battle. In Michael Schudson's (1989) *The Sociology of News Production*, Schudson takes note of a particular scene that he has witnessed more than once before:

“I have been at several conferences of journalists and social scientists where such language promptly pushed the journalists into a fierce defence (sic) of their work, on the familiar ground that they just report the world as they see it, the facts, facts, and nothing but the facts, and yes, there's occasional bias, occasional sensationalism, occasional inaccuracy, but a responsible journalist, never, never, never fakes the news.”

Jurgen Habermas wrote “Theory and Practice” as a way to explain that people create their ideas of how things should work, and then put them into practice (Habermas, 1973). Habermas theorizes that people create theory in their own minds and then put this theory into practice (Habermas, 1973). There are even some people that believe media gatekeeping theory is just another way that the media helps frame the way we work as a society (Nelson, Oxley, Clawson, 1997).

Gatekeeping theory is relevant to this because communicators from the media perspective need to understand that when a gatekeeper decides on what is or isn't going to make it to the public view, they have a very real influence (White, 1950). As we have seen, Lewin didn't create his theory before it was practiced, but rather uncovered that there was a buying chain that existed (White, 1950). This shows that there is a relationship between theory and practice (Habermas, 1973). There are many different functions in which gatekeeping can occur, a few of

which are pharmaceuticals (Baye, Morgan, 2001) (Sheffet, Kopp, 1990), educational gatekeeping (Nagy, 2000), and media gatekeeping (White, 1950).

There are some people that would even claim that the real gatekeepers are not actually those with the product in their hand, but rather those that are consuming the product (Baye, Morgan, 2001) (Sheffet, Kopp, 1990). The idea here is that those in charge of the flow occurring are only releasing what they perceive to be the flow desired (Baye, Morgan, 2001) (Sheffet, Kopp, 1990). Sometimes events can be the cause of a gatekeeping time period based on the sensitivity of information about major events (Ratnesar, Weisskopf, Duffy, Shannon, Sieger, Crumley, 2002). There is no doubt that the September 11th attacks helped shine a light on the ramifications of interior gate keeping sometimes working against management because some people believe that the argument is that the F.B.I. did not communicate effectively enough with one another in the bunkers (Ratnesar, et al., 2002).

While there have always been arguments over what kind of paradigm exists in communications, some scholars feel that gatekeeping is just another theory that lives in the cluttered field of communications (Katz, 1987). There is a new model that exists because of the emerging mass media communications that are taking place today (Stern, 1994). Even the idea that the media is what opens the flow of communication is starting to change (Stern, 1994). The new idea is that the sender can be almost anyone (Stern, 1994). One of the schools of thought is that sponsors and corporations are now becoming bigger players in the role of senders in mass

media and act as gatekeepers themselves as to what information to divulge to the public (Stern, 1994).

This portion of gatekeeping theory is a good start to understanding the relationship between law enforcements ability to work with news media to help investigations (Douglas, 2007; Hansen, 2006). The first thing that would need to be decided though is whether or not it is ethical or helpful to print the names of rape victims (Griffin, 2007).

There is a case in which the media gatekeepers were more willing to let criminal communication drive their programming (Gibson, 2004). During the investigation of the Zodiac Killer, referenced earlier in the paper, the killer called into a local radio station “thirty-five times” in a single day (Gibson, 2004). The killer made claims that lead the station to allow him to speak to them while they recorded the conversation, and portions of the tapes made it onto the air (Gibson, 2004). This illustrated that the gatekeepers felt that the information was something that their public would want to hear (McCombs, Shaw, 1972). Eventually the killer ceased communications with the media in 1969, but the communications resurfaced in 1974 when a series of crank phone call were placed to a school teacher, and these calls brought back the story of the Zodiac to gatekeepers’ desks all across San Francisco, CA and Palo Alto, CA (Gibson, 2004). To illustrate the fact that the Zodiac himself acted as a gatekeeper in his communications, Dirk C. Gibson (2004) wrote in his study of criminal communications book *Clues from*

Criminals:

“Since he was never identified, all we know about the Zodiac we learned from his crimes and communication. And since he was clearly in control of both of those

sets of behaviors, this means that we effectively know nothing that Zodiac did not want us to know.”

This shows that the media isn't the only one playing gatekeeper, because the gatekeepers exist at all levels of the communication process by withholding information as they see fit (Chang, 1992; Douglas, 2007; Gibson, 2004; Peterson, 1979; Roberts, 1997). There is also the effect that crime has on the media and how much the public likes to read about crime, especially in the high profile cases, and David Pritchard (1986) looked into how the “effect of publicity upon the adversary system of criminal justice has received an enormous amount of attention in recent years”, showing that the public does indeed want to know and read about criminals. The fact is that press coverage can actually be harmful in the way that it can potentially cloud jurors judgments before they are able to really take a look at the case which is a major problem that faces the justice system (Pritchard, 1986).

This is not the form of gatekeeping though that needs to be looked at, because it is more about looking at the fact that the media is delivering what the public simply wants to read about more than it is about putting grizzly details about a crime, at least that is according to editors of papers that are covering the events (Pritchard, 1986). There is also the notion that gatekeeping affects the outcome of a trial because prosecutors look at the amount of press coverage that their particular case is receiving before determining on whether or not to take a plea bargain (Pritchard, 1986). This also illustrates the relationship between media gatekeeping and agenda setting because there is the agenda that the public is putting now to the prosecutor in the fact that they “want justice” for the crimes committed, and one prosecutor actually spoke of why he

would not take a plea bargain for a case that resulted in a wave of media attention because it would be likely that the case would go to trial (Pritchard, 1986).

The perceived attention and perceived public opinion is also a matter of gatekeeping because there are those who believe that higher profile cases will be detrimental to their defense of a defendant (Pritchard, 1986). Another factor in the gatekeeping process of Pritchard's study was that it would affect the decision making of prosecutors further because they would want to avoid an image of "being soft on crime" (Pritchard, 1986). This is also a reason that some cases like the investigation into Dennis Rader are so imperative to make sure there is enough news coverage to highlight the high profile of the case (Pritchard, 1986).

While there are cases of serial killers in the media that are oftentimes played up and aired over and over again, there are other cases of gatekeeping in action by the removal of the story from the media entirely (Wilson, Tolputt, Harriet, Kemp, 2010). Some scholars believe there to be a link between media gatekeeping and uses and gratifications theory, because the editors and producers are giving the public what they want, which could also be the reason the following story disappeared from the headlines and news networks in Manchester (Holz, Wright, 1979; McQuail, 1985).

Trevor Joseph Hardy, or the "Beast of Manchester, brutally murdered three women in the 1970's in Manchester England (Wilson, et al, 2010). Hardy was convicted of murdering Janet Lesley Stewart, Wanda Skala, and Sharon Mosoph during his 1977 trial (Wilson, et al, 2010). The trial was extremely underreported though, and Trevor Joseph Hardy remains known only to

a few people that follow the crime scene in Manchester (Wilson, et al, 2010). The case was covered in a smaller portion of newspapers than other types of stories on serial killers in England that were committing their crimes at the same time as Hardy, which is an illustration of media gatekeeping (Wilson, et al, 2010). Hardy's case highlights the media and their ability to pick and choose which stories will make the paper and which stories will likely sit in a pile (White, 1950; Wilson, et al, 2010). This is indicative of whether or not major networks carry certain stories, and why they choose the stories they choose (Riffe, Ellis, Rogers, Van Ommeren, Woodman, 1986). This could also have something to do with whether or not national pride could be hurt by the leaking of a specific story (Gans, 2004; Ravi, 2005). Jan Scott (1996) illustrated that female serial killers receive more attention than men, and highlighted the case of Myra Hindley and Rosemary West.

One area where media gatekeeping and crime meet quite often is in rape cases, especially when the editors are deciding whether or not to release the identity of the victim (Bryden, Lengnick, 1997; Griffin, 2007; Ndegeocello, 1999; Thomason, LaRocque, Thomas, 1995). Corporations even play a role in gatekeeping when deciding what information will even make it to the media, but there is a chance now that more and more companies are putting their "dirty laundry" forth before other organizations can get to it to help put forth an image of control (Hooghiemstra, 2000). This is important because law enforcement could possibly act in the same way as a business could by choosing which information flow would be the kind of information you would want to release to the public from within an investigation (Hooghiemstra, 2000).

There is also the fact that the naming of rape victims is an intrinsic portion of media gatekeeping (Andsager, 1992; Griffin, 2007; McBride, 2002; Simpson, Cote, 2006). There are two schools of thought that when it comes to the notion of naming of rape victims in news stories; one says to name the victims while the other says to leave the victims anonymous. The first train of thought that will be covered is the idea that journalists should report the victim's name no matter what the circumstances because journalists are "truth seekers" and not "information suppressors" (Simpson, Cote, 2006).

The thought process also ties into the fact that falsified rape accusations allow the anonymous "victim" to remain faceless while their true victim, the falsely accused, is dragged through the mud in the media (Griffin, 2007; Simpson, Cote, 2006). There are clearly varying groups of people that will for revealing the names of the victims involved in sex crimes, and another study from Julie Andsager (1992) found that men were more likely to be proponents of naming sex crime victims. There are even former rape victims like Kate Robinson that Griffin (2007) noticed were in favor in the naming of rape victims:

"Kate Robinson (2007) gave a gripping first-person narrative of the night she lost her virginity to a rape. In the article, published in *The Oklahoma Daily* - the student newspaper at the University of Oklahoma in Norman, Robinson described in vivid detail the night she was raped by a friend's husband while her friend and the couple's children slept upstairs. Robinson ended the column by confessing that she can tell people feel uncomfortable about discussing rape around her, and them not doing so leaves her feeling more alone. She also discussed the feelings of shame, guilt, fault, and damage. Robinson wrote that she hoped that someone who read the column would discover that she was not alone in her pain. Erasing the stigma associated with rape and reaching out to others with similar experiences is a common reason cited in support of releasing victims' names."

There are even some editors that have strict policies regarding rape victims and the releasing of their identity, because they note their policy as naming any adult victims and assailants when an arrest is made (Haws, Ramsey, 1996). Griffin (2007) noted that newspaper editors “say the policy promotes objectivity and both sides of rape stories” and that “they say they want to be fair to the accuser and the accused, and that both people are stigmatized as a result of a rape complaint” (Griffin, 2007). The stigmas that result from a rape case are largely the reason why proponents of not naming victims are saying, but those that are against it say that it is not fair and balanced journalism otherwise (Simpson, Cote, 2006).

Another piece noted by Griffin (2007) is the idea that revealing the names helps victims healing in a study done by another scholar (McBride, 2002). Another aspect is the personal feeling of safety that rape victims feel that they have been robbed of after the crime has been committed against them (Griffin, 2007). There is evidence though that “there is a mismatch between an individual’s expected probability of falling victim to crime and his or her actual probability of suffering that misfortune” (Wiles, Simmons, Pease, 2003).

However, the amount of scholars that argue in favor of naming their victims is not as large when compared to the amount of scholars that argue it is not right to name every sex crime victim (Griffin, 2007).

The name of a rape victim is oftentimes seen as something that is not completely necessary to the story, even though the names are actually in public records anyways (Griffin, 2007; McBride, 2002). According to Kelly McBride (2002) there are three reasons that

journalists do not name the victims of rape. First is that rape is different than other crimes because society blames the victims, and for this reason there is a negative stigma attached to being a rape victim (McBride, 2002; Ndegeocello, 1999; Pauw, Brener, 2003; Thomason, LaRocque, Thomas, 1995). Second is that rape victims are less likely to report the crime committed against them if they perceive the idea that their name will appear in the newspaper, which is considered the reason that rape is already the most underreported crime in the country already (McBride, 2002). Third is that rape victims are treated badly in society and that there should be a certain level of privacy awarded to them that other crime victims do not have to deal with (McBride, 2002).

One aspect of profiling is that law enforcement is not always given all of the information and might miss out on a victim. According to the F.B.I., there are many reasons why victims don't always report (F.B.I. Statistics, 2007):

“Victims have a myriad of reasons for failing to report hate crimes. Homosexual victims may decide not to report hate crimes to police because of fears of reprisals or a belief that they will be forced “out of the closet.” Such an “outing” may cause repercussions to their careers and relationships with family and friends. Some victims have little confidence that authorities will bring the perpetrators to justice. Immigrant hate crime victims may not be proficient in English or may be undocumented aliens who fear that any contact with police will increase their risk of deportation. Other immigrants come from cultures that mistrust law enforcement agencies, or they believe that victims of bias motivated crime are somehow stigmatized. Some victims refuse to report such crimes because they want to avoid the humiliation of recounting the event.”

Griffin (2007) found another rape victim that lives at the opposite end of the spectrum than Kate Robinson in the fact that Migael Scherer would like to not “relive the trauma”.

Scherer makes the claim that it hurt and that it forces the victims to have to replay the images and that it further harms the victims and keeps them relegated to suffering through it over and over (Griffin, 2007). Scherer had another claim that the community at large was also a victim because the victims not wanting to report the crime allows the criminals to continue committing their crimes (Griffin, 2007). Scherer also said that the media needed to respect victims more if they were going to use their names in the media because being a rape victim is something more than being a victim to other crimes (Griffin, 2007).

While Griffin (2007) says “few editors argue that naming rape victims is acceptable in all circumstances, Marlyss Schwengels and James Lemert (1986) argue that the field is much closer to the center line. The fact is that if the name of the victim can be essential or a non-entity when it comes to rape cases because it is a case by case basis on when it can be important (Baker, 1997; McBride, 2002; Ndegeocello, 1999; Pauw, Brener, 2003; Thomason, LaRocque, Thomas, 1995). One thing to understand is that in offender profiling there is rarely only one kind of offender type even amongst something as specific as rapists (Baker, 1997).

Rape cases are clearly the most researched link when it comes to gatekeeping theory, but the facts are also inconclusive on what is the best way to approach the subject of releasing of victim names because there are studies both for and against each theory (Baker, 1997; Griffin, 2007; McBride, 2002; Ndegeocello, 1999; Pauw, Brener, 2003; Thomason, LaRocque, Thomas, 1995).

There is another area of gatekeeping that relates to crime and that is the public fascination with serial killers (Douglas, 2006; Hansen, 2007; Steffen, 2001). This is more than evident in the fact that even in literature and poetry writings are more or less dedicated to serial murderers (Hantke, 2001). There are poems about fictitious serial killers that “relive” accounts of their victims (Stockwell, 1989). There are also poems published about serial murderers that actually lived and killed, such as “Jeffrey Dahmer’s Boots”, a poem written by Sandra McPherson (1999).

These writings are only a part of the fascination that exists with the killers and the fact that they can manipulate gatekeepers by letting them in to the press and goad them into writing letters back (Avery, 1969). These communications between serial killers and the media are a form of gatekeeping themselves because the killer is deciding what information to reveal (Holmes, Holmes, 2009). The goal of offender profiling, as listed by Ronald M. Holmes and Stephen T. Holmes (2008) is to provide the Criminal Justice System with a social and psychological assessment of the offender, with a psychological evaluation of belongings found in the possession of the offender, and to provide interviewing suggestions and strategies, which would also help law enforcement better understand what kind of information to withhold as a form of gatekeeping.

Agenda Setting

Agenda setting is the idea that the media is driven by policy-makers, the public, or the owners of the news outlets (Carroll, McCombs, 2003; McCombs, 2004; Roberts, McCombs, 1994). Another definition of this theory is that the media doesn't tell us what to think, but rather what to think about, and this is called second level agenda setting and will be covered later. The importance of agenda setting theory to the topic is that there needs to be understanding about who is setting the news media agenda because gatekeeping and agenda setting play off of one another (Bovitz, Druckman, Lupia, 2002; Erbing, Goldenberg, Miller, 1980; Kassin, Gudjonsson, 2004; McCombs, 2004; McCombs, Shaw, 1972; Valenzuela, McCombs, 2009). The origins of Agenda Setting actually show up in history much earlier.

The theory was originally coined in 1922 by Walter Lippmann's *Public Opinion*, in which he states that the images we garner from the media shape the way we see the world at large (Valenzuela, McCombs, 2009). Agenda setting theory and its practice are, at their core, all about getting the public to talk and think about certain topics and not about making the public think one way or another (McCombs, Shaw, 1972). In a study done at the outset of agenda setting as a theory, Maxwell McCombs and Donald Shaw (1972) did an open ended study that showed the public was most interested in the topics that were being covered most readily in the newspapers (Valenzuela, McCombs, 2009). Agenda setting is largely the concern of businesses and pundits claim that businesses push their agenda through the media through public relations (Hester, Gibson, 2003). This idea that the agenda is being set for what to talk about rather than how to think is clearly much easier for all of the current pundits to swallow. But the point isn't

of what pundits can swallow; it is what kind of literature exists currently on agenda setting theory.

The first study that truly pinpointed agenda setting theory and helped bring it to the forefront of attention was a study that took place in 1972 by Maxwell E. McCombs and Donald L. Shaw titled *The Agenda-Setting Function of Mass Media*. This groundbreaking paper was written while both were associate professors at the University of North Carolina at Chapel Hill (McCombs, Shaw, 1972). By looking at earlier studies performed, McCombs and Shaw (1972) wanted to illustrate that the public is susceptible to think more about what is most prominently featured in the media. The paper looks first at the media attention that gets placed on certain political events and the subsequent media coverage surrounding them, and the correlation between the public's views (Kiousis, McCombs, 2004; McCombs, Shaw, 1972; Roberts, McCombs, 1994). This leads scholars into taking a look into researching the different methods behind agenda setting.

The method that McCombs and Shaw (1972) decided to use was the survey of only Chapel Hill because they would be able to control things like “regional difference or variations in media performance. The study was completed and they found the following reported information:

“It indicates that a considerable amount of campaign news was not devoted to discussion of the major political issues but rather to analysis of the campaign itself. This may give pause to those who think of campaign news as being primarily about the issues.”

The findings that they reported were of epic proportions. The study found that when information was transmitted through the media, the public absorbed the information proportional to the amount of time spent on a topic (McCombs, Shaw, 1972). Their study focused on political messages that the media had on air, and the “correlation between the major item emphasis on the main campaign issues carried by the media and voters’ independent judgments of what were the important issues was $+0.967$ ”, a significant finding (McCombs, Shaw, 1972).

McCombs and Shaw (1972) explain the findings as such:

“While the three presidential candidates placed widely different emphasis upon different issues, the judgments of the voters seem to reflect the composite of the mass media coverage. This suggests that voters pay some attention to all the political news regardless of whether it is from, or about, any particular favored candidate. Because the tables we have seen reflect the composite of all the respondents, it is possible that individual differences, reflected in party preferences and in a predisposition to look mainly at material favorable to one’s own party, are lost by lumping all the voters together in the analysis. Therefore, answers of respondents who indicated a preference (but not commitment) for one of the candidates during the September-October period studied (45 of the respondents; the others were undecided) were analyzed separately.”

The findings showed that the public is perceptive to what the news media airs (McCombs, Shaw, 1972). The biggest aspect that McCombs and Shaw (1972) were seeking out though was the following:

“If one expected voters to pay more attention to the major and minor issues oriented to their own party—that is, to read or view selectively—the correlations between the voters and news/opinion about their own party should be strongest. This would be evidence of selective perception.” If, on the other hand, the voters attend reasonably well to all the news, regardless of which candidate or party issue is stressed, the correlations between the voter and total media content would

be strongest. This would be evidence of the agenda-setting function. The crucial question is which set of correlations is stronger.”

McCombs and Shaw (1972) went so far as to say that the data did not prove anything about agenda setting as it pertains to the media, but it did show that people were evaluating news and keeping what was aired or printed at the front of their minds. The study was the first that took the theory into communications, and it has spouted off many other works that have been researched since.

There are those that believe the role of media plays into the decision making of the public, and helps play a role in first level agenda setting (Mendelsohn, 1996). The idea that Matthew Mendelsohn (1996) had was the idea that people identify themselves with a certain political party and then use that relationship to further their ties through viewing them in the media and taking the media they've absorbed to the polling places as opposed to being told what to think.

There are clearly gatekeeping decisions to be made, but the question of who exactly drives the media gatekeeping decisions is in full effect. Some acknowledge that it might be the public who drive the gatekeepers to make their decisions or it could be the media making the decisions for the public, driving interest into these subjects (Bovitz, Druckman, Lupia, 2002). While it is impossible to ignore the ties between media gatekeeping theory and agenda setting theory, it isn't difficult to see that they play off of one another.

Does the public set the agenda with their purchasing habits or has the media conditioned the public to make those purchasing decisions? One of these ideas is that political issues are set

by the public and the media simply delivers what the public wants to see (Nelson, 1984). Media gatekeeping has its ties to agenda setting because whatever makes it into the media will likely have effects on what the public begins to think about (Lee, 2005). Some even argue that it's not about telling the public what to think, but what to think about, even in cases such as when looking at pharmaceutical drugs (Lee, 2005).

Of course there are also the theorists that believe that the corporations set the agenda largely for the media (Soroka, 2002; Turk, 1986). This theory is actually extremely valid since public relations does have an impact on the media when they send out news releases, they are impacting the media (Soroka, 2002; Turk, 1986). This begs the question of who is setting the agenda, and it leads into one of the most important things to research in agenda setting is the ideas of who exactly sets the agenda (Soroka, 1986; Weaver, McCombs, Shaw, 2004). There are schools of thought that claim the media sets the agenda and utilizes second level agenda setting by planting seeds and telling the public what to think (Ghanem, 1997) and there are those that have attempted to illustrate that the media is merely giving the public what they want through first level agenda setting, or telling the public what to think about (Mead, 1994).

Timothy Mead (1994) conducted a study that covered the agenda setting role in a few local newspapers. The study conducted looked at how agenda setting works in regards to who sets the agenda (Kim, 2002; Kim, Scheufele, Shanahan, 2002; Mead, 1994). Mead (1994) found that newspapers believed that the clientele were the ones driving the media, and in his findings, he had discovered the following information:

“In part the influence of the daily newspaper is a result of its selection of news items and editorial subjects, emphasizing some and overlooking others; ‘...editors take into account not only what they think the paper’s clientele wants to read but also what they think it ought to read.’”

The large portion of agenda setting literature attempts to argue for second level or first level agenda setting, when the truth is it most likely lies somewhere in the middle of these two (Mead, 1994). While there is more than first and second level agenda setting (Benton, Frazier, 1976; Valenzuela, McCombs, 2009), the first and second levels are the only two that pertain to this section of law and agenda setting. There are also studies that claim that the media is working agenda setting theory amongst other media forms, and Guy Golan (2006) found that stories in the *New York Times* were featured on other mediums.

There are areas of agenda setting focus on the idea that certain *forms* of media help make agenda setting functional because the television audiences are so much larger that they help set an agenda that is much heavier than radio audiences for example (Neuman, 1990). There are even studies on whether or not there is bias in photograph selection in newspapers (Barrett, Barrington, 2005). If this is true, then it would highlight the fact that what images we see would help as an agenda-setting function and help make the argument that each media has its own weight in agenda-setting as a theory (Neuman, 1990).

Ever since the agenda setting theory came into play, there have been studies attempting to run down the possibility that it might be true. One area that agenda setting is important is in

what issues will be portrayed in the media (Cook, Lomax, Goetz, Gordon, Protes, Leff, Molotch, 1983; Hayes, 2008). Another area that has been looked at is in criminal cases (Protes, Leff, Brooks, 1985).

In Cook et al. (1983), they write about the actual capacity that agenda setting might relate to:

“The ‘agenda-setting capacity’ of the mass media implies a causal connection between temporal sequences of events: first, news media reporting occurs; second, these presentations influence perceptions of issue importance. The assumption is that these changed priorities will themselves influence policy choices.”

This shows that there is a causal relationship between the media and the public, and they argue that agenda setting can’t possibly have been studied correctly yet because there are variables missing, such as “causes and their incorporation into a ‘correct’ model” (Cook, et al, 1983). Their study showed that media perception influences different people in different ways, leading again to a slightly inconclusive answer as to exactly how media agenda setting exists (Cook, et al., 1983).

A follow up study to Cook, et al. (1983) was created about rape cases in the media by David L. Protes, et al. (1985). The case stated that “the ability of the mass media to influence the general public’s political, economic, and social priorities – the ‘agenda-setting’ hypothesis” was to be studied further than it had been (Protes, et al., 1985; Weaver, McCombs, Shaw, 2004).

There is also proof that when rape cases are put into the media in a large flow of information, the public begins to perceive that crime is a bigger issue in the media (Protest, et al., 1985). There have also been studies done on the public opinion of criminal activity that don't cover directly the influence of gatekeeping in the media, but do illustrate the public showing a genuine interest in the crime articles and stories that are aired and printed (Roberts, 1992). A study done in 1992 by Julian V. Roberts also begged the question of payments to criminals through the airing of their stories. Roberts (1992) theorized that the public had opinions of stories based on what they perceived in the media. Roberts (1992) also showed the following information:

“The past decade has witnessed significant increases in the prison populations of the United States and the United Kingdom. The incarceration rates of most American states more than doubled over this period. Both explicitly and implicitly, the rationale for this increase in prison population has been the ubiquitous perception that the public favors more vigorous law enforcement and more punitive sentencing.”

This showed that the public was more adamant about the perception of crime in the U.S.A. also (Roberts, 1992). The fact that the public perceived that crime was going up was also evident, even though crime and recidivism rates were stable, the perception was that crime was increasing exponentially across the country (Roberts, 1992). This is agenda setting in action. The politicians were able to exploit this idea, and it had “legislators calling for more severe penalties, the passage of mandatory sentencing laws, and more restrictive parole release often claim to be responding to a public demand for a criminal justice system with more ‘bite’” (Roberts, 1992).

This illustrated that the public helps set the agenda to politicians, even if the question of who sets media agenda is debatable, the question of who sets the political agenda was becoming clear because “public officials’ beliefs about public opinion influence criminal justice policy” (Roberts, 1992). There is also the ideology that politics are largely included into the agenda setting theory as to who is exactly setting the agenda (Weaver, McCombs, Shaw, 2004). This highlights that what images we see are an agenda-setting function and help make the argument that each media has its own part in how the public is viewing and helping set the agenda to the legislators through the stories covered through the media (Neuman, 1990). Roberts’ (1992) study also covered the opinion polls that the politicians use and about the methods that were utilized to help set the agenda of legislators after learning the perspectives of the publics that they serve.

As pointed out by David Pritchard (1986), the process of agenda setting is generally limited to media and their relationship to “ordinary citizens”, and he stated the following in his research: “Most agenda-setting research has focused on possible effects on ordinary citizens. Only a few studies have explicitly tested the hypothesis that the press may help set the agendas of public officials.” The media is likely to help set the agenda of offices like prosecutors by making them be more aware of which cases are likely to go to trial because the public would rather see a trial than a plea bargain agreement between the state and the criminal (Pritchard, 1986). However interesting this would be, even Pritchard (1986) admits that the research in the area is lacking.

Even though there is not a complete picture that can be drawn from this, there is still enough information that we can make some judgment calls about specific cases illustrated in the paper because it was a study of criminal homicides that took place in Milwaukee that received press print that were non-vehicular (Pritchard, 1986). The things that the workers at the newspapers were aware of most was the number of stories being run and also the amount of space that they had to work with while putting together their stories (Pritchard, 1986). This keen awareness as to how much space was available was also illustrates how the number of how “news items about a case is an interval-level variable” (Pritchard, 1986). The average story length also depended on the high or low profile nature of any particular homicide that had taken place (Pritchard, 1986).

This was entirely about looking into what kind of behavior the papers were operating under, but it also showed a change in prosecutor behavior as it pertained to plea bargaining (Pritchard, 1986). There was a barometer called the “negotiated/ did-not-negotiate” to allow the study to take an objective look at which crimes were covered enough to make a prosecutor take the crime to trial (Pritchard, 1986).

It is not so unbelievable that prosecutors obviously are taking their agenda setting from the media and based on the perception of the public, which they serve through their job function (Pritchard, 1986). There are also research studies available on past events, such as leaders of countries that show the perception of the public can certainly help play a major role in what the media tone will be in regards to specific leaders of political parties (Kepplinger, Donsbach, Brosius, Staab, 1989).

There is also the rare case in which a criminal plays the role of agenda setter, as evidenced in the northern California serial killer case of the Zodiac Killer, who Dirk C. Gibson (2004) explained the following:

The Zodiac, like the Unabomber, successfully extorted major media companies into doing his bidding. Serial killers typically demand one thing in cases like this – publicity. In 1966 and between 1969 and the mid-1970's, the Zodiac told editors at newspapers in southern and northern California, respectively, that failure to run his letters would result in unspecified but undoubtedly lethal consequences.”

Now that there is enough information on agenda setting, the most important thing about the theory as it relates to offender profiling and linguistics is the ideas that encompass who can set the agenda (Valenzuela, McCombs, 2009). The purpose of agenda setting is still unclear as to whether it is simply first level agenda setting that works in a cyclical pattern of media consumers and media professionals telling each other what they want (Brosius, Kepplinger, 1990; McCombs, Shaw, 1972; Valenzuela, McCombs, 2009). It is also possible that there is the second level agenda setting, which the media is telling the public what exactly to think (Ghanem, 1997; Valenzuela, McCombs, 2009).

Dennis Rader's Capture

This section will highlight a particular case that tied together the ideas proposed in each other section by illustrating the ability that offender profiling, forensic linguistics, and gatekeeping theory can operate together by using the profile of the offender to create a linguistic

pattern to help establish trust with an offender and then utilize the media to speak with them (Douglas, 2007; Hansen, 2006).

The study of Dennis Rader's crime scenes stem from forensic psychology. The use of victimology came into play, a science that utilizes the science and data gathered from Prentky, et al (1989) and various other sources of data collected over the years (Biderman, 1981). The victimology in Rader's case were entire families, which lead the F.B.I. profilers working the case to determine what kind of man they were dealing with (Fox, Levin, 1998). To explain more about victimology, we turn to Fox and Levin (1998), who actually hit on the kind of victims that Rader chose:

“Part of the vulnerability concerns the ease with which victims can be abducted or overtaken. Children and the elderly are relatively defenseless because of their physical stature or disability; hitchhikers and prostitutes become vulnerable as soon as they enter the killer's car or van; hospital patients are vulnerable in their total dependency on their caretakers. Vulnerability is most acute in the case of prostitutes, which explains their extremely high rate of victimization by serial killers. A sexual sadist can cruise a red-light district, trolling for the woman who best fits his deadly sexual fantasies.”

We can see that Rader clearly chose vulnerable targets, and this showed that he went after power (Douglas, 2007; Fox, Levin, 1998). In a recent closed case of a serial offender that the F.B.I. spoke to using media, the B.S.U. used newspapers and local media to pinpoint a way to earn the trust, and subsequent capture, of a serial killer that had plagued the Wichita, Kansas area for more than a decade (Douglas, 2007; Hansen, 2006). Dennis Rader was a married man who led a charmed life if you were to look from the outside (Douglas, 2007; Hansen, 2006). The

problem with his charmed life was that Rader also had an urge to kill, and did so from 1974 until the killings seemed to stop in 1991 (Douglas, 2007; Hansen, 2006).

From 1991 to 2004, law enforcement didn't have any contact with Rader, who had corresponded through the media during his reign of terror (Douglas, 2007; Hansen, 2006). In 2004, Rader emerged from the shadows and sent a letter to The Wichita Eagle newspaper claiming to be the Bind-Torture-Kill (BTK) serial killer (Hansen, 2006). This letter opened up communications with Rader again, and also allowed the F.B.I. to work with local officers that had communicated with Rader previously (Douglas, 2007; Hansen, 2006). By studying the letters and working with local law enforcement, the B.S.U. was able to help the police figure out a way to speak with Rader in a way that allowed them to play to his ego in a way that kept him from killing people (Douglas, 2007; Hansen, 2006).

Lieutenant Ken Landwehr of the Wichita, Kansas police department was the person whom Rader spoke at most often during his reemergence (Douglas, 2007; Hansen, 2006). Landwehr was the man in charge of the multiagency task force that was after the BTK serial offender, and had built a relationship with Rader that he mistook for trust (Douglas, 2007; Hansen, 2006). The back and forth the police had created with Rader by communicating in a way that satisfied his ego was enough to keep Rader from killing during his reemergence, and in turn it helped law enforcement lay a trap that was able to ensnare the vicious psychopath who called himself BTK (Douglas, 2007; Hansen, 2006). After several messages that were transmitted back and forth, Landwehr and his team called for undisputable proof that the man

with whom they were communicating with was actually the murderer (Douglas, 2007; Hansen, 2006).

Rader claimed to have a floppy disk that would not only link him to the crimes, but that would prove he was the diabolical mind behind the murders that had gone unsolved to that point (Gibson, 2004). Rader asked law enforcement if they would be able to trace the floppy disk back to him if he were to send it in. If the law enforcement would be unable to trace the floppy disk back to Rader, Landwehr was to place “an ad in the classified section of the local newspaper, as Rader had instructed, saying “Rex, it will be OK”.” (Douglas, 2007; Hansen, 2006).

The next thing that they looked at in the Rader case was the language he was using in his communication, and if we look at the theory that Svartvik came up with, it would allow those reading his study to see that the language used changed consistently (Svartvik, 1968). He was inconsistent in his speech patterns, going between proper and improper grammar, and he even went so far as to spell words correctly and incorrectly showing a changing pattern in his linguistics (Hansen, 2006; Svartvik, 1968). The following is a letter that was sent in to the Wichita Eagle, a newspaper that was used to receiving regular correspondences and working with law enforcement to help catch Rader (Hansen, 2006). The letter is riddled with obvious and misspellings that are easy to catch by an educated person (these will be underlined), and proper words that would likely be misspelled by a person with the grammatical errors otherwise exhibited (these will be italicized) (Olshaker, Jackson Smock, 2007):

“I find the newspaper not writing about the poem on Vain unamusing. A little paragraph would have enough. I know it not the media fault. The Police Chief he keep things quiet, and doesn't let the public know there a *psycho* running around lose strangling mostly women, there 7 in the ground; who will be next? How many do I have to Kill before I get a name in the paper or some national attention. Do the cop think that all those deaths are not related? Golly -gee, yes the modus operandi is different in each, but look a pattern is developing. The victims are tie up-most have been women-phone cut- bring some bondage mater sadist tendencies-no struggle, outside the death spot-no witness except the Vain's Kids. They were very lucky; a phone call save them. I was go-ng to tape the boys and put plastics bag over there head like I did Joseph, and Shirley. And then hang the girl. God-oh God what a beautiful sexual relief that would been. Josephine, when I hung her really turn me on; her pleading for mercy then the rope took whole, she helpless; staring at me with wide terror fill eyes the rope getting tighter-tighter. You don't understand these things because your not underthe influence of factor x). The same thing that made Son of Sam, Jack the Ripper, Havery Glatman, Boston Strangler, Dr. H. H. Holmes Panty Hose Strangler OF Florida, Hillside Strangler, Ted of the West Coast and many more *infamous* character kill. Which seem s senseless, but we cannot help it. There is no help, no cure, except death or being caught and put away. It a terrible nightmarebut, you see I don't lose any sleep over it. After a thing like Fox I ccome home and go about life like anyone else. And I will be like that until the urge hit me again. It not continuous and I don;t have a lot of time. It take time to set a kill, one mistake and it all over. Since I about blew it on the phone- handwriting is out-letter guide is to long and typewriter can be traced too,. My short poem of death and maybe a drawing; later on real picture and maybe a tape of the sound will come your way. How will you know me. *Before a murder or murders you will receive a copy of the initials B.T.K.* , you keep that copy the original will show up some day on guess who? May you not be the unluck one! P.S. How about some name for me, its time: 7 down and many more to go. I like the following How about you? ‘THE B.T.K. STRANGLER’, WICHITA STRANGLER’, ‘POETIC STRANGLER’, ‘THE BOND AGE STRANGLER’ OR PSYCHO’ THE WICHITA HANGMAN THE WICHITA EXECUTIONER, ‘THE GAROTE PHATHOM’, ‘THE ASPHIXIATER’.
B.T.K”

The studies and analysis of his letters were grand uses of forensic linguistics (Douglas, 2007). Now there was a time when Rader asked the police if he could further prove he was the

murderer, and that he had a floppy disc to do so (Douglas, 2007; Hansen, 2007). He told law enforcement that if it would be untraceable to place an ad in the Wichita Eagle newspaper stating “Rex, it will be OK” (Douglas, 2007; Hansen, 2006). The police took out the ad immediately (Douglas, 2007).

With the classified ad placed, Rader promptly sent in a padded manila envelope to a television station that included the floppy disk filled with Rader’s writings (Douglas, 2007; Hansen, 2006). After the disk was cracked, Landwehr led a taskforce that included several other agencies of law enforcement to Dennis Rader’s front door (Douglas, 2007; Hansen, 2006). Rader was taken to the police station in hand cuffs, and after being told that his DNA was a match, he confessed to each crime he had committed in gruesome detail that led to his conviction and 10 consecutive life sentences in the Kansas state penitentiary El Dorado Correctional Facility (Douglas, 2007; Hansen, 2006).

The use of media in this case is not only fascinating for mass communication theorists, but also for psychological profilers as well (Douglas, 2007; Hansen, 2006; Kocsis, 2010). This case highlights law enforcement using mass media as means to communicate with a criminal to bring him to capture and that communications with criminals is still in its earliest stages of development (Douglas, 2007; Hansen, 2006; Devery, 2010). The F.B.I. is on the forefront of this technique because of their B.S.U. which is attempting to hone the technique for wider use, but this illustrates that the budding science from communications is ready to be molded (Hansen, 2006). The F.B.I. worked with Landwehr to help build the profile of which Landwehr was most

likely dealing with and gave him information on how to keep the communication lines open without antagonizing Rader any further (Hansen, 2006).

The key was to make sure Rader kept talking because the more he talked; the more opportunity to make a mistake revealing his identity was presented (Douglas, 2007; Hansen, 2006); Kocsis, 2010. If the offender being pursued wants to communicate using newspapers, then newspapers are where stories are placed and linguistic techniques will certainly be applied (Hansen, 2006).

The ability to create a profile of the offender allowed law enforcement to pinpoint what kind of person they were dealing with and allowed them to play into his ego to help bring him to justice (Hansen, 2006). The studying of his letters allowed gauging what kind of person they were dealing with by being able to look into his communications, even if it was a small amount of text (Svartvik, 1968). The other aspect of forensic linguistics was the fact that they were able to look at the theory that intelligence and the communication patterns would be closely tied together (Boyle, 1987; Hull, Schultz, 2001).

The forensic linguistics aspect of understanding the intelligence also looped back and into the way the F.B.I. built the psychological profile of Rader by knowing what kind of intelligence level they were dealing with (Boyle, 1987). Law enforcement also had to take into account what kind of person they were dealing with because of the fact that speaking to people in specific ways can also have an effect on the way that they respond to the lines of communication (DuBois, 1937).

Rader had sincerely believed that the communication between law enforcement and himself was one of a cat and mouse game (Hansen, 2006). The transcripts of Rader in his interrogation turned interview also allude to his capture through the media, and illustrate just how thrown off he was when he said, “I need to ask you, how come you lied to me? How come you lied to me?” (Hansen, 2006). The transcripts from the courtroom showed him as cold in his descriptions of the murders (Montaldo, 2010).

This trust that Rader had supposedly built up through communications with law enforcement through the media were betraying to him because he was not building trust, but rather helping law enforcement build a case against him (Hansen, 2006). This was the work of a communication pattern being utilized and exposed for what it truly was; the massive ego that a serial murderer was unable to contain that was responsible for his own incarceration (Douglas, 2006).

The gatekeeping and agenda setting aspects of the Rader case are evident in how the media did not choose to run his story upon the initial reception of his documents (Hansen, 2006). The obvious use of gatekeeping is also evidenced when the Wichita Eagle decided not to run the poem that Rader had sent in to them, because they were unsure of whether or not it was really the killer (Hansen, 2006). The agenda setting function is located within the gatekeeping method because it relates to what the law enforcement was attempting to do, which is capture a diabolical serial killer (Douglas, 2007).

The compilation of forensic psychology was utilized to determine who law enforcement was seeking; the breakdown of his communications was the clear use of forensic linguistics;

media gatekeeping was in full force by law enforcement on what communications they would release and by the media in which communications by Rader that would be turned into print articles; and agenda setting was evident in the fact that Rader was attempting to stroke his own massive ego and trying to place the information that he wanted people to think about him and inserting this into the local Wichita Eagle daily newspaper (Douglas, 2007; Gibson, 2004; Hansen, 2006). These studies, if combined and utilized properly, could create a new era of law enforcement that helps identify criminals and their speech patterns and brings them to justice that much faster with less lives lost.

Research Questions

RQ1: How can we bring these tools together to help create a better investigation tool?

RQ2: What linguistic patterns between offenders can we use to better understand profiling?

RQ3: Can we use the identity of rape victims as an effective tool to criminal investigations?

RQ4: Can law enforcement use the media to effectively communicate with criminals during an investigation?

RQ5: How do we speak with men like Rader effectively every time?

RQ6: Is it possible to communicate with other types of serial offenders through the media with any efficiency?

RQ7: What functions can media gatekeeping serve during investigations?

RQ8: Does media agenda setting affect which investigations will see trial?

RQ9: Can modus operandi, signature, or staging of a crime scene tell us anything about the suspect?