

COLD CASES OR HOT TOPICS?

THE ETHICS OF TRUE CRIME PODCASTS

Over the past decade, podcasting as a medium for communication has exploded. According to the Pew Research Center, in 2013 only 12% of Americans had listened to a podcast in the previous month. By 2023, that number rose to 42% (Pew Research Center, 2023). Like radio, podcasting offers a unique audio broadcasting form. The accessibility of podcasts and the medium's popularity have allowed for the creation of hundreds of thousands of podcasts worldwide, stretching from topics such as celebrity gossip to current international news. One of the most popular genres of podcasting is true crime. These



podcasts come in various formats but typically devote an episode, if not an entire series, to unpacking, narrating, and tracking a particular criminal case (Sherrill, 2020). A subtype of criminal cases are cold cases. These are cases that remain open and unsolved by law enforcement after an extended period. As crime podcasters discuss these unique situations, ethical dilemmas arise about how one communicates about the victims, suspects, and law enforcement in cold cases.

One of the most popular cold cases in American culture revolves around the death of JonBenét Ramsey. On December 26, 1996, six-year-old JonBenét Ramsey was discovered missing from her bed. Investigators found a ransom note for \$118,000. Later that day, her body was found in the basement, and her cause of death was determined to be asphyxiation. There were multiple suspects in this case, but one of the most popular theories is that the killer was a family member. Although the family is fully exonerated, media and popular discourse still place them as key suspects in this crime (Crime Museum, 2022). Given the unusualness, brutality, and mystery of this case, some of the most popular crime podcasts have taken to exploring who killed JonBenét Ramsey.

Like many forms of journalism, true crime podcasting often takes an investigative and informative approach to sharing information. However, the unique format and conversationalist tone allows for a distinct perspective when discussing crime. Some research has pointed to the idea that relationship-building occurs between the hosts and their audiences and then transfers to the audiences and the victims of the crimes presented. The relationship between the audience and such victims builds care and concern that often fosters dialogue about violence, especially as it relates to gender-based crimes (Greer, 2018). Additionally, there have been situations in which true crime podcasts have helped solve cold cases or exonerate wrongfully convicted persons. For example, Chris Lambarant's podcast *Your Own Backyard* helped to convict a murderer after bringing renewed interest to a twenty-five-year-old cold case. The podcast *Serial* helped in the release of Adnan Syed from prison after covering his story

in their first season and highlighting discrepancies in the investigation that led to his wrongful conviction (Storey, 2023). In the case of JonBenét Ramsey, true crime podcasts have helped keep her twenty-seven-year-old case relevant in contemporary culture.

While there have been many positive outcomes from true crime podcasting, concerns have risen about whether or not the genre is moral. One argument is that podcasters are not always journalists and can sensationalize their content, given they do not adhere to the same professional standards as trained reporters. Many are concerned that true crime podcasts use tragedy for entertainment, not as a tool to inform or create social change (Griffith, 2021). Additionally, for cold cases in particular, speculation about who committed the crime can have real-life effects on those involved. For example, in 2016, CBS released a documentary miniseries titled *The Case of JonBenét Ramsey*, in which they heavily implied that the murderer was JonBenét's brother, Burke Ramsey. Burke successfully sued the network for defamation and cited the pain of continued false accusations (Crime Museum, 2022). Although not a podcast, this specific instance is representative of the negative implications that true crime media can have. While some podcasts attempt to avoid making or implying accusations, the dangers of sensationalizing tragedies and the speculative nature of cold cases can nonetheless have unintended consequences.

True crime podcasting has become an incredibly popular media genre in the past decade. For cold cases in particular, podcasts have become a tool to inspire renewed investigation which, at times, has led to convictions and exonerations (Storey, 2023). On the other hand, some worry that podcasts' dual goals to inform and entertain may lead to the sensationalizing of crime and negatively affect those directly involved (Griffith, 2021). The case of JonBenét Ramsey remains one of the most popular cold cases in American culture and a prominent subject matter in true crime podcasting. As podcasters tell her story, they are faced with unique challenges about how to do so in a way that is both respectful and arousing.

Discussion Questions:

1. What are some of the ethical concerns raised by true-crime podcasting? In what ways are these dilemmas similar or different from those that arise in traditional methods of journalism?
2. What measures can podcasters take to ensure they are not sensationalizing a crime?
3. The nature of cold cases often means that there will be speculation about who committed the crime. Can podcasters ethically engage in this type of dialogue?
4. Construct a code of ethics for crime podcasts. What sort of principles ought podcasters to follow? Why?

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