

Shielded from Public View: An Analysis of the Media's Construction of Deaths in
Canadian Custody

by

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Abstract

This study explores how the deaths of four incarcerated individuals are constructed by Canadian news media outlets. For this research, I conducted a multiple case study concerning the deaths of Edward Snowshoe, Kineu James, Matthew Hines and Adam Kargus, all of whom died while incarcerated in a provincial or federal facility in Canada. Rooted in a cultural criminology framework and, utilizing Brown's (2009) concept of penal spectatorship and Butler's (2004) concept of grievable life, I explore how the media presents the deaths of these individuals in ways that may confer or restrict grievability and how these representations may undermine or reinforce the legitimacy of the prison. The findings of this research suggest that while these narratives may present certain criticisms of the prison, they ultimately rely on a framework, which reinforces the necessity of the prison and subjugates other forms of critical knowledge.

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Chapter One: Introducing the Research

Kinew James was a 35-year-old Indigenous woman who died while incarcerated at the Regional Psychiatric Centre, a federal prison, on January 23, 2013. The official cause of death was determined to be cardiac arrest from hyperglycemia caused by “poorly managed diabetes”. Her death initially attracted attention in 2013 when her mother approached the media pronouncing her suspicion of the circumstances surrounding her daughter’s death, which at the time, was said to be an apparent heart attack. Three years later, the Correctional Service of Canada’s Board of Investigation report was made public. According to this report, staff had not managed James’ physical health concerns appropriately and, upon finding James non-responsive on the night of her death, the nurse had taken too long to call a Code Blue indicating a medical emergency. A Coroner’s Inquiry, originally scheduled for 2016, took place in April and May 2017. Following several days of testimony from various staff members, the jury concluded that Kinew James died of natural causes. However, they issued a number of recommendations including: recruiting more Indigenous staff members, adopting Indigenous restorative justice principles, training staff in “aboriginal social history” as well as several recommendations pertaining to the technical systems of the centre.

Matthew Hines was a 33-year-old man from Cape Breton who died while incarcerated at Dorchester Penitentiary, a federal prison, on May 27, 2015. While the coroner’s report has not yet been released, a pathologist determined that the cause of death appeared to be acute asphyxia due to extensive pulmonary edema following administration of pepper spray. In other words, Matthew Hines likely died from lack of oxygen caused by being pepper sprayed numerous times. Immediately following Hines’ death, the Correctional Service of Canada published a news release stating that Hines had been found in need of medical attention and staff had performed

CPR immediately. It was not until August 2016, following the completion of the Correctional Service's Board of Investigation report, when the actual details concerning his death emerged. Further details emerged following the publication of the Office of the Correctional Investigator's report titled *Fatal Response: An Investigation into the Preventable Death of Matthew Hines*. According to these reports, on the evening of May 27, 2015, Matthew Hines was seen leaving another inmate's cell. As he arrived at his cell, he was observed turning around and walking back toward the cell that he had just exited. He and another officer were observed engaging in a discussion at which time two additional officers appear. One officer attempted to place Hines in handcuffs and physically take control of him, directing him down the shower corridor of the range. While in the corridor, "suddenly, with very little warning", Hines was taken to the ground by guards who then delivered "several open and closed-handed and knee strikes to Matthew's torso, jaw and upper body" (Zinger, 2017a). Officers then applied handcuffs and began to escort him down the range. A few minutes later, Hines fell (or was taken to the ground) and was lying prone, face down on the floor, handcuffed to the rear at which time an officer directed a burst of pepper spray directly into his face. While being escorted to the decontamination showers, Hines was pepper-sprayed four times, within short range and within one minute. Upon arriving at the showers, as staff turned the shower on with his shirt over his face, he fell hitting his head. Video footage captured him pleading for officers to stop, stating that he was unable to breathe. Upon attending the scene, the nurse did not perform any lifesaving measures and no lifesaving measures were initiated until the paramedics arrived on site, approximately an hour after the incident had began. Matthew Hines was declared dead shortly after. Since that time, two guards have been charged with manslaughter and criminal negligence causing death. They have pleaded not guilty with a preliminary hearing, which occurred in October of 2018.

Edward Snowshoe was a 24-year-old Dene man from the Northwest Territories who died while incarcerated at Edmonton Institution, a federal prison, in 2010. Mr. Snowshoe committed suicide in a cell in solitary confinement on August 13, 2010 by tying a braided bed sheet around his neck and a shelf in his cell. Four years later, Justice James K. Wheatley completed the Public Fatality Inquiry report, in accordance with the province of Alberta's *Fatality Inquiries Act*.¹ From the report, it was revealed that Snowshoe had been placed in solitary confinement at Stony Mountain Institution – medium security, after “brandishing a jail-made stabbing weapon”, which was later determined to be a juice box turned inside out (Wheatley, 2014). He was placed in solitary confinement on March 2, 2010 where he remained for 134 days until his offender security level was increased from medium to maximum and he was transferred to Edmonton Institution (a maximum security prison) on July 15, 2010. Upon his arrival at Edmonton Institution, he was placed in solitary confinement where he remained for 28 days until his death on August 13, 2010. As per the inquiry report, staff at Edmonton Institution were not aware of Snowshoe's suicidal history, nor were they aware of how long he had spent in solitary confinement. As a result of his inquiry, Wheatley concluded that Edward Snowshoe had “fell through the cracks of a system and no one was aware of how long he had been in segregation even though that information was readily available” (Wheatley, 2014). Based on his conclusions, Wheatley submitted a number of recommendations aimed at improving

¹ Under section 11 of the Province of Alberta's *Fatality Inquiries Act*, if a person dies while detained in a correctional institution, jail or penitentiary, the person in charge of the institution shall immediately notify a medical examiner. Section 32(e) of the same legislation provides that the Chief Medical Examiner shall notify the Fatality Review Board of any death that has occurred in one of the aforementioned facilities. Finally, in accordance with sub-sections 33(3)(a)(b) of the same legislation, the Fatality Review Board shall recommend a public fatality inquiry be held unless it is satisfied that the death was due entirely to natural causes and was not preventable and that public interest would not be served; or, that there was no meaningful connection between the death and the nature or quality of care or supervision being provided to the deceased person by reason of the deceased person's status.

communication in cases of segregation, transfers and where the individual has a mental health history.

Adam Kargus was a 29-year-old man from Sarnia, Ontario who died while incarcerated at the Elgin Middlesex Detention Centre, a provincial jail in London Ontario, on October 31, 2013. Guards found Adam Kargus on the morning of November 1, 2013 in the shower stalls of the range on which he was residing. Video surveillance footage revealed that his cellmate Anthony George had beaten Kargus to death for over one hour the evening before without drawing the attention of any staff. The autopsy report concluded that the cause of death was blunt force trauma to the head, face and neck, with 122 internal and external injuries noted. George was charged with second-degree murder in his death and two guards were charged with failing to provide the necessities of life. George pleaded guilty to second-degree murder in September 2017 and was given a life sentence with no eligibility of parole for 10 years. At the time of my analysis, the charges had been dismissed against the two guards, as the judge had determined that too much time had passed since they were charged. However, since the time of my analysis, the Ontario Court of Appeal overturned the decision to dismiss the charges, meaning that the two guards will stand trial at an unknown date.

Taken alone, the above four deaths may be considered isolated, random and unfortunate. However, in the last five years, there have been over 600 documented deaths in provincial and federal custody in Canada.² Of the 338 deaths that occurred in federal custody from 2010 to 2016, approximately one third were determined to be non-natural causes (Correctional Service of Canada, 2018). The statistics regarding provincial deaths in custody are less clear; however, a study published by the Reuters Institute in 2017 indicated that, based on the information that was

² A provincial jail incarcerates individuals who have received a sentence of two years or less, or who are awaiting trial. A federal prison incarcerates individuals who have received a sentence of two years plus a day.

available at that time, over one third of the deaths had been declared non-natural (Paperny, 2017). While natural deaths constitute the majority of in-custody deaths, the number of non-natural deaths remains significant.

Death is generally considered a media-worthy topic because of its disruptive and unpredictable nature and because of the media's propensity to report on negative content (Hanusch, 2010). However, not all deaths receive equal coverage or treatment by the media. Despite the high number of deaths in custody, a significantly smaller number of these deaths have received widespread media coverage. The appalling death of Ashley Smith in 2007 resulted in unprecedented media coverage and the publication of a number of serious institutional problems within Canada's penal institutions (Crepault & Kilty, 2017; Ring, 2014). Even 7 years later, in an editorial published by the Toronto Star, the death of Ashley Smith is described as "one of the most horrific examples of institutional failure in Canadian history" ("Canada's prison service failed", 2014). Since that time, a number of additional deaths have been brought to the Canadian public's attention, although no death seems to have achieved the same level of coverage. More significantly, many deaths have received almost no coverage at all. As will be discussed in the literature review, much of what occurs behind prison walls remains hidden from the public eye. As such, there is little media reporting on deaths in custody.

In Butler's (2004) book, *Precarious Life: The Powers of Mourning and Violence*, she considers the ways some lives are recognized as deserving as public grief while other people's images are not shown, their lives not grieved. Using a multiple case study, this research examines how the deaths of four criminalized individuals, Edward Snowshoe, Adam Kargus, Kinew James and Matthew Hines are constructed in the media. This thesis is situated in relation to a broader culture of punishment, in which imprisonment is seen as a natural, necessary and

appropriate response to social harm and in which prisoners are seen as a group distinct from the general population (Brown, 2009). As its key research question, this project asks how the news media produces narratives concerning deaths in custody, which may confer or restrict grievability to the individual and how these narratives may undermine or reinforce the legitimacy of the prison. In no particular order, the sub-questions of the project are:

1. How does the media confer or restrict grievability to an individual who has died in custody?
2. How do these representations indict and/or reinforce the legitimacy of the prison? What is the role ascribed, if any, to the carceral environment in these representations?
3. How is visual imagery used in these representations?
4. On what basis are these narratives constructed? What sources are most prominent in these representations (official sources, medical, legal, family, etc.) ? What voices are not heard in these narratives?
5. What types of responses to these deaths do these representations propose?

To explore these research questions, I employed a critical discourse analysis and a visual analysis of the online news articles published concerning these deaths. Based on my findings, I conclude that, while the media coverage in these cases often denounces the prison and is potentially successful in invoking public sympathy, it is ultimately framed in an individualizing manner, which works to marginalize other forms of knowledge and, in some cases, reinforces the legitimacy of the prison. In doing so, the media allows the penal spectator to remain distanced from the pains of incarceration and precludes a more meaningful discussion of imprisonment.

In chapter 2, I outline the theoretical grounding of this research and discuss two bodies of literature relevant to this project. Following a review of the relevant literature, I note how this project fits within and contributes to the literature on deaths in custody and crime and the media.

In chapter 3, I describe the key aspects of the two theoretical concepts that were used to form the framework for this research. Namely, I describe the key aspects of the concepts of “grievable life” (Butler, 2004, 2009) and “penal spectatorship” (Brown, 2009) and how these concepts were relevant to this research.

In chapter 4, I review the methodology used in this research project, by first discussing the use of the case study as a design frame for this project. I then outline the analytical strategies used before providing a detailed overview of the specific methodological steps taken during my project.

In chapter 5, I provide the findings of each individual case, presenting how each case was constructed in the media, both visually and textually. In chapter 6, I then discuss the analytic findings of this research. In the first section of this chapter, I present the key themes found throughout the cases; namely, the personalization of the story, the construction vulnerability and the individualization of the etiology of wrongdoing. I discuss how these themes structured the media coverage of these cases and the resultant articulation of grievability and accountability. In the second section of the chapter, I discuss the implications of these themes. Chapter 7 concludes the research by reiterating the key findings, discussing the significance of these findings and presenting considerations for future research.

Chapter Two: Theoretical Framework and Literature Review

In the following chapter, I discuss the two distinct bodies of literature relevant to this project and I present its theoretical grounding; namely, cultural criminology. I first provide an overview of the existing research concerning representations and responses to deaths in both police and prison custody. This literature is important for forming a foundation of what has been discussed thus far and any limitations in this research. I then discuss the use of a cultural criminology approach and examine the criminological and sociological research concerning media representations of the criminal legal system. This literature is particularly important, as it provides the context for understanding how the prison and criminalized individuals have typically been presented in the media. I also provide a number of considerations that have been put forth by cultural criminologists and other scholars with regard to the study of crime and the media. Finally, I discuss how my research fits within and contributes to the literature.

Deaths in Custody

Much of the existing research surrounding deaths in custody in North America and the UK has examined the official discourses found in institutional responses such as coroner's inquests or inquiries (Blue, 2017; Goldson, 2006; McIntosh, 2016; Pemberton, 2008; Razack, 2015; Scraton & Chadwick, 1986; Scraton, 2002;)³, with some exceptions looking at the media coverage of these incidents (Ring, 2014; Wasserman, 2013, Bromwich, 2015; Crepault & Kilty, 2017).⁴ Much of this research has focused on deaths that have occurred while in police custody (Scraton & Chadwick, 1986; Razack, 2015; Pemberton, 2008; Blue, 2017), with some literature focused on deaths that have occurred in a jail or prison (Ring, 2014; Wasserman, 2013,

³ Pemberton (2008) looks at both institutional and media representations with little distinction between the two formats.

⁴ These authors have all conducted a review of the media representations of the death of Ashley Smith, a 19-year-old Canadian woman who died in a Canadian prison in 2007.

Bromwich, 2015; Crepault & Kilty, 2017). Despite these differences, there is a common finding throughout the literature that state officials employ considerable efforts to affirm the legitimacy of the criminal legal system and to reaffirm public confidence in this system. Scholars suggest that these discourses, both institutional and in the media, often work to rationalize and normalize the deaths in custody thereby obscuring any form of state accountability and, in turn, reaffirming public confidence in the legitimacy of the criminal legal system (Scruton & Chadwick, 1986; Scruton, 2002; Pemberton, 2008, Razack, 2015; Crepault & Kilty, 2015).

The discourses used to discuss deaths in custody vary depending on the circumstances of the case; however, researchers have identified a number of trends in these discourses, most of which work to rationalize deaths in custody. Some scholars have noted that these discourses often rely on the dehumanization of the victim (Pemberton, 2008; Razack, 2015), the intended consequence of which is “to neutralize the uncomfortable moral, political and legal implications” of an individual’s death (Pemberton, 2008, p. 248). As Razack (2015) states, in some cases, the only way that a death can be made sense of is if it is accepted that “there is a category of human whose daily life cannot be measured the same as the daily life of others” (p. 65). To demonstrate this, Razack (2015) discusses the inquiry following Frank Paul’s death; an Indigenous man who died after Vancouver police dropped him off in a heavily intoxicated state, in an alley on a cold, wet night (p. 56). Heavily intoxicated and unable to walk, Razack (2015) explains that police surveillance recorded Paul being dragged in and out of the police station, his clothing leaving a wet stain on the floor. Despite the callousness of this death, Razack (2015) found that the inquiry (held 9 years after Paul’s death) consisted of a process of dehumanization, depicting Paul as a man who crawled and whose state of being was simply more animal like (p. 63). Through testimonies from police and health professionals, Razack (2015) found that Frank Paul was

imagined as “a different kind of human, one closer to nature and intrinsically imperiled: one on the brink of extinction” (p. 63). Razack (2015) advances that Paul was seen as already dying; thus, it was seen as inconceivable that the two police officers, who dropped him off in the alley, could be seen as responsible for his death.

Authors have also pointed to a number of different strategies, which Erfani-Ghettani (2015) refers to as “monstering efforts” that also serve to rationalize deaths in custody (p. 104). Authors suggest that in official discourses, the parties involved are often situated in dichotomous, opposing positions with the victim depicted as a dangerous criminal and state officials, such as the police officer, situated as the protector of society (Pemberton, 2008, Razack, 2015; Scraton & Chadwick, 1986). These types of narratives tend to emphasize the victim’s alleged criminal background or their association with a criminal subculture and characterize these individuals as “armed and dangerous”, illegal immigrants, or drug abusers (making their behaviours unpredictable), effectively minimizing any sympathetic reading of the individual (Erfani-Ghettani, 2015, Scraton & Chadwick, 1986). On the other hand, police officers are depicted as the protectors of our safety, tasked with the difficult job of dealing with this challenging population (Pemberton, 2008; Razack, 2015).

In addition to focusing on the alleged criminality of the individual, the literature suggests that these discourses also frequently refer to the physical size and strength of the victim. Descriptions of the victims often involve the claim that these individuals possessed superhuman strength and thus required an inordinate amount of force in order to restrain them. This in turn works to legitimize the extreme response or use of force by state officials (Erfani-Ghettani, 2015, Scraton & Chadwick, 1986; Pemberton, 2008). Through the juxtaposition of the hard-working police officer and the dangerous, sometimes superhuman, criminal, the actions of the police are

legitimated, as they are depicted as simply trying to do their job as best they can with the dangerous and challenging population with which they work (Pemberton, 2008, p. 251). This in turn, results in the denigration of the victim.

Scruton & Chadwick (1986) reveal how this strategy was used at the inquest of Liddle Towers, a British man who succumbed to his injuries following his arrest in 1976. At the inquest, Towers was portrayed as a violent and uncontrollable man, which was established on the basis of his past boxing career. The focus on Towers' ostensible proclivity for violence was employed so that it was seen as necessary that eight police officers were required to restrain him. Despite witness testimony that Towers had been severely beaten by police, at a second and final inquest, Towers' death was deemed to be a "death by misadventure", thereby allowing the police to evade any real culpability. Scruton & Chadwick (1986) attributed this verdict to the official discourses that depicted Towers as an exceedingly violent man (p. 102).

It is not only the victim that may be vilified in the media; authors have also found that family members or loved ones of the deceased are marginalized in these representations (Scruton & Chadwick, 1986) and demands for justice from the family or community are discredited or are framed as aggressive and extremist (Erfani-Ghattani, 2015). Scruton & Chadwick (1986) highlight how this strategy was used at the inquest into the death of Jimmy Kelly, who died in police custody in 1979. Scruton & Chadwick (1986) describe Kelly as a "man with a weak heart", however, at the inquest, Kelly was described by police as a wild and uncontrollable drunk with a reputation of criminal violence (p. 102). Although eyewitnesses again contested the police's version of events, testifying that Kelly was severely beaten by police, these testimonies were discredited by references to their personal histories and their neighbourhood's reputation of

violence and conflict with the police. Consequently, the coroner directed the jury to a death by misadventure verdict (Scraton & Chadwick, 1986, p. 104).

Pemberton (2008) explains how discourses that emphasize the alleged criminality of the victim are often easily accepted because they coincide with pre-existing popular discourses of criminality, dangerousness and those we require protection from. If the victim is constructed as criminal and a strict boundary is drawn between ‘them’ and ‘us’, then their treatment, regardless of how objectionable, appears more legitimate (Pemberton, 2008, p. 256). Several authors also highlight how these processes are racialized, classed and gendered. Scraton and Chadwick (1986) emphasize that these discourses are successful precisely because they mobilize deeply embedded ideologies of sexism, racism and classism, making these discourses acceptable to the public (p. 113). Pemberton (2008) and Erfani-Ghattani (2015) contend that depictions of Black victims as violent and dangerous are easily accepted as truth “because they are interpreted through popular and official discourses of race, which associate ‘blackness’ with violence, disorder and criminality” (Pemberton, 2008, p. 256).

Another trend identified throughout the literature is the attention allotted to the apparent biological or physical vulnerability of the victim and the employment of medical discourses in these official accounts of death. As Pemberton (2008) and Razack (2015) explain, employing medical discourses tends to locate the victim’s death in a pre-existing condition, which the arrest is said to have simply aggravated. Razack (2015) refers to the inquest’s reliance on medical discourses as the “medico-legal alliance”, asserting that the inquest is structured to support medical and drug related causes of death. These types of discourses work to decontextualize the death, explaining the apparent inevitability of the death, in turn, obscuring any appearance of police culpability.

One of the most recent examples of the medicalization of deaths in custody is the diagnosis of excited delirium syndrome. Excited delirium syndrome emerged in the 1980s and involves “the sudden death of an individual, during or following an episode of excited-delirium, in which an autopsy fails to reveal evidence of sufficient trauma or natural disease to explain the death” (Di Maio & Di Maio, 2006 as cited in Razack, 2015, p. 137). This diagnosis most often appears in cases of police force where the individual dies, but the cause of death cannot be attributed to traditional biological or drug-related causes. Excited delirium syndrome has been described as a “controversial and vexing forensic issue” given its association with use of force, and, although excited delirium is often presented as a real syndrome that causes immediate death, there is no consensus in the medical community in this regard (Kodikara, Cunningham, Pollanen, 2012, p. 252). Similarly, while some researchers and judges suggest that the syndrome may indeed be real, they are suspicious of it for its ability to easily exonerate police officers (Razack, 2015, p. 137).

These medical or biological explanations in official inquests and inquiries are also often racialized. Several authors have noted how sickle cell anemia, a serious and inherited blood disorder that disproportionately affects minority groups, has conventionally been used in official accounts to explain the large amount of minority deaths in custody in the UK and the USA (Dyson & Boswell, 2006; Pemberton, 2008; Razack, 2015). Dyson & Boswell (2006) present 10 cases of sudden death in custody where forced restraint was involved; in each of these cases, the cause of death was attributed, at least in part, to the sickle cell trait. These authors contend that by attributing the cause of death to the individual’s genetic makeup, the criminal justice system is able to deflect accusations of racism and avoids confronting issues with the system itself. Furthermore, Dyson & Bosworth (2006) put forth that the frequent reference to sickle cell in

minority deaths in custody, reifies sickle cell as “linked only to black peoples; an immutable fact of life; to be accepted as part of the ‘natural’ order of things” (p. 19). The result, they state, is the acceptance that minorities simply die disproportionately in custody.

Additionally, in Razack’s (2015) analysis of the inquiries and inquests concerning Indigenous deaths in custody in Canada, she concludes that official discourses frequently establish Indigenous peoples as pathologically fragile and as already on the brink of death (p. 37). She found that inquests often focused intensely on medical narratives of addiction and weakened livers, making it difficult to see beyond the medical details and observe the processes that had produced these medical conditions. She critiques these inquiries/inquests for failing to locate medical and policing practices within the context of ongoing colonialism, thereby resulting in the reproduction of the colonial logic of the “disappearing Indian”, which involves marking the Indigenous body as one that is unable to survive modern life (Razack, 2015, p. 193). As Razack (2015) explains, if the death is seen as having its roots in biological causes then the problem is seen as rooted in the individual, rather than the response by state officials (p. 140). She emphasizes the need to move past these assumptions that Indigenous peoples are always at the final stages of life and are responsible for their own demise.

As Blue (2017) has noted, the literature concerning deaths in custody has focused almost exclusively on the deaths of male detainees. An exception to this is Blue’s own analysis of the death of Ms. Dhu, a 22-year-old Yamatji woman who died in police custody in Australia in 2014 after police ignored her cries of pain/cries for help, as well as the considerable amount of scholarly research that has been completed concerning the death of Ashley Smith, a 19-year-old Canadian woman who died while in the custody of the Correctional Service of Canada in 2007.

Blue's (2017) research concerning the death of Ms. Dhu is significant for this project, as he specifically explored the various and significant roles that visual evidence and imagery played following her death. Surveillance footage recorded the callous treatment she received in both the prison and the hospital in the days leading up to her death, including footage where officers dragged her lifeless body from the cell. Blue (2017) found that the hospital and police CCTV footage, played a central role in the inquest with the repeated display of these images "accumulating the sediment of its violence" (Blue, 2017, p. 304). Blue (2017) also highlighted how the family's request to have the CCTV footage released to the public was significant in demonstrating that "images of suffering and abjection, captured by technologies made for the state's use in control...can be appropriated from a means of control and used as an indictment of the colonial state itself" (p. 312). Additionally, Blue (2017) describes how images of Ms. Dhu and her family, which were projected across the city of Perth in a form of activism, were significant in reclaiming a space for Indigenous women and issuing a critique of the "gendered logic of the settler colonial state" (p. 309). Accordingly, this literature is significant for its exploration of how visual imagery may be used to confront the brutality of the prison system and challenge dominant ideas concerning imprisonment.

The scholarship concerning the death of Ashley Smith is particularly salient given its prevalence among Canadian news outlets, including two documentaries from the *Fifth Estate*. Moreover, this death, as a Canadian example, provides a framework from which we can interpret mediated representations of deaths in custody in which the prison is implicated in the cause of death. While under the direct observation of staff, Ashley Smith took her own life in a Canadian prison. Following a second coroner's inquest, Smith's death was officially declared a homicide (Carlisle, 2013); however, the charges against the guards were later dropped. Smith's death, and

the controversy surrounding it, received an unprecedented amount of media coverage in Canada in the following years (Crepault & Kilty, 2017, p. 284) and continues to be cited in discussions of the treatment of the mentally ill in Canadian prisons.

In Ring's (2014) analysis of the newspaper coverage of Smith's death, she found that the media typically drew on stereotypical and gendered depictions of mental illness. Newspapers continuously depicted Smith as mentally ill, frequently using terms such as "obviously troubled" and "severely disturbed" (Ring, 2014, p. 42). These descriptions contributed to the pathologization of Smith's actions while ignoring the possibility that Smith's actions were a form of dissent or resistance. Bromwich (2015) reiterates this assertion, noting that, Smith's mental illness was understood as a "pre-existing, stable feature of her essential being", rather than a product of her treatment in custody (p. 236). Crepault and Kilty (2017) produced similar findings in their analysis of the *Fifth Estate's* two documentaries concerning the life and death of Ashley Smith. These authors found that, while the *Fifth Estate* issued a significant critique of the Correctional Service of Canada's mistreatment of mental health issues, they overlooked the gendered nature of Smith's criminalization and mistreatment and instead conceptualized mental illness as an individual pathology (p. 282). These pathologizing discourses worked to conceal how "structural barriers, conditions of confinement and institutional power relations create emotional distress" (Crepault & Kilty, 2017, p. 271). These authors found that the *Fifth Estate* continuously emphasized Smith's need for proper psychiatric care, suggesting that the problem lied in the lack of resources allotted to the treatment of mentally ill prisoners. Consequently, the documentaries failed to question the legitimacy of incarcerating mentally ill individuals, instead suggesting that the solution lied in an increase in these resources. Crepault and Kilty (2017) conclude that while the *Fifth Estate* condemned many of the practices of the prison, they

ultimately legitimized incarceration and some of the practices to which Smith was subjected by drawing on many of the same discourses upon which these practices rest (p. 287).

Overall, the literature concerning the processes following a death in custody suggests that in most cases, state officials are able to avoid culpability through the deployment of various narratives. These narratives work to dehumanize or discredit the victim while reaffirming the legitimacy of the system. As demonstrated by the research concerning Ashley Smith's death, even in cases where the prison system is condemned, the media continues to reinforce the legitimacy of the prison system.

Cultural Criminology

This research will be grounded in a cultural criminology approach. Cultural criminology is a relatively new approach to the study of crime and crime control. While rooting itself in existing criminology and sociology, cultural criminologists seek to strengthen the study by incorporating a multitude of perspectives from other fields such as media studies, urban studies and social movements theory. In this way, the goal of cultural criminology is to continue to turn “the intellectual kaleidoscope, looking for new ways to see crime and the social response to it” (Ferrell et al., 2008, p. 6).

Cultural criminology places crime and control within the context of cultural dynamics emphasizing that our understanding of crime cannot be segregated from their social and cultural contexts. From this perspective, culture is understood as the “symbolic environment” in and through which individuals and groups make sense of their being, their actions, and the social and material world (Ferrell et al., 2008, p. 3). Cultural criminologists recognize that culture is intimately linked to structures of power and shaped by existing inequality; however, they emphasize that culture is not something that can be reduced to class or ethnicity; rather, it is

defined by its dynamic nature. From this viewpoint, meaning and identities are constantly under negotiation and both crime and crime control agencies are seen as cultural products created from ongoing human interaction and power relations. “As such, they must be read in terms of the meanings they carry” (Hayward & Young, 2004, p. 259; Hayward, 2010, p. 3). Cultural criminologists suggest that if we are to develop a critically engaged cultural criminology, we cannot ignore the constant cultural motion and instead must immerse ourselves in the “flow of collective meaning” when studying crime and crime control (Ferrell et al., 2008, p. 125).

Cultural criminology encourages engagement with any material involved in the “social story of crime and crime control”; however, the media is seen as a particularly strong cultural force and is thus central to cultural criminology’s analysis of the construction of crime and crime control (Ferrell, Hayward & Young, 2008, p. 2). The focus on mediated processes of criminalization is due to the pervasiveness of narratives and images of crime and control in the global media, circulating 24 hours a day (Ferrell, 2013, Ferrell et al., 2008). As Ferrell et al. (2008) states, “With power increasingly exercised through mediated representation and symbolic production, battle over image, style and meaning emerge as essential moments in the contest over crime and control, deviance and normality” (p. 81). Thus, cultural criminologists strive to understand the ways in which mediated processes constitute the experience of crime, self and society.

Yet, cultural criminologists do not wish to replicate traditional scholarship on crime and the media, that is, the scholarship that relies on formulaic readings of crime’s presentation in the media or the effects of this presentation on attitudes and behaviours (Ferrell et al., 2008). While cultural criminologists recognize that the media may shape the way we think about crime and crime control, they encourage an approach that is more expansive and holistic, an approach that

is attuned to complex non-linear relationships between crime and the media in our current media-saturated world (Ferrell et al., 2008; Hayward, 2010). As Ferrell (1995) states “criminal events, identities, and styles take life within a media-saturated environment, and thus exist from the start as moments in a mediated spiral of presentation and representation” (p. 34).

In the next section, I review the existing literature concerning crime and the media with a specific focus on media coverage and the prison. Following this, I examine a number of considerations that cultural criminologists and many other scholars have put forth considering the study of media and crime.

Media and Crime

There is a general consensus among crime and media scholars that the media forms a key site from which the public may obtain information regarding the criminal justice system. From the evening news to Netflix series, to films, tabloids and newspapers, media plays an important role in presenting images of the criminal legal system. This is especially true of the prison system, as the majority of the population will never visit the inside of the prison. As Brown (2009) states, “the majority of citizens are much more likely to screen the prison rather than visit it” (p. 15).

Although my project focuses solely on news media representations, I have chosen to include a review of the literature concerning fictional representations of the prison, given the significant interplay between crime news and crime fiction. Doyle (2006) explains that news and entertainment media representations of crime should be understood as intricately interwoven and mutually constitutive, as “both news and entertainment media texts interact with, shape, and are shaped by broader frames of meaning about crime and punishment” (p. 877-878). Similarly cultural criminologists emphasize that in our current mediascape in which we are inundated with images of crime, there is no clear linear sequence between fact and fiction, but rather a “shifting

interplay between the real and the virtual, the factual and the fictional” (Ferrell, Hayward & Young, 2008, p. 123-124). Accordingly, in this section, I complete a brief overview of the literature concerning both entertainment and news media representations of the prison.

News Media

The news media has typically been criticized by scholars for its reporting on crime and criminals, noting that criminalized events are normally presented as individualized incidents without consideration of how these events relate to social structures and trends. These authors advance that the news media over-represents crime, especially violent and sensationalist crime, and typically ignores the more frequently occurring types of crimes (Allen 2006; Mason, 2006; Simmons 2012). With respect to media representations of the prison specifically, many authors have noted that the news media reporting on the prison is negligible when compared to the reporting on police and court activities (Chermak, 1998; Doyle & Ericson, 1996; Jewkes, 2007). This literature suggests that the daily conditions and routines of the prison are rarely present in media coverage (Doyle & Ericson, 1996; Jewkes, 2007), while the routine operations of the police and court are more frequently reported (Doyle & Ericson, 1996).

In Doyle & Ericson’s (1996) study concerning the production of prison news, they found a number of factors that contributed to the relative lack of coverage of the day-to-day activities within the prison. These authors found that despite an ostensible openness, prison officials retained extensive powers in controlling media access, noting that access could be restricted for a variety of reasons, including the apparent presence of security concerns or an ongoing investigation. Correctional officers were often reluctant to speak to the media and prisoners were often barred from speaking to the media (Doyle & Ericson, p. 166 - 171). Additionally, these authors attributed the lack of coverage to the format of media events themselves noting that

there are few dramatic events from prison life that adhere to the dramatic fashion of most media narratives (Doyle & Ericson, p. 181).

Much of the news coverage that does concern prisons is overwhelmingly negative and focuses on exceptional events such as riots, escapes or the release of 'dangerous' prisoners (Chermak, 1998; Jewkes, 2007). Given the media's format and its focus on sensationalist events, much of penal practice, including stories of overcrowding, racism or assault, are suppressed from the public and images of human suffering within the prison are either blocked or neutralized in the mainstream media (Cheliotis, 2007; Jewkes, 2007). When a story about a prisoner assault or suicide does receive news coverage, it is usually dependent upon the editorial judgements made about the victim with some victims considered more worthy than others (Jewkes, 2007, p. 449-450).

Prisoners themselves are typically portrayed as corrupt or dangerous individuals who do not contribute to society. These representations work to sanction certain individuals and to reinforce the idea that the criminal is inherently different from 'us' (Cheliotis, 2010; Jewkes, 2007). Jewkes (2006) suggests that the news media's depiction of prisoners as stigmatized others means that the "possibilities for empathy have closed down to all but those who have experienced incarceration, or have some other relevant experience on which to draw" (p. 151). Furthermore, she advances these representations not only reinforce othering, but they also work to reinforce the perception that the prison is essential and tougher punishment is the solution to criminalized harms.

Entertainment Media

With the limited news coverage of the prison, the entertainment media plays a significant role in presenting the prison to the public. Most crime and media scholars agree the prison film

has been a staple in mainstream cinema for decades with the emergence of the prison film genre traced back to the inception of cinema itself (Brown, 2009; Cecil, 2015; Rafter, 2006; Rafter & Brown, 2011; Wilson & O’Sullivan, 2004). With films such *Cool Hand Luke*, *Escape from Alcatraz*, *Brubaker* and *The Longest Yard*, prison films or films about prison have remained a constant facet in Hollywood cinema (Brown, 2009; Cecil, 2010; Rafter, 2006). In addition to the longstanding prison film, we have seen an increasing number of reality-based and fictional television programs concerning the prison and/or jail in the last few decades. Some examples of these shows are *Prison Break*, *Orange is the New Black* and *Locked-Up*. Prison documentaries have also become popular, especially with the emergence of Netflix. Given the longstanding prevalence of prison stories in film and television, these representations are significant, as they may inform social and cultural understandings of the prison system, prisoners and punishment more generally.

Before prison films, visual imagery of these institutions were scarce; as such, the emergence of the prison film provided many individuals with their first glimpse into prison life (Cecil, 2015). The prison film became popular due to its claims of authenticity and its purported ability to give the viewer an inside look into the ‘reality’ of the prison (Cecil, 2015; Rafter, 2006; Surette, 2007). Traditional prison films typically contained a number of stock elements including a plot focused on a riot or escape and characters that fit neatly into standard categories of the hardened criminal, the wide-eyed newbie and the brutal guard (Rafter, 2006). While the context of prison stories has evolved over the years, Cecil (2015) suggests that at their core, modern prison films are replicas of their early productions. For example, many prison films continue to depict the prison as a violent and dangerous place and rely on the traditional and standard film elements of riots, sadistic guards, brutal inmates and constant violence and abuse (Cecil, 2015).

Despite their obvious differences in structure and format, Cecil (2015) suggests that fictional television programs typically use the basic formula of the prison film genre. Much like prison films, television programs often depict the prison as a violent and dangerous place with HBO's *Oz* as one of the most notable examples. Given their similarities, scholars have suggested that much like the prison film, these representations often distort the reality of the prison.

Some literature suggests that prison films and television shows have illuminated problems with the system such as overcrowding, the prisonization process and various other pains of imprisonment (Brown, 2009; Cecil, 2015; Rafter, 2006; Wilson & O'Sullivan, 2004). This is especially true of television shows, which are able to provide a more comprehensive presentation of the prison through their numerous episodes and seasons. As an example, Wilson & O'Sullivan (2004) suggest that the UK television show *Bad Girls* brought issues of women's incarceration to the forefront for the British audience. Furthermore, Brown (2009) suggests that in exposing some of the pains of imprisonment through film, many prison films have actually offered opportunities for the audience to sympathize with the prisoner. That being said, these films and television shows often promote a reformist agenda suggesting that while there is a need to fix certain problems, the prison is ultimately a social necessity (Cecil, 2015).

Furthermore, while these films and shows may problematize certain aspects of the prison system, it is always done alongside the media's desire to entertain; and, oftentimes, the need to entertain outweighs the need to inform (Cecil, 2010). For example, in her analysis of the popular film *Shawshank Redemption*, Brown (2009) shows how the audience is encouraged to identify with the protagonists and thus to suffer with them and cheer them on their escape. However, she problematizes the film ending which involves a thrilling escape and its final scene where the protagonists are reunited by way of a panning helicopter shot (Brown, 2009, p. 61-62). Brown

(2009) explains that this type of ending provides the audience with a sense of closure and certainty while ignoring the reality of those left incarcerated. It is this type of ending, one that provides the audience with closure and a sense of justice, which characterizes many prison films. Consequently, rather than providing a serious interrogation of punishment, the prison film provides more of an “escape into a dream world” (Brown, 2009, p. 63). Rafter (2006) reiterates this noting that while prison films purport to reveal the brutal reality of incarceration, most prison films would be more appropriately categorized as fantasies. “Presenting tales in which justice is miraculously restored after long periods of oppression, prison movies enable us to believe, if only briefly, in a world where long-suffering virtue is rewarded” (Rafter, 2006, p. 117).

Reality-based television programs, which are sometimes referred to as “infotainment” are programs that portray ‘real stories’ in an entertaining manner. Surette (2015) suggests that these reality-based programs have become increasingly popular because they present the news as entertainment, while still being viewed as credible and realistic. These programs typically sensationalize real stories about crime and justice through interviews, video footage and re-enactments. While these programs typically market themselves as presenting the real facts of the world, they actually provide a narrow, and often quite exaggerated depiction (Cavender & Fishman, 1998; Cecil, & Leitner, 2009). These programs frequently blur the line between fact and fiction, combining the news format with typical elements from crime dramas and even the horror genre and their claims to unadulterated truth obfuscate the significant role of the editing process in the production of these shows (Cecil & Leitner, 2009; Doyle, 2003). In Doyle’s (2003) analysis of the long-running television show *Cops*, he discusses the numerous decisions made during the production process of the show regarding what to air and what to edit out. Similarly, in their analysis of the MSNBC show *Lock Up*, Cecil and Leitner (2009) found that

the show obscured the reality of incarceration by focusing only on large maximum-security prisons and prisoners with physical stigmata (e.g. excessive tattooing) or those who had committed atypical crimes (p. 193). In purporting to provide the unadulterated truth, these programs frequently work to reinforce the image of the ‘other’ and to underline the necessity of incarceration.

Issues in the Study of Crime and The Media

The literature concerning the news media and entertainment media’s representations of the prison are significant. However, scholars have issued a number of considerations and cautions for researchers interested in studying crime and the media. First, scholars have emphasized that the diversity of the media must be recognized (Doyle, 2006; Ericson, 1991). While this literature review has provided a brief overview of many of the typical themes found in news and entertainment media, there are many exceptions to these representations. Given the sheer volume of prison films, it is unwise to make sweeping generalizations about the genre in its entirety. Additionally, the amount of scholarly work published concerning the show *Orange is the New Black* points to the multitude of perspectives that can be taken on a single show (Enck & Morrissey, 2015; Gesualdo, 2016; Schwan, 2016; Silverman & Ryalls, 2016). Furthermore, while this review did not include documentaries, these formats may provide a vehicle through which meaningful critiques of the system can be issued. For example, the recent documentary *A Prison in Twelve Landscapes* emerged from “a desire to make cultural work that enables and reinforces a politics of prison abolition” (Story, 2017, p. 455). This documentary moves away from traditional prison documentaries that rest on humanizing narratives in order to appeal to audiences and instead seeks to disturb common-sense understandings that the prison is indivisible from crime (Story, 2017).

With regard to the news media, Doyle (2006) and Ericson (1991) have cautioned criminologists from using reductionist approaches that cast the news media as presenting one overarching message. Similar to this, Carrier (2015) has highlighted that it is often the media itself offering the most significant critique of the mass media. Reductionist interpretations or presentations of the news media fail to recognize the various roles that the media may have and fails to recognize the ways in which the news media may actually challenge hegemonic ideas concerning crime and punishment. In fact, many scholars have suggested that media outlets may actually assist in holding criminal justice systems accountable by exposing and highlighting injustices (Bonner, 2009; Cooke & Sturges, 2009; Geraghty & Velez, 2011; Crepault & Kilty, 2017). For example, Crepault and Kilty (2017) highlight that the senior producer of the *Fifth Estate*, a Canadian investigative documentary program, cited the driving force behind the program as “the desire to expose injustice [and] expose abuse of power” (*Secrets of the Fifth Estate*, 2015 as cited in Crepault & Kilty, 2015, p. 270). Additionally, Doyle and Ericson (1996) cite the *The Kingston Whig Standard* as an example of a news outlet that, despite facing backlash from correctional authorities, has published many articles and editorials critical of the penal institutions in the area (p. 178). Bonner (2009) also problematizes reductionist perspectives of the media, demonstrating that the media can allow for greater visibility of organizations that advocate for accountability in cases of deaths by police violence (p. 307).

Scholars have also cautioned against critical analyses conducted in an effort to draw a causal relationship between media representations and public attitudes toward the criminal justice system (Boda & Szabo, 2011; Carrier, 2015; Doyle, 2006; Ericson, 1991; Ferrell et al., 2008). Boda and Szabo (2011) and Doyle (2006) have found that, despite many efforts, empirical research has generally failed to provide any definitive evidence in support of a causal

relationship. Similarly, in criticizing the literature on moral panics, many scholars have warned against using media coverage as a proxy for a form of unified public response (McRobbie & Thornton, 1995; Ungar, 2001; Doyle, 2006; Hier, 2016). In line with this, scholars have stressed that the public should not be seen as a homogenous or passive entity, accepting whatever is represented in the news media (Boda & Szabo, 2011, p. 333; Doyle, 2006, p. 872; Ericson, 1991, p. 221; Ferrell et al, 2008). Members of the public will not necessarily buy into the media representations in a uniform way, as Doyle (2006) emphasizes that individuals may have different experiences of crime based on their class, ethnicity or gender (p. 872). Furthermore, it should not be assumed that members of the public cannot differentiate between fact and fiction when watching prison films, television shows, etc. Instead, cultural criminologists encourage researchers to be attuned to the fluidities of meaning and the ways in which the crime-media dynamic socializes and directs our thinking and actions in a multitude of complex and nuanced ways.

It is important to note that while scholars have typically been concerned with establishing causal relationships between the media and the individual, there is a greater need to examine how media communications may structure and influence the fields of possibilities for social systems such as politics and law (Doyle, 2006). In his discussion, Doyle (2006) posits that “‘the public’ itself may be bypassed by politicians who simply read off an imagined public response from media content and act on these readings” (p. 874). While beyond the scope of my particular project, it would certainly be worthwhile to examine any possible links between deaths in custody and system reforms.

Fitting this Project into the Literature

Thus far, I have discussed two distinct bodies of literature and outlined the theoretical grounding of my study. In the following section, I explain how my project fits within and contributes to these bodies of literature.

The existing literature surrounding official responses to deaths in custody is significant, as these official discourses may often inform media representations surrounding these cases. Of course, the media may also inform official investigations (however, that is an inquiry for another project). Nevertheless, there are certain limitations to examining only official responses to a death in custody. As Scraton (2002) explained in his discussion of inquests/inquiries into controversial deaths in custody, “the political purpose of official discourse is never a full and open inquiry” (112). Similarly, as Razack (2015) highlights, critical scholars have long noted that states defend their reputations and the actions of police/medical professional in inquiries and inquests (p. 7). These scholars suggest that these types of official discourses are intended to reaffirm public confidence in the criminal justice system, rather than providing any form of substantial critique.

In contrast to these official discourses, the media may provide opportunities for dissenting opinions. The news media can offer a forum where official discourses can be challenged and contested from the “bottom-up” by other individuals and institutions, that have previously been overlooked or subjugated (Foucault, 1980, p. 132). While the literature concerning media representations of the prison suggests that the media typically reinforces the legitimacy of the prison, media organizations are important vehicles for identifying and exposing deviant behaviour and creating moral boundaries (Ferrell, Hayward & Young, 2008, p. 123). The above referenced literature points to the diversity of media representations and suggests that the media does not always reinforce the status quo, at least not in a transparent way. However, while these

representations may outwardly issue a critique of the system, they may similarly reproduce and support dominant ideas concerning prisoners and imprisonment, under the guise of a reform-oriented critique of the system. Thus, it is important to be equally attentive to the messages presented in representations. Overall, an examination of media representations, both the textual and visual aspects, is important to understand how we make sense of these deaths. Moreover, it can provide greater insight into how deaths in custody are discussed, compared to an analysis of only official responses.

Additionally, the majority of the research concerning deaths in custody has focused solely on textual discourses. However, visual imagery plays a significant role in how representations of ‘crime’ and ‘criminals’ are presented in the media and cultural criminologists advocate for researchers to be particularly attentive to the visual representations of both. Furthermore, as will be discussed in my methodology chapter, individuals are increasingly accessing the news in their online format, which allows for a great multimedia approach to the news. Accordingly, my research seeks to assist in addressing the gap in the literature by examining the role of the visual in these online media representations. The importance of a visual approach will be discussed further in the chapter concerning the methodology.

Overall, this research analyzes online news media representations of the custodial deaths of four Canadian individuals in an effort to understand how the individual and the prison system are discussed in these representations. In recognizing the power of the media as a cultural force, this project considers whether online news media representations of deaths in custody can create opportunities for different ways of thinking about the prison and the prisoner, which may challenge the use of imprisonment and challenge dominant portrayals of prisoners as a

population distinct from the rest of society. Cultural criminology's emphasis on the production of meaning with regard to crime and criminal justice will work to enrich my overall analysis.

Chapter 3: Theoretical Concepts

In this chapter, I put forth the theoretical considerations that frame this research; namely, the concepts of grievable life and penal spectatorship.

Grievable life

This research draws on the work of Judith Butler to assist in making sense of these cases. In her discussion of the political climate post-September 2001, Butler (2004) coins the term “grievability” to discuss the means through which some deaths become recognized as deserving or undeserving of public grief. From Butler’s (2004, 2009) perspective, we must move beyond thinking of grief as solely serving a privatizing and psychological function and move toward recognition that grief can also build a sense of political community. Similarly, Morse (2018) states that grief must be considered a political statement about the value of the deceased individual’s life (p. 254). Butler (2004) contends that grief allows us to understand and empathize with the vulnerability of others and can prompt critical opposition to the continued vulnerability of others (p. 30). She argues that those lives that we publicly mourn and those that are excluded from such mourning, express something about our relations to others and what we perceive of as our ethical responsibility. Our ability to perceive others as human set limits on the kinds of death that we can declare as loss. Those who are deemed worthless in life are also deemed unworthy of grief in death. Thus, it is only through recognizing that a life has value that one’s death becomes grievable (Butler, 2004, 2009).

Butler (2004) highlights the role of the obituary as “an instrument by which grievability is publicly distributed” and the means through which a life “becomes, or fails to become, a publicly grievable life” (p. 34). She further claims that the obituary serves as a tool of nation building and underscores that there are no obituaries for those casualties that occur at the hands

of the United States military. Similarly, in Seale's (1998) book concerning the sociology of death, he states that the mass media's portrayals of death can contribute to nation building. "People and events are brought closer by the news and media, which exercise a globalizing effect encouraging a perception of humankind, which as Giddens (1999) states, 'becomes a 'we' facing problems where there are no others'" (Seale, 1998, p. 122). Butler's recognition of the obituary as a significant cultural form is not unique. Some scholars have analyzed, in a quantitative manner, the distribution of grief through this particular form (Fowler, 2004, Fowler & Bielsa, 2007), noting the differences in who is portrayed most frequently in these forms, while others have examined these forms in a qualitative manner. Hume (2003) analyzes the New York Times *Portraits of Grief*, which was a publication consisting of sketches of the lives of individuals lost in the terrorist attack of September 11, 2001. While the structure was slightly different than a traditional obituary, Hume (2003) found that these sketches served the same function in that they set the terms of what was considered a valuable life.

While recognizing the obituary as a significant cultural form, Palmer-Mehta (2015) and Morse (2018) assert that we must move beyond looking at obituarial forms and also look at media discourses such as editorials, commentaries and other news forms that frequently represent death. Similarly, Hanusch (2010) argues that the language that is used and the pictures that are displayed in media representations concerning death create certain views about that death and attach values to it (Hanusch, p. 7). In her analysis of the discourses surrounding the death of "radical feminist" Andrea Dworkin, Palmer-Mehta (2015) found that these discourses overwhelmingly issued a criticism of Dworkin based on her emotions and embodiment. These criticisms presented Dworkin's life as unworthy of the respect typically afforded to the dead, and thus, led Palmer-Mehta (2015) to conclude that her death had been deemed "ungrievable".

Accordingly, Palmer-Mehta (2015) highlights that simply because discourses surrounding an individual's death are present, does not mean that status or value is conferred to a life. This is important in our consideration of media representations depicting a prisoner's death. While all four of these cases received substantial coverage in comparison to many other deaths, examining these discourses allows us to explore the contours of grievability and its possible limits.

Similarly drawing on Butler's work, and recognizing the need to examine discourses, Morse (2018) develops an analytical framework for studying and analyzing discourses about death in order to understand how a life is made grievable or un-grievable through the media. Using a comparison of the attack which occurred at the *Charlie Hebdo* headquarters in Paris and the Baga Massacre in Nigeria⁵, both of which occurred in 2015, Morse (2018) proposes three dimensions for the construction of mediatized grievability:

- (1) the construction of the dead person as human; (2) the constitution of spatio-temporal commonality for spectators and distant others; and (3) the production of a witnessable account. These components create a shared experience for spectators and sufferers, and construct vulnerability as a motivation for solidarity (p. 248).

Morse (2018) puts forth that in order for a death to be considered grievable, the media must construct the individual as "human" by providing "pre-death agency" to the individual (p. 249). Therefore, the task of the scholar is to interrogate the discourses used to imbue meaning to an individual's life before death. He argues that to establish pre-death agency, the lost life must be associated with a person and with the life of an individual with which the audience can identify. In his analysis of media coverage concerning the Baga Massacre and the Paris attacks, he highlights that the media representations concerning the Paris attacks frequently included photographs of the dead and familial descriptions of these individuals. However, none of these

⁵ On January 7, 2015, two men entered the headquarters of the French satirical newspaper *Charlie Hebdo* in Paris and began firing, killing 11 of the newspaper's personnel. Between January 3 and 7, 2015, in the town of Baga in northern Nigeria, Boko Haram militants initiated attacks killing hundreds of people.

tactics were used to describe the victims of the Baga Massacre; therefore, the audience had no way to become acquainted with the dead and therefore no way to avow their loss as one to be grieved.

Morse (2018) argues that these representations must also constitute a spatio-temporal commonality, in that it must “convey a sense of the extraordinary” and establish a connection between “sufferers and spectators by registering the reality ‘out there’ in the ‘here and now’ of the spectators” (p. 250). Morse (2018) posits that we must consider whether the event of a death breaks with the everyday routine of the media pointing to the fact live reporting of the events as they unfolded in Paris. Emphasizing the role of the visual, Morse states that the technological documentation of an event can shape the way viewers may experience mediatized death, blurring lines between the “zones of danger and of safety” (p. 252).

Finally, Morse (2018) states that we must consider how the text encourages or discourages spectators to bear witness to the occurrence and to understand the reality of distant others. This involves an analysis of the ‘realness’ of sights and sounds and to what extent the spectator is encouraged to empathize with the distant other. Morse (2018) asks us to consider the facts that are presented by these representations and to consider how these facts are told, in ways that may elicit an emotional or moral response. In the case of the Paris Attacks, Morse (2018) highlights that the coverage consisted of displaying the attacks as it happened and the inclusion of several eyewitnesses. In contrast, the coverage concerning the Baga Massacre consisted of delivering the basic facts without any engagement with those at the scene. Thus, Morse (2018) contends that these reports were insufficient in forging ethical ties between the victims and the spectators. Morse (2018) posits that when these three dimensions come together in media representations, they may

facilitate an imagination of the lives and experiences of the people ‘there’ and of how this event is pertinent to the lives of spectators; they make a proposition regarding the ways spectators should feel and respond in relation to distant death, and the ways they should judge it (p. 253).

Overall, the media is considered to play a central role in the construction of an individual’s life as grievable. While Butler (2004) originally focused on the deaths of geographically distant others, her concept of grievability is also useful in examining media representations of deaths in custody. While prisoners in Canada do not face the same geographical distance as many of the subjects Butler discusses, they are still excluded, both geographically and socially from the general population. Furthermore, criminalized individuals, and more specifically, prisoners, are typically presented in negative or stigmatizing manners in the media. As Brown (2009) states, prisoners, in many ways, are the “ultimate stranger”, as they are presented within frameworks that emphasize individual responsibility and position them as monstrous (p. 39-40). For these reasons, in-custody deaths represent noteworthy cases to examine the mechanisms through which we may confer or restrict grievability and how lives that may previously have been considered stigmatized may become grievable. This analysis also lends itself to understanding our ethical obligation to this stigmatized population and what is considered an appropriate response to these deaths.

Penal Spectatorship

The second key theoretical concept used in this thesis is penal spectatorship. As Davis (2008) and many other prison scholars have concluded, the existence of the prison as a response to those convicted of a serious crime is typically taken for granted in Canadian society. Brown (2009) explains that citizens often access knowledge regarding punishment through cultural practices distanced from formal institutions such as the prison. These types of representations allow the distanced spectator to participate in “punitive spectacles and engage in moral judgment

from afar” (Linnemann & Wall, 2013). It is this experiential distance that defines our relationship to the practice of punishment and which shields us from the inherent infliction of pain involved. Brown (2009) explains that individuals may access punishment through a multitude of cultural practices including cinematic representations, penal tours, advertisements, scientific investigation and news coverage. Similarly, other scholars have highlighted the enactment of penal spectatorship through penal tours (Fiander, Chen, Piche & Walby, 2016; Strange & Kempa, 2003; Walby & Piche, 2011) and anti-drug campaigns (Linnemann & Wall, 2013). These authors overwhelmingly concluded that these distanced representations typically do not grasp the reality of human suffering produced by the prison and instead, reinforce or naturalize state discourses regarding the act of punishment and the necessity of the prison.

Brown (2009) contends that distanced representations shield “us from the democratic burden of punishment as a kind of cultural work – something we do, which requires intention, deliberation, and human check, which has effects both intended and unintended” (p. 11). Thus, Brown (2009) advocates for representations that bridge the social distance between spectator and recipient. To do this, she argues that we must make punishment, and all of its complexity, more visible. By diminishing the mystery of punishment, Brown (2009) argues that we can begin to “elaborate the shared bond between the punisher and the punished and the complicity and responsibility of ‘distant’ community members in the infliction of pain” (p. 201). Efforts must be made to humanize those affected by imprisonment and to rethink the parameters of “who counts” (Brown, 2009, p. 202). If representation fails to achieve these things, the penal spectator will find oneself unable to see the criminalized as an individual with whom we share commonalities as well as one’s own involvement in penal frameworks.

Drawing on Brown's concept of penal spectatorship, Fiander et al., (2016) examine the potential of penal history museums in challenging the role of imprisonment and punishment. While noting that the majority of Canadian penal history museums draw on conventional tropes regarding the prison and ideas of dangerousness, they present three cases where these dominant discourses were contested and the practice of incarceration was challenged. These authors found that these three museums contested dominant discourses by centering humanizing narratives of prisoners and, in one case, focusing on "colonial violence and the use of institutionalized exclusion and pain by settlers" in a way that returned the gaze toward penal spectators (Fiander et al., 2016, p. 15). In this way, these authors concluded that penal museums have the potential to diminish the social distance between penal spectator and those incarcerated and open up critical ways of thinking about the way we punish in Canada.

While this project is not necessarily concerned with spectating punishment in itself, it is concerned with how media coverage concerning deaths in custody constructs the imprisoned and the prison. As Brown (2009) states, typical media representations shield us from the inherent infliction of pain involved in punishment. By maintaining a social distance between penal spectators and the criminalized, punitive policies are allowed to remain, or to flourish. Yet, the cases involved in this study bring representations of the prison, and, depending on the circumstances surrounding the death, the infliction of pain, to the forefront. Thus, these cases present a unique opportunity through which punishment and prison is discussed publicly – unique from typical representations of the criminalized, which focus on the dangers associated with that population. A death in custody, which receives media attention, provides an opportunity to open up a discussion about imprisonment or the way we punish in Canada. However, as noted in the literature review, a death in custody does not automatically translate

into compassionate responses or troubling the idea of imprisonment. That being said, the intention of this project is not to make a determination as to whether the prison system is actually undermined or reinforced. Instead, it is to look at how the news media represents the prison in ways that may encourage certain views. Thus, the concept of penal spectatorship is useful in this analysis, as it provides a critical lens for evaluating how these representations construct the act of punishment and how they undermine or reinforce the legitimacy of the prison.

Chapter 4: Methodology

In this chapter, I outline the methodological approach used to complete my research project. I begin by outlining the case study approach that was used as the design frame for my research and the benefits of the qualitative approach to the case study. I then describe the analytic strategy used; namely, the use of both a critical discourse analysis and visual analysis for completing my research. Finally, I detail the steps taken during this project.

The Case Study

To answer my research questions, I utilized a qualitative multiple case study approach. Simons (2009) defines the case study as “an in-depth exploration from multiple perspectives of the complexity and uniqueness of a particular project, policy, institution, program or system in a “real life” context.” (p. 21). In contrast to other forms of qualitative research, the defining characteristic of a case study is the limitation placed on the object of study, the case. In other words, there is a boundary around that which is to be studied (Creswell, 2005; Merriam, 1998; Stake, 1995; Yin, 2009). As a qualitative approach, the case study focuses on “holistic description and explanation” and is chosen by the researcher because of its ability to facilitate insight, discovery and interpretation (Merriam, 1998, p. 29). The case study allows for and is characterized by its “thick” description (Stake, 1995; Merriam, 1998). While some authors have equated the dense narrative of case studies with mere storytelling, the thick description can be important in highlighting “the complexities and contradictions of real life”, which is particularly important in the field of social sciences (Flyvbjerg, 2006, p. 22).

While case studies may involve quantitative methods, a qualitative approach was necessary for this project. Whereas quantitative methods emphasize the importance of the scientific method and objectivity, reliability and validity; qualitative approaches emphasize

discovery and interpretation, allowing the researcher greater flexibility, in turn, making these methods particularly apt to studying social and cultural phenomena (Creswell, 2005; Stake, 1995; Tonkiss, 2004). The qualitative case study seeks a greater understanding of a phenomenon, appreciating its uniqueness and complexity, as well as its embeddedness and interactions with its contexts (Stake, 1995, p. 16). With regard to the study of media representations, a quantitative approach to textual analysis typically involves counting word frequency in an effort to identify themes and patterns within the text; similarly a quantitative visual content analysis is typically concerned with who or what is represented and involves counting the number of appearances of actors or themes (Bock, Isermann & Knieper, 2011; Riffe, Lacy & Fico, 2014). These types of quantitative approaches would have been insufficient in providing the data necessary to answer the research questions of this project. Qualitative methods, with their emphasis on discovery and interpretation allows the researcher to identify not only what is present in media representations, but also what is absent in those representations in an effort to discover how meanings are constructed. Accordingly, qualitative methods, such as critical discourse analysis and a qualitative visual analysis, may produce a more in depth and contextual perspective of the representations being examined, making these methods particularly germane for my current study. These methods will be discussed later on in this chapter.

As a design frame, the case study can allow for greater depth and richness to one's analysis and allows the researcher to utilize multiple methods, a task that may become less feasible with larger samples, depending on the scope of one's project. Additionally, the in-depth analysis provided by the case study is particularly congruent with a cultural criminology framework, which advocates for a researcher that is sensitive to the "subtleties of meaning and open to the orientation of others" (Ferrell et al., 2008, p. 192). Moreover, the case study supports

Ferrell et al.'s (2008) advocacy for an approach involving “attentive observation and compassionate analysis” (p. 192) and is in line with their assertion that researchers should embrace a deep involvement with the text such that “the researcher is able to develop a thickly descriptive account of the text in all its complexities of information exchange, format, rhythm and style” (p. 189). Overall, the qualitative multiple case study was an appropriate choice for this research project, as it allowed for a more attentive and in-depth analysis into the nuances of the articles being studied. In the next section, I discuss the analytical methods used to conduct my research. Following an overview of critical discourse analysis and visual analysis, I discuss the procedures followed in selecting the cases, as well as the analytical steps of this project.

Critical Discourse Analysis

Critical discourse analysis (CDA) was used to analyze the textual aspects of the online media articles. CDA is a methodological approach used to study forms of social interactions that take place in a linguistic form. This methodological approach is compatible with the theoretical grounding of this project, as its goal is to understand texts as complex, and often conflicting, cultural processes through which meaning is constructed (Altheide & Coyle, 2006; Tonkiss, 2004). Those who practice CDA assume that an individual's concept of reality is constructed through interactions and mediated by the use of language and other social semiotic systems such as body language and visual images (Huckin, 1997). Language may be used for fostering and maintaining hegemonic ideas, as a tool for regulation and normalization or as a tool of resistance (McGregor, 2010). CDA is used to challenge the idea that language is abstract, transparent or neutral and instead, move toward realizing that language has particular meanings in particular social, historical and political contexts (McGregor, 2010, p. 2). Thus, CDA seeks to reveal the “social and ideological work that language does in producing, reproducing or transforming social

structures, relations and identities” (Fairclough, 1993, p. 209). More specifically, CDA aspires to reveal the power relations that influence and are located within texts, as well as providing an awareness of how language may be a factor in domination (Fairclough, 1993, p. 186).

CDA’s emphasis on context-sensitivity also makes it compatible with a cultural criminology approach. CDA recognizes that texts are not produced in isolation, but are produced in specific spatial and temporal conditions (Fairclough, 1993, Huckin, 1997). Thus, CDA strives to understand how relevant contextual factors, both historical and present, contribute to the production and interpretation of a text. This is reflected in Fairclough’s (1993) framework, which contends that CDA involves three levels of analysis; that is, the text, the discursive practices that create and interpret the text and the context in which the text is produced. Following this framework, the goal of the researcher is to demonstrate how all of these levels are interrelated. Thus, the researcher must recognize that the meaning of the text is derived, not just from the words on the page, but also from how the text is used in a particular social context (Huckin, 2002, p. 80). Additionally, the researcher must take into account the sociocultural practices of the text producer and the text interpreter. CDA’s emphasis on context-sensitivity also makes it compatible with a cultural criminology approach and, as reasoned by Flyvbjerg (2001) and Schwartz-Shea and Yanow (2012), this type of context-dependent analysis leads to a thicker description and creates more grounded claims in the social sciences.

CDA moves beyond pure description of discourse and toward an explanation of how and why certain discourses are produced (Teo, 2000, p. 11). An important step in conducting CDA is identifying the genre to which the text belongs and examining how the text either conforms or contradicts that genre. This can allow for insight into why certain statements have been made and what purpose these statements may serve (Huckin, 1997, p. 82). News discourse, as

explained by Van Dijk (1988) is subject to a number of constraints, including production demands, which leads to a distinct and recognizable structure (p. 76). Additionally during the process of CDA, the researcher is tasked with identifying the various linguistic strategies made by various groups to shape social attitudes toward events, people or issues (Van Dijk, 1993, p. 259). Understanding that there are a number of strategies that could be employed to discuss events, people or issues, the researcher must ask what options are chosen and what the consequences of those choices are (Fairclough, 1993; Mayr & Machin, 2012). In textual analysis, this involves looking at word and grammar choices and also at the text's structure, all of which can function to emphasize or downplay certain ideologies. Furthermore, the researcher must be as attentive to what is omitted from the text, as to what is included in the text (Fairclough, 1993; Huckin, 1997; Mayr & Machin, 2012; McGregor, 2010).

In addition to analyzing these linguistic strategies, I also reviewed whose voices were present in these articles, how much space was given to each voice and how these voices were presented. Fairclough (1995) explains that media reports are rarely neutral with all voices represented equally; instead, certain voices are given prominence, while others are marginalized (p. 81). He explains that there are a number of linguistic strategies that may be employed by the reporter in order to minimize or allot statements with a sense of assertiveness. As discussed in the literature review, families of victims are often not afforded prominence in official inquiries or inquests concerning deaths in custody and instead, medical and legal discourses are afforded the greatest legitimacy. Thus, I was concerned with identifying what sources were most prominent in the media representations in order to understand whether the media allowed for otherwise subjugated sources to voice their concerns.

Fairclough (1993) emphasizes that a researcher's interpretation of texts depends on their own experiences and as such, what one researcher may claim to be relevant another researcher may not. McGregor (2010) reiterates this point stating that people, depending on their backgrounds, knowledge and positions, will interpret discourses differently. Thus, Fairclough (1993) emphasizes that the researcher needs to be reflexive of one's "interpretive and strategic biases" when conducting an analysis (p. 212). Furthermore, given the diversity of practices and the relative instability of social relations, Fairclough (1993) emphasizes that it is not possible to develop a universal or unitary characterization of language genres, contents or forms. As such, it is necessary to take an iterative approach that focuses on the context and situatedness of the text. While there is no "right" interpretation, the employment of CDA can allow for a more plausible interpretation (Fairclough, 2002).

Fairclough (1993) contends that texts constitute an important form of social action and may be considered as "sensitive barometers of social processes" and indicators of social change (p. 209). While the use of CDA allows the analyst to uncover strategies used to create discourses that produce or reproduce current power relations, it can also reveal linguistic strategies that may challenge these power relations. Thus, CDA was useful in exploring the textual aspects of the media representations of deaths in custody in order to understand how language is used to reproduce or challenge existing ideas about the prison and those imprisoned.

Visual Analysis

In addition to analyzing the textual aspects of online news media articles, I completed a visual analysis of the images/videos used. Many scholars have embraced the inclusion of a visual analysis in the social sciences emphasizing that the visual is central to the construction of social life in contemporary Western societies (Ferrell, Hayward and Young, 2008; Mayr & Machin,

2012, Rose, 2016). From the prominence of cell phone cameras to CCTV footage, now, more than ever, we are surrounded by visual technologies and suffused with the images that these technologies produce (Hayward, 2010; Rose, 2016). This is no more apparent, says Hayward (2010), than when we consider how crime is visually represented. Accordingly, scholars advocate for a methodological approach that is attentive to the meaning and symbolic power of the image and Hayward (2010) contends that cultural criminological framework is situated to achieve just that (p. 3).

Through the plethora of technologies available, the world is rendered in visual terms; however, this rendering is never neutral (Rose, 2016, Machin & Mayr, 2012). Images generate meaning by presenting the world in very particular ways, which may depict or render invisible social differences (Rose, 2016, p. 18). Moreover, the selection of news images is never neutral or impartial (Barthes, 1977, Wardle, 2006). Similar to how reporters and journalists decide which stories to present and how they will be presented, images are subject to the same type of gatekeeping decisions. News media staff may take photographs themselves, or they may choose from existing photos. Regardless, prior to publishing, these pictures are subject to editorial decisions concerning cropping, size, design and placement of the photo in the article. These editorial decisions, in turn, influence how the image is read by the audience (Wardle, 2006, p. 265-266). In recognizing this, Jones & Wardle (2010) advocate for an approach that explores, among other things, “how techniques of image construction, juxtaposition and manipulation can force specific inferences” (Jones & Wardle, 2010, p. 63).

Authors who advocate for a visual analysis emphasize that images are rooted in the social world and that these images can only be made comprehensible when the context is taken into account. Thus, in order to achieve “visual competence”, Pauwels (2010) asserts that researchers

must pay special attention to the historical and cultural context in which the image is produced and consumed (p. 561). Rose (2016) also suggests that intertextuality is important to understanding the message being produced by images/texts, that is, the meaning of a text/image is dependent upon the meanings attached to other images/texts (p. 136). Therefore, at this juncture, it is important to comment on the extensive relationship between crime and photography. Lashmar (2014) provides the following commentary concerning the history of crime and photography:

The idea that criminals are somehow inherently different from the rest of society has probably been with us since the beginning of human society but by the 19th Century interested scientists endeavoured to turn this into a science. Photography was an enabler allowing classifiers to gather a large number of images of criminals to test their theories (p. 13).

He further contends that today's mugshot serves the purpose of not only identifying those arrested, but also contributing to the "festival of crime" by shaming and branding the individual through its implication of guilt. Accordingly, given the significant history of crime and photography, analyzing the photographs used to represent these criminalized individuals can provide important insight into how these deaths are presented overall.

While photographs and other still images have long been a staple in media representations, videos are becoming increasingly prevalent in the online news landscape. According to a study completed by Reuters Institute in 2016, news organizations have demonstrated an increasing focus on online video as a way to increase engagement and push new revenues. Through an analysis of data on video consumption and production as well as interviews with news organizations across Europe and North America, Reuters Institute analyzed the developing strategies and approaches to online news video and the extent to which consumers are embracing this format. The Institute found that 79% of senior digital leaders

surveyed, stated that, at the beginning of 2016, they would be investing more in online videos during the year (p.8). Reuters Institute (2016) also found that news organizations often embraced short, texted and emotional videos that often had an intense beginning intended to capture the audience's attention (p. 22). While this research concluded that overall, news consumers preferred text to video, it was acknowledged that video would continue to become a bigger part of the online news landscape. Therefore, considering the increasing prevalence of online videos and the numerous editorial decisions that must be made during the production of these videos, they were regarded as an important data source for making sense of how the online news media represents deaths in custody.

The inclusion of a visual analysis was seen as necessary for providing a more comprehensive exploration of how the online news media discusses deaths in custody. In this project, I analyzed how images/videos worked alongside text in media representation to produce certain meanings. However, my intention was not to render the visual as mere illustration of the text. Rose (2016) emphasizes that while visual images often work in juxtaposition with other types of representations such as texts, images carry within them, their own forms of “visual resistance, recalcitrance, argument, particularity, banality, strangeness or pleasure” (p. 22). While traditionally, criminology studies have focused on texts and numbers, relegating the image to a secondary or subordinate position, cultural criminologists advocate for an approach that takes seriously the role of the visual in discussions of crime and criminality. Specifically, Ferrell & Van de Voorde (2010) encourage the researcher to give careful consideration to the interplay between texts and images and to consider the “purpose of images vis a vis text and text vis a vis images” (p. 45). They draw on Barthes' (1978) work to suggest a possible solution to challenging dominant ideas about the relationship between images and texts.

Barthes (1978) distinguishes between the anchorage and relay function of the image. Anchorage suggests that the text is used to direct the reader with regard to the content and interpretation. In contrast, relay suggests that texts and images work alongside each other to illustrate and illuminate the other, in turn, contributing to a larger narrative. As Ferrell & Van de Voorde state “both image and text become something more in the presence of the other, amplifying and deepening the layered meanings available within each medium, in the service of integrated communication” (p. 45). Using Barthes’ (1978) explanation of the relay function of the image, I sought to understand how videos, images and texts were used together to create certain discourses concerning deaths in custody.

Of course, mere description of methods does not adequately account for the unanticipated complexities and decisions that inevitably arise during the project. In the next section, I have detailed the process of my research project, from how the sources and cases were selected to how the analysis occurred.

My Process

In this next section, I begin by first outlining how I chose the data sources for this project and I then outline the process for choosing the individual cases included my project. Following this, I describe the analytical steps taken throughout my project.

The Selection of Sources

Online news articles, rather than print news articles, were chosen for my analysis for several reasons. Although print media would have provided a larger volume of articles, print articles are only accessible in their original format for a limited period of time meaning that any pictures included in the original format are removed. Following this period of time, print news articles may be found in their original format from Library and Archives Canada; however, it

was determined that obtaining articles that way would be overly time consuming. In contrast, online news articles are easily accessible and may be available in their original format for a long period of time. As such, and, as I sought to analyze the role of the visual in these representations, online news media was seen as the most appropriate choice.

In identifying the online news sources, I first chose Canada's two online national newspapers: The Globe and Mail and The National Post. Additionally, I chose to analyze online news articles published by CBC News given that it is Canada's national public broadcaster. All of these sources were chosen because of their national coverage. Originally, I had not intended to include online local news coverage; however, after identifying the individual cases, I chose to include local news coverage in an effort to broaden my analysis. As each death occurred in a separate city and province, I researched the various online newspapers in each city. Based on the search results, I chose the Edmonton Journal, the Saskatchewan Star-Phoenix, the London Free Press, all of which are owned by the Postmedia Network. It was assumed that this would provide some consistency in terms of the political stance of the news outlet. As the Postmedia Network does not own any newspapers in the Atlantic region, I chose the Times & Transcript from New Brunswick, as it is the largest news provider in the area.

To identify the required articles for my analysis, a search of each website was conducted using the deceased individual's name and a chronological list of articles was then created for each case. The articles analyzed were limited only to those whose subject centered on the death of the individual. Any articles, in which the individual was named in reference to a separate or unrelated issue, were excluded from this project. For example, I identified a number of articles concerning the recent legal proceedings regarding the use of solitary confinement in Canadian jails and prisons in which the death of Edward Snowshoe was cited as an example of the

damaging effects of solitary confinement. However, as the articles did not discuss the details of the death itself, these articles were not included in my analysis.

Choosing My Cases

When developing a project, the researcher must choose between completing a single case study or a multiple case study. A single case study may be chosen because of its intrinsic interest or it may be used because of the time or monetary constraints of the researcher. Investigating multiple cases is more time consuming and can be more costly; however, a multiple case study may be regarded as more robust (Herriott & Firestone, 1983) and may contribute to better understanding of an even larger number of cases (Stake, 2005).

A multiple case study was seen as the most appropriate approach for this project in order to provide a more comprehensive analysis into this phenomenon. Merriam (1998) contends, “the more cases included in a study, and the greater variation across the cases, the more compelling an interpretation is likely to be” (p. 40). Furthermore, following a multiple case study approach can allow for a cross comparison between cases, which may provide important insights (Stake, 2005, p. 446). Given the differing circumstances that often characterize deaths in custody, I decided that studying multiple cases in which the circumstances of death were unique from each other would allow for comparison and thus greater insight into the object of study; namely, how the media represents deaths in custody.

Case study researchers have highlighted the importance of choosing the case, or cases, to be studied. While there is a general consensus that random sampling is neither necessary nor preferable in the case study approach (Eisenhardt, 1989; Flyvbjerg, 2006; Seawright & Gerring, 2008; Stake, 2005), many authors have provided differing stances on what method of sampling should be used. Eisenhardt (1989) has argued that rather than pursuing a representative or

random sample, case study researchers should choose particular case(s) for the purpose of extending theoretical claims. Following the tradition of grounded theory, she refers to this process as theoretical sampling (p. 537). Other case study researchers have sought diversity in choosing in order to enhance the exhaustiveness of the sample, and in turn, the generalizability of the findings (Seawright & Gerring, 2008, p. 301).

However, some researchers have disputed the assertion that case selection should be based on considerations of generalizability. Flyvbjerg (2006) encourages researchers to choose atypical or extreme cases, as these are the ones that “often reveal more information because they activate more actors and more basic mechanisms in the situation studied” (p. 13). Similarly, Siggelkow (2007) explains that a case may actually draw its power and significance from its rarity, rather than its ability to be applied to other cases (p. 20).

Stake (2005) has also argued that the case study researcher need not conduct their sampling on the basis of attributes or seeking representativeness, instead, he emphasizes that a researcher’s choice should consider which cases provide the greatest “potential for learning” (p. 451). While there is no unitary approach to the selection of cases, there is a general finding among many scholars that case study researchers should seek richness in information, which means that cases should be chosen purposefully, rather than randomly. Accordingly, in choosing the individual cases to be included in my project, I did not seek representativeness, nor was generalizability my goal; instead, I pursued richness in information and was guided by Stake’s (2005) assertion that the researcher should consider which cases might provide the greatest opportunity to learn (p. 452). While Stake (2005) does not provide a precise measure for assessing a case’s potential for learning, I did consider several factors in my selection.

In order to first familiarize myself with the coverage of deaths that occurred in custody over the last five years, I completed a number of searches using the *Factiva* database with the following search terms: “death in prison”, “dies in jail”, “dies in prison”, “dies in custody” and “death in custody”. Although *Factiva* is a print news database, it was still able to provide an important indicator of the deaths that occurred and the amount of coverage they had received. I chose to limit my scope to deaths that had received media coverage in the last five years. While originally I had intended to limit my study to only those deaths that occurred in the last five years, I quickly realized that given the secretive nature of the jail and prison system, details of deaths in custody are often slow to emerge. Many times, the exact nature and circumstances of the death may not be publicly known until the conclusion of the inquest/inquiry, which can take several years. For example, while Edward Snowshoe died in 2010, the circumstances of his death were not known by the public until 2014 at which time the Alberta Public Fatality Inquiry was completed.

In total, using the above search terms, I identified 65 individuals whose deaths had received print news coverage in the last five years. Following this preliminary search, I conducted a secondary search in *Factiva* of the 65 names and documented how many articles had been published for each individual. Any cases for which there were less than 5 articles published were eliminated. This step significantly reduced the number of potential cases. As my next step, I began reviewing the articles published regarding each individual to gather a greater understanding of the circumstances.

In addition to the above, I chose to limit the cases to those deaths for which a cause had been reasonably determined, as it was presumed that these deaths would have received the most wide-ranging and comprehensive coverage in the media, which would allow for a more in depth

analysis of the cases. While I sought cases that had received comprehensive coverage, it is important to clarify that I did not equate comprehensiveness with volume. Instead, I was more concerned with the nature of the reporting. For example, during my case selection, I identified 15 articles published concerning the death of Edward Snowshoe. While certainly not a significant number, these articles were published over the course of approximately three years and consisted of editorials, articles and an in-depth investigation, which had been conducted by the Globe and Mail. The different styles of articles and the range of content indicated a level of depth to the reporting.

Following this step, I had identified twelve individuals whose causes of death appeared to be known and whose cases had received the most print news coverage, I then completed a search of the websites for The Globe and Mail, the National Post and the Canadian Broadcasting Company (CBC) using these individuals' names. During this stage of selection, I sought variation in the circumstances of deaths and the characteristics of the individuals. As I was concerned with how the media represented custodial deaths in general (rather than a specific cause of death), I assumed the variation among cases would provide greater opportunities for insight into the more general research question. Thus, it was seen as beneficial to include cases of women and men, Indigenous or non-Indigenous, varying causes of death, etc. Following this step, I had arrived at five cases, as I had also included the case of Richard Wolfe. I thought that this case would provide interesting insight, given his relative notoriety in comparison to the other four individuals (prior to his death) and given that the cause of death appeared to be natural. However, following further review, I realized that, while the Correctional Service of Canada and the RCMP had ruled out foul play in his death, no official cause of death had been released. As both the RCMP and the Service have previously provided false information to the press (as in the

case of Matthew Hines) I was unwilling to rely on the determination of these organizations and thus, I chose not include this case in my project. That being said, as will be noted below, I do make reference to this case several times when discussing my findings.

As noted above, random sampling is neither necessary nor preferable in case studies. However, given the purposive nature of selection, it is important to be reflexive of how these choices may impact the overall findings. Choosing cases which have received comprehensive media coverage was important for this study; however, it does present certain considerations, notably in assessing grievability. If a death has received a significant level of coverage, it suggests that it has somehow met the threshold of newsworthiness, whether that be because of the individual themselves or the unusual circumstances surrounding the death (Hanusch, 2010). If a case has received significant coverage it could be related to the fact that the death of the individual has been identified as relevant, and perhaps, worthy of grief. Those deaths that receive less comprehensive coverage could result in different findings. I will return to this thought when discussing potential future research.

My Analysis

Stake (2005) emphasized that even in a multiple case study, each study should be seen as “a concentrated inquiry into a single case” (p. 444). Accordingly, during my analysis, I studied each case in its entirety prior to completing any comparisons. As will be explained below, my analysis was separated into three steps. However, during all three of these steps I was guided by a consideration of the theoretical concepts of penal spectatorship (Brown, 2009) and grievable life (Butler, 2004, 2009). During my analysis, I frequently returned to the literature concerning these two concepts and made observations as to how these concepts were enacted or apparent in the articles analyzed. As will be demonstrated in the following chapter, the result of this sort of

iterative approach between theory and data led to the mobilization of new literature in order to organize and articulate my findings.

The first step of my analysis was intended solely to familiarize myself with the text and the images used; thus, I completed a preliminary, and sometimes, secondary, reading of the article without making any notes. After reading the article in its entirety, I went through the article again making detailed notes regarding the content, pulling out important quotes and making notes on the language used and the sources cited. Rather than printing out each article and making handwritten notes, the text of every article was pasted into a Word document. Where, in the original article, there was a video, I included a transcription of the video, which also included notations concerning the visual elements used in the video. Where, in the original article, there was a photograph, I included a textual description of the photo, noting who or was depicted, the relative size of the image and whether the news outlet had taken the photo or if it was an existing photo.

The above process allowed me to analyze the article in its entirety, while also keeping my notes more structured than if it had been completed by hand. Additionally, including textual descriptions of the visual elements allowed me to better acquaint myself with the content of these elements, as I was forced to include a detailed description or transcription. After analyzing a few articles in each case, it became apparent that the same photos were frequently used by different news sources and so I was able to use certain key descriptors that would allow me to easily identify the picture upon re-review of my findings. For example, in several articles concerning Kinew James' death, the media uses a black and white photo of a youthful looking Kinew James. She has short, curly hair and is lying down with her chin in the palm of her hand; she is looking directly at the camera with a big smile on her face. Upon realizing that this photo was frequently

used, I was able to simply note “Kineu James with chin in hand” as a referent for myself for the photo.

During the next step of my analysis, I coded my findings taking into consideration the notes that had been made during my first step of analysis. I did not use pre-existing codes; rather, I developed the codes based on my analysis and findings. I began with a short list of codes, which Creswell (2007) refers to as “lean coding” and I then expanded the categories as I continued to review and re-review my findings (p. 152). For example, I first developed a code for segments and phrases that denoted the role of the prison in these deaths. Upon further review, I developed codes differentiating between those segments that discussed the role of individual staff members, those that discussed the role of the physical environment and those that discussed policies or procedures within the prison. The final coding guide is under Appendix A. Once the coding was complete, it was then easier to conduct comparisons of the five cases and to develop the themes that would characterize my discussion. As previously noted, the development of these themes resulted in the mobilization of new literature, which has thus far not been referenced.

Final Thoughts

The use of a multiple case study provided important insights into the research questions; however, the comparison of cases was both a messy and time-consuming process, as I strove to strike a balance between providing thick description of each case while also developing a coherent narrative that linked these cases. As a result, my findings have been organized in a way that ensures clarity, while also ensuring thick description. The detailed findings of each case are first presented individually. I then outline the major themes that structured the coverage and how these themes allowed or did not allow for the articulation of grievability and accountability.

Chapter 5: The Cases

In the following chapter, I provide the detailed findings of each case, documenting the key aspects of the media coverage. This chapter is intended to be descriptive in nature, noting whose voices were present, what was being said and how each case was represented visually. In the following chapter, I unpack the media coverage of these four cases, noting the common and significant themes throughout each case.

Kinew James

The online news coverage of Kinew James' death spanned over four years. In the first articles published following her death, readers are informed that Kinew James died of an apparent heart attack; however, there was an immediate indication by the media that there was more to the story than that. The headlines published in CBC three days after her death read: *Prisoner death sparks new allegations of guard neglect* and *Prisoner death triggers call for public inquiry* (Seglins & Noel, 2013a; Noel & Seglins 2013b). These early articles focused on allegations that staff at the Regional Psychiatric Centre ignored Kinew James' calls of medical distress for over an hour. Kim Pate, the then Executive Director of the Canadian Association of the Elizabeth Fry Societies is frequently cited in these early representations and is ascribed authority in her telling of events. As noted by one article published by CBC News:

"She was both calling out and pushing her call button for assistance," Pate says of the inmates' reports. "She was not getting any assistance."

Pate says the inmates also claim "that staff did approach to turn off the call button but did not respond with health care until some time, they think, approximately an hour or more later."

"By the time the other women indicate that the call was responded to, she was actually quiet so they were concerned she may have already been dead or she was unconscious," Pate says (Seglins & Noel, 2013a).

The family of Kinew James was also frequently featured in these articles noting that her mother spoke to her the night before she died. Her mother, Grace Campbell is quoted stating that "her

daughter was soft-spoken and a good listener. ‘She was a good cook, she was a good craftsperson, she was good all around.’” (Mackrael, 2013). Another article includes additional quotations from her mother:

Campbell describes her daughter as an ambitious and spiritual person. ‘Kinew means eagle. Her name is Ke-She-Ba-Nodin-Nuke-Kinew, that means Eagle in the Whirlwind,’ Campbell says (Noel & Seglins, 2013b).

This initial coverage also features much emphasis on the untimeliness of James’ death, as she was set to be statutorily released in 2013 and there is much emphasis on her future plans. Noel & Seglins (2013a) note that “[Kinew] was looking forward to life outside prison walls” and provide further quotations from her mother.

‘She wasn’t idling in there, she was doing whatever she could so she could come out and be ready to tackle whatever she needs to do to get her education and to work.’ (Noel & Seglins, 2013b)

Despite the media’s initial attention and concern with Kinew James’ death, there was no further coverage until approximately three years later at which time the media succeeded in having the Correctional Service of Canada’s official investigation report made public. The articles at that time focused on the Service’s findings that Kinew James’ medical conditions were not treated or responded to appropriately in the days and months leading up to her death. Drawing on the Service’s official investigation report, readers are informed that on the night of her death, Kinew James had complained of feeling unwell and had pressed her cell call alarm several times in the hours leading up to her death. The articles highlight the Service’s findings that a nurse at the Regional Psychiatric Centre, who found Kinew James unresponsive, did not call a Code Blue indicating a medical emergency, in an appropriate time period. In addition to underlining the events on the night of her death, these articles also present additional findings that the Service did not treat Kinew James’ physical medical conditions appropriately in the previous months, noting that her insulin had been administered incorrectly on three of the

four days preceding her death and that an electrocardiogram had not been completed, despite a doctor's orders for one four months before (Adams, B.A., 2016; "Corrections Investigation of Kinew James," 2016). While highlighting the findings of the report, these articles are careful to stipulate that these missteps *may* have played a part in her death.

The remaining coverage concerning Kinew James' death revolves around the Coroner's Inquest. The Coroner's Inquest was originally set to begin in April of 2016; however, it was delayed after the family of Kinew James and the Canadian Association of the Elizabeth Fry Societies (CAEFS) fought to expand the scope of the inquest to include Kinew James' institutional history. The inquest coroner stated that he was not comfortable ruling on a request to expand the scope of the inquest until he had reviewed the documents and he postponed the inquest indefinitely. The inquest was reconvened in April 2017, and although the official decision was never announced, the articles concerning the inquiry suggest that the scope of the inquiry was not extended to the extent that her family and the CAEFS desired.

Up until this point, the media had presented Kinew James' death as untimely and unfortunate and the Correctional Service of Canada had been criticized for its mistreatment of her physical health concerns. However, the media coverage concerning the Coroner's Inquest presents a shift in these representations, depicting Kinew James as a difficult inmate who defied medical advice and posed a significant challenge for staff. The media representations concerning the Coroner's Inquest primarily present the testimony of staff and present this testimony largely unquestioningly. Both the Saskatoon Star Phoenix and CBC News reported daily on the occurrences of the inquest and, after approximately a week of testimony, the inquest was concluded and the jury ruled Kinew James' death as natural. Despite the media's initial criticism of staff in 2013, the coverage concerning the inquiry began to focus less on staff's actions and

more on James' dietary choices and "unruly behaviours" during her incarceration. Articles frequently noted that she suffered from several ailments, including obesity, Type 2 diabetes and high cholesterol, noting that her diabetes was "poorly managed". While initially, the media highlighted that the Service had not treated her health concerns appropriately, including the improper administration of her diabetes medication, the focus of these articles shifts towards an examination of James' behaviours and actions while incarcerated, indicating that her diabetes was poorly managed because of her own actions. These articles cite staff testimony in which they attested that James would defy proper eating advice and that they were unable to control James' access to the prison canteen where she could purchase sugary snacks. One article contains a quotation from a staff member that James had been observed eating "sugar sandwiches" prior to her death (Adam, B.A., 2017b). While two articles reference testimony from staff who explained that eating, and in turn, defying doctors' advice, was one of the few ways James could actually exert control over her own life (Adam, B.A., 2017f), the majority of representations present Kinew James as defiant or lacking self-control with regard to her eating habits (Adam, 2017a; Charlton, 2017a; Charlton, 2017b). The frequent reference to Kinew James' obesity as an "ailment" is also worth mentioning, as obesity is often presented as a result of individualized deficiencies, like a lack of control (Boero, 2006; Kim & Willis, 2007).

In addition to focusing on James' physical ailments and defiance of dietary advice, these representations presented her as an unruly and, sometimes violent, individual who posed a significant challenge for staff. One article summarized testimony from the psychologist at the Regional Psychiatric Centre who stated, "James was the most difficult person to connect with in her years of work in corrections" (Warick, 2017). Another article noted that part of her 'treatment' within the prison was aimed at her "aggressive behaviours when agitated" (Charlton,

2017a). In contrast to these depictions of James, staff were presented in a more benevolent manner or were depicted as being tasked with a difficult job. In an article published by the Saskatoon Star-Phoenix, the following testimony was cited:

‘James would sometimes direct verbal outbursts at staff’, Madraga testified. She said staff were teaching James life skills and strategies to deal with her emotions, including taking a time out or going into self-confinement, either in her cell or another room in the facility. (Charlton, 2017a)

This dichotomous positioning is also present in the following excerpt:

James’s diabetes wasn’t well controlled, as she might eat two sandwiches or cereal with sugar before bed, Kemp said. She felt proud when James would surrender her pop and chocolate bars, she added. ‘Kinew didn’t always want proper foods and follow the proper advice and didn’t want to restrict herself from the things that she loved.’ (Charlton, 2017b)

In the above excerpts, staff are presented in a more benevolent manner, presenting them as tasked with a difficult job of working with an ‘unruly’ prisoner. These discourses seem to align with the literature concerning inquests and inquiries, which largely discuss the complexities of staff’s day-to-day jobs and the difficulties in “providing care to a difficult and culturally different population” (Razack, 2015, p. 51). Charlton (2017b) again highlights the “difficult” and “different” population of the prison, summarizing nurse testimony that it was not uncommon for individuals incarcerated at the Regional Psychiatric Centre to fake illness “when they were agitated or were seeking attention” (Charlton, 2017b).

The media articles concerning the inquest’s conclusion noted that the jury made 23 recommendations ranging from increasing staffing of Indigenous individuals, adopting restorative justice principles, amending the way staff respond to medical emergencies as well as a number of technical recommendations, including the synchronization of clocks. Both articles also included quotations from James’ mother in which she indicated that she was happy with some of the jury’s recommendations (Adam, B.A., 2017f; Kinew James inquest jury, 2017).

Throughout the online news media coverage of Kinew James' death, personal photos of Kinew James frequently accompanied articles. There were four photos that were used most often by the online news media. Two of the photos feature Kinew James in a graduation cap and robe, holding a diploma and a bouquet of flowers. The remaining two photos seem to be personal photos of a younger Kinew James. Photos of her family are also included in representations concerning the court proceedings. These photos, which seem to have been taken by the media, feature Kinew's sister holding a binder containing two photos of a younger Kinew James. She is also holding an eagle feather. The CBC also included a video interview with James' mother and sister in which her mother and sister go through old family photos and James' mother discusses her last conversation with her daughter on the night of her death (Hamilton, 2017).

Overall, the coverage concerning Kinew James' death predominantly appeared in CBC News and the Saskatoon StarPhoenix. Unlike some deaths, hers did attract immediate media attention, due to her mother's actions, which suggested possible neglect on the part of the Correctional Service of Canada. However, the majority of the coverage concerned the inquest that took place in 2017 and suggestions of neglect were replaced by official discourses concerning her troublesome behaviours and health issues.

Edward Snowshoe

Despite the fact that Edward Snowshoe died in 2010, his death did not receive any media attention until approximately four years later in 2014. At that time, the media presented the findings of the Alberta Public Fatality Inquiry Report by Justice James Wheatley. The media coverage concerning his death lasted for approximately two years, with the majority of articles published by the Globe and Mail. Notably, in December of 2014, the Globe and Mail published

a significant investigative piece, authored by Patrick White. The online version of this piece consists of an interactive and multimedia format, where the reader is provided the details of Snowshoe's history, crimes, and incarceration, as well as photos of his childhood home, photos taken during his arrest and video interviews with his mother, Effie Snowshoe.

The articles concerning Edward Snowshoe primarily present him as a mentally ill individual who did not receive the help he obviously required in the prison. As one op-ed piece in the Globe and Mail read, *Corrections Canada failed Edward Snowshoe, and it knows it* (2014). These articles focus largely on Snowshoe's time inside the prison emphasizing that Snowshoe's mental illness was "obvious" and "severe". Readers are advised that, prior to his death, Snowshoe had "displayed depressive behavior" (White, 2014a), had "serious mental health issues" (Mandhane, 2014) and had "severe suicidal tendencies" (Mason, 2014).

The focus on Snowshoe's mental illness inside the prison is juxtaposed alongside a focus on the role of the prison and prison staff in precipitating Snowshoe's death. In these articles, there is significant focus on the actions, or inaction of individual staff members, outlining the string of "miscues" and "missteps" that contributed to his death. One article paraphrased these miscues:

The judge noted that Mr. Snowshoe's suicide and mental-health history were not properly shared, and that his segregation clock was reset when he was transferred from Stony Mountain Institution in Manitoba to Edmonton Institution, leaving staff with no way of knowing the full extent of his solitary spell. He seemed especially troubled that Mr. Snowshoe's situation was neglected when his parole officer went on vacation, and that the serious security incident that originally landed him in segregation involved nothing more than a juice-box folded to look like a knife (White, 2015a).

In addition to focusing on the apparent 'missteps', the media also depicts staff members as callous and uncaring. Referring to his incarceration at Stony Mountain Institution, White (2014a) notes, "Despite his distressed state, staff made only cursory attempts to address his

mental-health issues”. Other articles note how Snowshoe’s parole officer at Edmonton Institution left on vacation shortly after his arrival and “withheld” Snowshoe’s suicide history from prison staff prior to leaving (White, 2015a). In that same article White (2015a) condemns the psychologist at Edmonton Institution for only giving a “cursory glance” to his medical record before conducting an “aborted food slot” interview with the prisoner. In this way, readers are informed that Snowshoe’s death was not simply the unfortunate result of several oversights, but also, staff did not conduct their jobs appropriately in their treatment of his mental illness.

However, the media did not limit their criticism to individual staff members; instead, the media presented Snowshoe’s death as evidence of the Service’s continued mistreatment of the mentally ill. Edward Snowshoe, and the events leading up to his death, were frequently compared to the case of Ashley Smith underlining that Snowshoe died under similar circumstances to Ms. Smith. Both individuals were presented as suffering from serious mental health issues that were not treated appropriately in the prison and the media highlighted the similar mistakes perpetrated by the Correctional Service of Canada in both cases. “It was an incident depressingly similar to the one involving Ashley Smith, a young, mentally unstable woman who killed herself in 2007 after more than 1,000 days in isolation.” (“Corrections Canada failed,” 2014). However, it must be noted that while the articles did frequently compare Snowshoe to Smith, Snowshoe’s death attracted far less media coverage overall.

The media attributed the Service’s failure to provide proper mental health care to their (over)use of solitary confinement in prisons. Drawing on the inquiry transcript and statements made from prisoners’ rights advocates, solitary confinement was presented as a harmful practice overused in Canadian prisons and one that should be eliminated. As noted in an op-ed published by the Globe and Mail:

How many people have to die alone in a jail cell, with only their troubled thoughts for company, before we demand an end to grave human rights abuses happening in our prisons? Edward Snowshoe is the latest casualty in a systemic practice... (Mandhane, 2014).

Additionally, Patrick White (2014b) dedicates a significant amount of his investigative piece to outlining the harms of solitary confinement. He moves beyond providing an abstract description of the harms of solitary confinement and instead attempts to provide the reader with insight into the ‘reality’ of solitary confinement based on an interview with a former prisoner and a former staff member from Edmonton Institution:

Mr. Wigmore found the size of the cell oppressive. He could stretch his arms out and touch both walls. While at times it was so quiet “you could fart on one side of the unit and hear it all the way on the other,” things could become deafening as unruly tenants screamed for attention, often while tossing belongings and intentionally flooding toilets.

He was entitled to one hour a day of recreational time, but says the privilege was routinely rescinded for reasons falling under the broad rubric of “institutional security.” The recreation pens were small enclosures where inmates could see a snapshot of sky beyond four-metre-high brick walls. “If you can imagine, it’s like standing in the bottom of a well,” says Daren Frick, a former assistant warden at Edmonton.

Of the four cases, Effie Snowshoe was arguably the most prominent in the representations when compared to other family members, as the media coverage surrounding Edward Snowshoe’s death frequently detailed the impact of his death on his mother and brothers. Articles feature a family photo of Edward Snowshoe with his mother and three younger brothers. Additionally, articles published by the Globe and Mail includes photos of Effie Snowshoe herself. Readers learn that Effie Snowshoe was preparing for her son’s pending release by writing a letter to him, which included pages from the Sears catalogue so that he could circle the items that he wanted in preparation for his release (White, 2014a; White, 2014b). Patrick White (2014a) further discusses the long-term impact of her son’s death:

Ms. Snowshoe says she and her three remaining sons find it all hard to take. To this day, she goes everywhere carrying a bag containing documents relating to her son's case, Alka-Seltzer and Visine. "The Alka Seltzer is for my broken heart, the Visine for my tears," she said. "Because I still cry every day."

Similarly, in another article published in 2016, readers are informed that for the past six years, Effie Snowshoe has been unable to move on from the death of her son: "'How does a mother stop grieving for a son?' she said by phone from Fort McPherson, NWT. 'You can't. You just can't.'" (White, 2016).

The video representations of Effie Snowshoe are also particularly noteworthy. In Patrick White's (2014b), publication titled, *Confined: The Death of Eddie Snowshoe*, three short video interviews with Effie Snowshoe were included. While each video is noteworthy, the third video is particularly important and the significance of this video will be discussed in the following chapter. In this video included near the end of the article, a visibly upset Effie Snowshoe holds her phone toward the video camera, as it plays the song *Go Rest High on that Mountain*. As this occurs, the words "Effie listens to Vince Gill's *Go Rest High on that Mountain* to cope with her son's death" appear on the screen and Effie Snowshoe quietly weeps in the background. Later in that same video, the viewer watches as Effie Snowshoe walks toward the cemetery where her son is buried. As she approaches the tombstone, she says, in a trembling voice, "And this is my baby". The viewer watches Effie Snowshoe as she stares at the tombstone, with tears in her eyes. She then says in a trembling voice again, "It hurts". The video ends with the viewer listening to Ms. Snowshoe's weeping.

As noted above, Snowshoe's death was largely hidden from the public until four years later, following the publication of Justice James K. Wheatley's Public Fatality Inquiry Report. However, even following this report, his death did not attract the same level of media coverage compared to the other three cases, with the majority of articles being published only by the

Globe and Mail. Despite this fact, throughout the media coverage, Edward Snowshoe's death was presented as an unfortunate death - the result of the Service's mistreatment of mental illness. It is also important to highlight that, while Snowshoe's death may not have initially attracted media attention, his death has actually continued to be cited as an example of the harms of solitary confinement in the recent legal battles over the use of solitary confinement in Canadian prisons.⁶

Adam Kargus

The media coverage concerning the death of Adam Kargus began approximately five years ago and will likely continue once the trial begins for the two former staff members charged in his death. While the London Free Press immediately reported on Kargus' death in 2013, there was no national coverage until 2017 at which time Anthony George's trial began and the video footage from the night of Kargus' death was released. In the media representations concerning Adam Kargus' death, the media overwhelmingly presents him as the victim of a violent crime, rather than a prisoner or criminalized individual. In an article published by the London Free Press, Adam Kargus is described as "loving and well loved" (Richmond, 2013b) and in a video interview with his mother, we are informed that Adam Kargus was an aspiring tattoo artist (Oullet et al., 2017).

The media's description of Kargus is frequently juxtaposed alongside statements concerning Anthony George in a way that emphasizes the apparent difference between these two individuals. For example, in the initial article published by the London Free Press concerning

⁶ In late 2014 and early 2015, the Canadian Civil Liberties Association and the British Columbia Civil Liberties Association launched two separate and unrelated lawsuits in which they challenged the constitutionality of the Correctional Service of Canada's use of solitary confinement. In December 2017, an Ontario Supreme Court judge ruled that the laws governing solitary confinement in federal prisons were unconstitutional, finding that the lack of independent oversight was procedurally unfair. In early 2018, a British Columbia Supreme Court Judge found that the laws governing administrative segregation in Canada's federal prisons contravene the country's Charter of Rights and Freedoms.

Kargus' death, Richmond (2013a) notes that Kargus' crimes included using false identification to get tax refunds and cellphones. Although he notes that "Kargus was no angel" having had a record for methamphetamine possession and stealing eight dollars worth of vegetables, Richmond (2013a) immediately goes on to detail George's "long record of violence", as well as referencing his social media as further evidence of his violent nature:

His [Anthony George] Facebook page is littered with photos of him glaring at the camera, sometimes with weapons, and warnings to others. Beside one photo of him holding a weapon is this message: 'Imagine this could be the last thing u will ever see wwwwwwhhhhhhhaaaaaattttt! !!!!'

Similarly, Butler (2017e) underscores the "difference" between the two men.

"George is a repeat violent offender with anger issues and an alcohol abuse problem, which had been identified by the court system as his trigger to commit crimes. Kargus, by contrast, was a drug addict who had been arrested for fraud and was sent to jail after he was denied bail once the court learned he was still using drugs."

In addition to comparing George and Kargus' crimes, many of the articles presented George as callous and unlikeable in reference to his behaviours during court proceedings. In one particular article concerning George's guilty plea, this characterization is emphasized through statements juxtaposing the reaction of the family at the court proceedings. George is depicted as emotionless and unsympathetic despite the fact that he had plead guilty and issued an apology earlier in the proceedings: "As Crown lawyer Joe Perfetto relayed the facts of the case to the court, George sat in the prisoner's box and looked at the floor, showing no emotion as Kargus's friends and family wept behind him" (Butler, 2017b).

The media also heavily emphasizes the violent nature by which Kargus died. Articles focus on the nature of Kargus' death referring to it as a "brutal murder" (Ouellet et al., 2017), a "vicious attack" (Richmond, 2013), or a "deadly beating" (Butler, 2017b). In addition to providing the official cause of death, which was determined to be blunt force trauma, these

representations include the more graphic details frequently noting that Kargus was “choked punched, kicked and stomped to death” by Anthony George and noting that Kargus could be heard by other inmates pleading for his life. Several articles note that, because of the severity of the beating, Adam Kargus’ body had to be identified by his tattoos.

The existence of video footage played a significant role in the media’s representations of Kargus’ death, as it allowed media outlets to provide the audience with the in depth details of Kargus’ death. The surveillance footage depicting Kargus’ death and the morning after was released to the public following a court order. However, of the three news outlets that reported on Kargus’ death (National Post, CBC and the London Free Press), CBC was the only outlet to publish the actual footage, although all three outlets included screenshots from that video footage. Although the London Free Press and the National Post did not publish the video itself, they still provided the details of his death noting that they were doing so in the interests of keeping an accountability spotlight on the jail. In an article published by the London Free Press, titled *Halloween Horror: In-depth analysis of Adam Kargus’s jailhouse death* (2017), the opening lines read:

He had one second to plead for help.

At 8:18:47 on Oct. 31, 2013, Adam Kargus appeared in the window of Cell 3 at the Elgin-Middlesex Detention Centre, the provincial jail in London.

He held his hands as if praying, in full sight of video surveillance cameras and several other inmates.

A second later, he was being choked, again. By that time, he’d been choked, punched, kicked and stomped for 22 minutes. He had another 37 minutes to go.

According to the National Post and the London Free Press, the released videos included footage from October 25, 2013 and the afternoon of October 31, 2013 during which time George is shown putting Kargus in chokeholds. Additionally, as per these reports, the released footage included a clip depicting the beating of Kargus on the evening of October 31, 2013 and another clip from the morning of November 1, 2013, which showed George dragging Kargus’ body to

the showers. However, the video published in Butler's (2017e) article includes only the footage from the night of October 31, 2013 and the morning of November 1, 2013. As the video plays, a blue circle is drawn around Kargus and George's cell to draw the viewer's attention. For approximately 17 seconds, the viewer watches, as there is an observable struggle occurring in the cell. The footage also appears to show the shadows of other individuals at the doors of their cell. After about 17 seconds, the footage changes and the timestamp on the video reads 8:13, 2013-11-01; viewers watch as guards begin opening the cell doors and Anthony George exits his cell. A few seconds later, the footage changes again with the timestamp reading 8:15, 2013-11-01. Once again, a blue circle is drawn around Anthony George to draw the viewer's attention as he drags a pile of sheets (which we know to contain Adam Kargus) across the common area and outside of the view of the camera. As George drags Kargus' body, other prisoners can be seen watching him or going about their own business.

The existence of the surveillance footage played a significant role in the media's condemnation of staff, as the video footage was referenced to assert and emphasize that staff at the Elgin Middlesex Detention Centre bore responsibility for Kargus' death. In these representations, Kargus' death is presented as particularly shocking because the "cameras were rolling" the entire time, yet staff failed to intervene. "At 7:56 p.m., with the cameras rolling and no guard in sight, George strikes and chokes Kargus repeatedly, then stomps him dozens of times" (Ouellet et al., 2017).

These articles also frequently highlight that staff did not adhere to the policy requiring them to complete rounds every thirty minutes during the beating. The accountability placed on staff is amplified by testimony from family members, who explicitly place the blame of individual staff members. The London Free Press includes the following quotation from Adam

Kargus' brother, Shane: “My brother died alone and with no protection and I really put the fault on the guards. I think it's sick they were even paid for that day's work.” (Richmond, 2013b).

Interestingly, in addition to discussing the role of individual staff members, many articles also highlight the role of the prison environment, and in some cases, the actual physical environment, in Kargus' death. The media relies on information from lawyers, staff, government officials and former inmates to present the Elgin Middlesex Detention Centre as a dangerous and lawless place where both staff and prisoners are at risk of violence. The structural design of the jail is described as deficient where staff are positioned in an office outside of the units in the hallway and the units are separated into two ranges by several walls, meaning that staff working on one side cannot see what is happening on the other. In other words, the structural design of the jail was said to make “it easy for someone to assault another inmate, or drag a body across the floor without anyone noticing” (Richmond, 2013a).

Additionally, the media highlights the systemic issues that have “plagued” the Elgin Middlesex Detention Centre in recent years. The Elgin Middlesex Detention Centre is referred to as “one of Ontario's toughest jails” and “the devil's playground” noting that the jail has been “embroiled in one lawsuit after another” (Nosheen, 2017a). Articles frequently reference a statement of claim that was certified on behalf of approximately 10,000 prisoners against the Province of Ontario. The statement of claim “alleges an unsafe environment, overcrowding, lack of care, lack of supervision and lack of sanitary conditions” and that the jail fostered an atmosphere of “violence, brutality and intimidation.” (Nosheen, 2017a). Additionally, lawyer Kevin Egan, who represents these individuals and has been reporting on the conditions of the jail for years, is frequently cited in these articles: “Egan says Kargus's case demonstrates what he calls EMDC's ‘perfect storm’: a longstanding ‘culture of violence,’ a ‘significant overcrowding

problem' and a supervision model that has been 'lacking for decades.'" (Nosheen, 2017a). In addition to emphasizing the dangerous nature of the prison for prisoners, the CBC also revealed that there have been dozens of work refusal notifications from staff that did not feel safe in their workplace, noting that some staff members refused work because of allegations that prisoners were "hiding weapons, threatening violence and, on at least two occasions, showed 'a potential for hostage-taking.'" (Ouellet et al., 2017). Based on these articles, the picture that emerges of the Elgin Middlesex Detention Centre aligns with fictional representations of jails and prisons where violence is omnipresent and those behind bars need to remain there for the public's safety.

Kargus' family featured less frequently in the media coverage, although Kargus' mother did participate in an interview with the CBC. In an article published by the CBC, Nosheen (2017) includes excerpts from an interview with Kargus' mother during which she reads the last letter he sent to her prior to his death are included. The article reads:

She pulls out the last letter her son wrote to her from jail before he died in which he promises to turn his life around.

"Dear Mom, I just wanted to write to express my honest to God gratitude for all your support in all of this...My heart and soul are filled with love to know I have such support...I am going to seek counseling upon my release."

"He didn't get that chance," Abrams says holding the letter in her hands.

Additionally, photographs of his family were frequently included in the articles concerning the court proceedings for both Anthony George and the two guards charged in Kargus' death.

Despite the fact that Adam Kargus died in a provincial jail, his death received significant media attention from national outlets like CBC News, and the National Post. His death was generally presented as a violent and abhorrent death that could have been prevented through proper staff intervention. While the significance of the surveillance footage will be discussed

more in the next chapter, it is important to highlight that there was a notable increase in media attention four years after his death, following the publication of the surveillance footage.

Matthew Hines

Similar to the above two cases, the media coverage concerning Matthew Hines' death was not immediate, instead commencing approximately one year after his death. Hines' family was actually responsible, at least in part, for the media attention and scrutiny allocated to these deaths. Matthew Hines' family brought the Correctional Service of Canada's Board of Investigation report to the media in an effort to reveal the previously unknown circumstances of their son's death. As described by their lawyer in a quote provided to the Times & Transcript in New Brunswick,

“All the family could do was scream from the rooftops,” she said. “That’s what they did in 2016 when they found out some of the circumstances of Matthew’s death. His sisters went to the media and screamed as loud as they could.” (Bateman, 2018).

His family was often featured in the media coverage, describing Hines as an individual who “had a love of cooking and spending time snowmobiling and four-wheeling” (Babstock, 2017a). The Hines family was presented as a family who respected Canadian institutions (Babstock, 2018a) and was determined to seek justice for their son. In a video interview with Matthew Hines' elderly mother, she states “I’m gonna fight so hard until the people responsible for causing his death are sentenced to prison as well as, and see what it’s like in there” (Donkin & Weeks, 2017). Additionally, in an article concerning the proceedings of the staff members charged in Hines death, Ibrahim (2018) notes that his family has “vowed” to attend every court date even if the accused do not attend. The media's choice of words allocates a sense of determination to the family of the deceased.

Many articles focus on Hines' mental health and, from the beginning of the national coverage in 2016, the death of Matthew Hines is linked to the Service's inability to respond to prisoners with mental health issues. Matthew Hines is described as having had lifelong undiagnosed mental health issues, which caused him to suffer from paranoia, hallucinations and other symptoms for the greater part of his adult life (Babstock, 2017; Donkin & MacIvor, 2017; Report says prison guards, 2016; White, 2017; White, 2018). These articles inform the reader that his placement in prison was due to an incident at his parents' house when his parents became concerned that he was suffering from a psychotic episode and were worried about his well being. His family, we are told, believed he would get the help he needed in prison.

Additionally, several articles highlight that Hines was believed to have been suffering from physical and mental distress prior to and during the incident resulting in his death. In an article published by the Globe and Mail in 2016, a quote from the former Correctional Investigator, Howard Sapers is included, which reinforces the idea that Hines' death is an example of the Service's mistreatment of the mentally ill: "In too many of these deaths we're dealing with people with known mental health disorders ... These people are at risk and it's very disturbing to find those similar sets of facts in so many of these deaths" (Tutton, 2016).

In addition to discussing the Service's mistreatment, the media also places a great deal of emphasis on the nature of Hines' death and staff's actions that led to it. First, there is significant emphasis on the finding that the nurse failed to respond to the medical emergency at hand. The nurse is frequently portrayed as incompetent, and in some cases, callous during the incident leading to Hines' death. "His lack of movement didn't seem to bother a duty nurse who appeared on the scene but didn't check the inmate's vital signs" (White, 2017). Additionally, the guards were portrayed in a particularly negative light with little to no justification of their

actions. Articles in the Times and Transcript tell the reader that after being pepper sprayed “without any apparent provocation”, Hines was “dumped in the shower” with a shirt over his head (Babstock, 2017; Bateman, 2018). The newspaper’s choice of the word ‘dumped’ depicts staff as particularly callous in their treatment of Hines. Additionally many articles contain a paragraph similar to the one below:

With his hands in cuffs and his shirt pulled over his head, Hines slipped and fell on his back, hitting his head on the wall. Guards turned the water off.

‘In his state, the sensation could conceivably feel like waterboarding,’ Zinger wrote in his report.

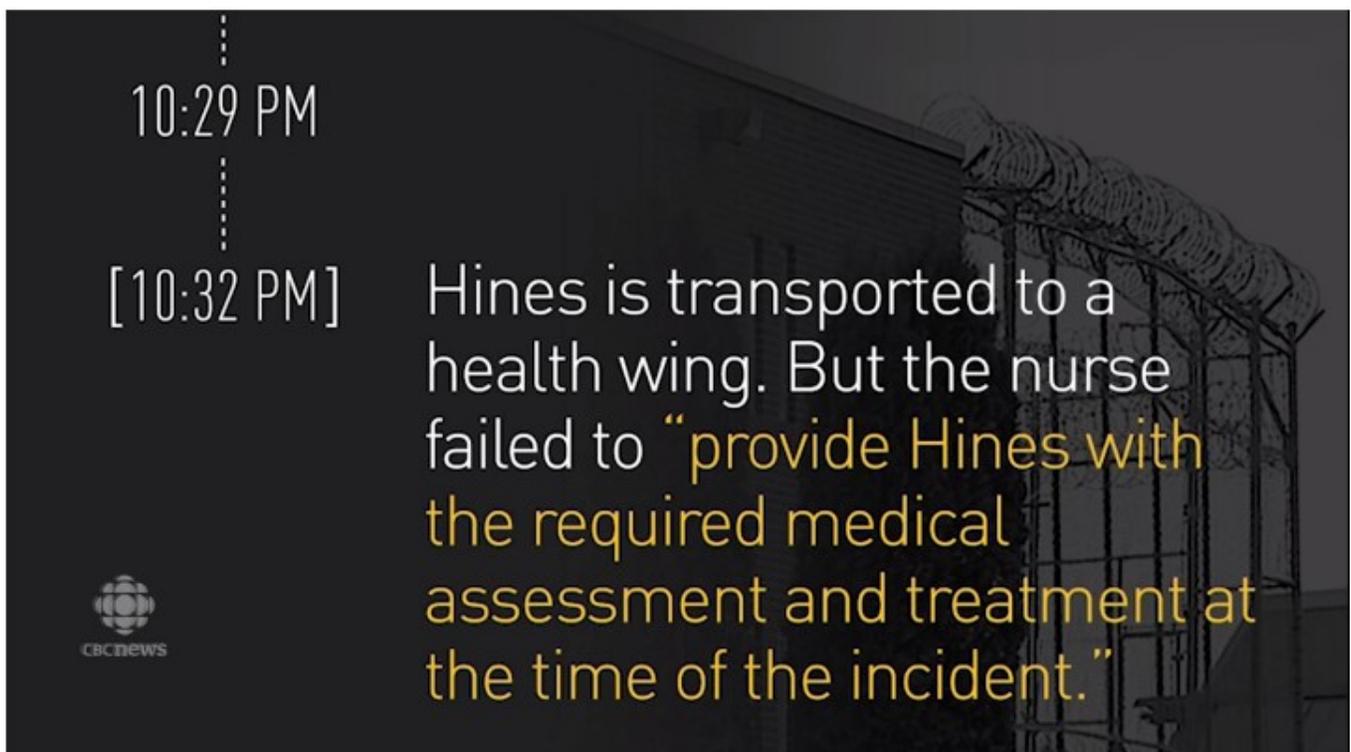
As he lay on the prison shower floor, Hines told guards he couldn't breathe. He pleaded with them.

‘Please, please,’ Hines said. ‘I'm begging you, I'm begging you.’ Guards turned the water back on (Donkin, 2018).

The newspaper’s choice to provide a play-by-play of the events leading to Hines’ death creates a more ‘realistic’ experience that individuals can potentially imagine. Moreover, it places an emphasis on the cruel actions of staff, as staff not only ignored Hines’ pleas for help, but also instead turned the water back on emphasizing the brutality of that choice.

Many articles feature personal photos of Matthew Hines and photos of Hines with his sisters. Articles concerning the court proceedings of the two officers featured photos of the Hines family outside the courthouse. In addition to these visual elements, there is one visual production that is worth discussing further. The CBC News produced a two-minute video, titled *Matthew Hines Final Moments at Dorchester Penitentiary*, which was included on its own and in several articles concerning his death. The video contains no audio except for the dramatic and ominous background music. It begins by informing the viewer that they are going to learn what happened during the last 111 minutes of Matthew Hines’ life. The video progresses with a timeline on the left side of the screen with short sentences providing the details of what occurred

at that time. Behind the words, there is a series of darkened photographs ranging from photos of Matthew Hines, images of Dorchester Penitentiary or seemingly stock images of the inside of a prison. Two screenshots from the video have been included below.



The video is short and emotional in nature, aligning with the Reuters Institute's (2016) findings that the online media is increasingly relying on video to convey their messages and that these videos are often audio-less, have an attention-grabbing beginning and are emotional in nature. During the creation of this video, several decisions undoubtedly had to be made concerning what details would be included and excluded. The implications of this video will be discussed later on.

Matthew Hines' death has garnered a significant amount of media attention in the last two years and the coverage will likely recommence once the court proceedings concerning the two prison guards begins. However, thus far, the local and national news coverage concerning his death has been swift in their condemnation of the Correctional Service of Canada. The actions of the individual officers have been presented as brutal and objectionable and the death of Matthew Hines as tragic.

The purpose of this chapter was to provide a detailed overview of how each case was constructed in the media. The descriptive nature of this chapter adheres to a case study approach, which emphasizes thick description and, Stake's assertion that, in a multiple case approach, each case should be treated as its own miniature case study. In the next chapter, I bring together the findings of each case and discuss the key themes identified throughout the analysis, noting the commonalities and differences among the cases, as well as the consistencies or inconsistencies with the literature.

Chapter 6: Constructing death: Key themes and findings

In this next chapter, I have grouped some of the major themes identified throughout my analysis. The themes explored in this section are the personalization of the story, the construction of vulnerability and the individualization of the etiology of wrongdoing. I explore how these three themes framed the media coverage concerning these deaths, in turn, structuring the articulation of accountability and grievability. In the proceeding section, I further unpack these themes in an effort to answer the second half of my research question, that is, how these representations may undermine or reinforce the legitimacy of the prison system.

The Personalization of the Story

Scholars have suggested that in times of death or disaster, we tend to sympathize with those who are ‘closer’ to us or those with whom we can identify (Hanusch, 2010; Moeller, 1999; Walter et al. 1995). There is a stronger interest component to a news story if the reader can somehow identify with it. Similarly, scholars have suggested that the personalization of victims of criminalized actions may garner greater empathy, as it can facilitate feelings of closeness (Anastasio & Costa, 2004). Personalization of a news story may entail testimony conveyed in a way intended to invoke empathy or identification with the individual or subject of the story (Bas & Grabe, 2013). The first theme noted throughout the analysis was the media’s personalization of these cases, which solicited a more sympathetic presentation of these individuals.

As noted in the previous chapter, in each of the individual cases, the family is often relied on as a source to provide personal information concerning the deceased and what they were like. Much of the personal information concerning these individuals was anecdotal in nature. Anecdotal information, “through the brevity of its narrative, catches life in its everyday dimension” (Miller, 2003, p. 115). In other words, anecdotal information works to reveal

something true about how each person lived and extracts the familiar acts of ordinary life. This type of anecdotal and personal information challenges the information typically presented about the criminalized, which often attempts to emphasize the purportedly inherent difference between ‘criminals’ and the public. Instead, these pieces of information work to inscribe these individuals as ordinary, in turn, challenging their criminalized status. By drawing on this anecdotal and intimate information, readers learn that these individuals were not ‘just’ criminals; rather, they liked to cook, took care of family members and had aspirations just like us.

In addition to describing what these individuals were like, many representations highlighted the future plans that these individuals were never able to fulfill. None of these individuals were sentenced to life in prison; in fact, each individual was set to be released from prison within the year following their death. These articles often discussed the individual’s future plans, emphasizing the untimeliness of their deaths and typically personalized these stories by pointing out that these were not individuals who had lived long and fulfilled lives; rather, their lives were ended too early, frequently noting their young age. The media drew on the family as source of information to highlight that these individuals had intended to turn their life around” once out of prison.

The media’s emphasis on the untimeliness of their deaths can be understood when considering how death is generally viewed in contemporary Western societies. Howarth (2007) explains that in contemporary Western societies, death that occurs later in life is more acceptable and is more likely to be seen as natural or as a “good death” (p. 134). He further suggests that in “daily existence there is an expectation...that life is ordered and framed by birth, and death, the latter coming at the end of a long life and by ‘natural’ means” (p. 155). Thus, the death of a young person is likely to garner a more compassionate response, as his/her death contradicts our

general assumptions about life and death. This is exemplified in the following quote from an article concerning the death of Matthew Hines:

Hines was set to be released from prison in October 2015.
He planned to go home to Sydney and help take care of his parents.
Instead, they bought three burial plots in Ingonish, N.S., and Hines was buried in the middle one — so his parents can always watch over him (Donkin & Weeks, 2016a).

The above quotation concerning underscores that Hines' death went against what is perceived as the natural order of generational death.

As a part of his analytical framework for evaluating grievability, Morse (2018) states that we must consider to what extent the lives of the dead are portrayed as meaningful, asking “can we imagine them as lively and potent people?” (p. 249). Drawing on Butler's (2004) work, he argues that in order to construct a grievable death, the media must convey the life “as associated with a person, with the life of someone spectators can imagine” (p. 249). To do this, he states that representations may provide information concerning the individual's personal history, family, dreams, and the values by which they lived their lives. Accordingly, the inclusion of personal information, although anecdotal, assists in constructing the lives of these individuals as grievable and their deaths as deserving of our grief.

Furthermore, while the textual discourses played a significant role in personalizing these stories, visual imagery also contributed significantly in this regard. There was a commonality in the visual representations of these individuals, which worked to challenge dominant representations of those criminalized and further personalize the story. Generally, photos of criminalized individuals are either nonexistent in the media or limited to the individual's mugshot, courtroom sketches or a reporter's photo of the individual entering/leaving a court appearance. In cases where there is no photo, the public is left to their own devices to imagine the “other”. In contrast, the mugshot, possesses no such ambiguity (Lashmar, 2014). While the

text may add layers of meaning to the photograph, the mugshot itself is imbued with a connotation of guilt and signifies a criminal status to the public regardless of whether that person has been convicted. The mugshot is said to satisfy our compulsion to look at criminals so that we may try to distinguish ‘them’ from ‘us’ (Jermyn, 2004, p. 178). Consequently, the mugshot becomes part of the spectacle of crime and works to deride and differentiate certain groups from the rest of the population (Lashmar, 2014, p. 85). That being said, Canadian media outlets typically do not have access to an individual’s mugshot; therefore, it is more likely that press photographs of the individual entering or leaving the court, courtroom sketches and on some occasions, photos obtained from social media are used to represent these individuals. Photographs from court appearances or court sketches, especially those depicting the individual in handcuffs, serve a similar purpose to the mugshot, imbuing a connotation of guilt to the individual.

In contrast to these typical visual representations of the criminalized, in each of the four cases, articles included personal photos of the deceased. With only one exception, none of the articles published in these four cases included the mugshot of the individual. Instead, readers are provided with photos of Kinew James in a graduation robe holding a diploma, or photos of a younger looking Kinew James with her chin in her hands smiling at the camera. Throughout the other cases, articles include a family photo of Edward Snowshoe with his two younger brothers and mother, a close-up photo of Adam Kargus with a slight smile and a “selfie” of Matthew Hines smiling at the camera.

In her analysis of the UK television series, *Crimewatch*, Jermyn (2004) suggests that the use of personal and/or family photos in representations concerning crime victims works to ‘anchor’ the story and makes the story ‘real’ for the viewer (Jermyn, 2004, p. 182). Photographs

work to familiarize media audiences with victims in a way that text cannot, as Hall (1973) suggested that the news media's use of photos of those deceased can "support the function of 'grounding and witnessing' – demonstrating that this person really existed" (p. 183). The photos not only "ground" the article, as Hall suggests, but photos of the dead are essential in constructing these lives as grievable. Butler (2004) states: "Those who remain faceless or whose faces are presented to us as so many symbols of evil, authorize us to become senseless before those lives we have eradicated, and whose grievability is indefinitely postponed" (p. XVIII). Furthermore, as Greer (2017) states, photographs both humanize and memorialize crime victims "creating affective connections between image and spectator, victim and viewer, with potential to evoke a more visceral and emotionally charged reaction than might be produced by words alone". Accordingly, the mere publication of photographs of these individuals is significant. However, it is the nature of these photographs that is particularly noteworthy. Brown (2009) emphasizes the importance of representations that humanize those affected by incarceration in order to challenge the dominant ideas about punishment. The use of personal photos allows for the articulation of grievability and challenges dominant representations of prisoners.

At this point it is important to note that some deaths in custody do not receive the same treatment in terms of visual representations. For example, the media coverage of both Daniel and Richard Wolfe – two of the founding members of the Indian Posse - predominantly included photographs of these individuals being escorted, in handcuffs, from court appearances. Similarly, the American media coverage concerning Charles Manson's death primarily makes use of his original mugshot or his prison identification photo taken years later. While it could be said that this is more directly related to limitations in access (Charles Manson spent most of his adult life in prison and thus, photos would be limited), it may also speak to our

limitations as to whose lives may be considered grievable. It is also worth noting that photos of Anthony George in these representations were quite different than those of the deceased. Visual representations of Anthony George were limited to a photo posted to his social media, in which he stares “menacingly” at the camera (Richmond, 2013a) or, in the case of CBC, a photo in which he is wearing his orange prison jumpsuit. In contrast to the personal photos of Adam Kargus, smiling at the camera, these visual representations of Anthony George work to reinforce his status as criminalized or inherently different from us.

In addition to focusing on the individuals themselves, the media’s focus on the family’s grief was significant in personalizing these stories and in articulating grievability. The emphasis on the family is significant for several reasons. First, the media’s focus on the grieving mother or the bereaved family sets an emotional tone for these representations. These articles typically emphasized the emotional loss felt by the family upon learning of the death of their loved one, noting that Effie Snowshoe “fell to the ground” after learning of her son’s death (White, 2014b) and that Marg Hines felt like “she too might die” upon learning of her son’s death (Donkin & Weeks, 2017). These articles also emphasized the long-term effects of this loss on the family and the family’s dealings with the criminal legal system. “The process has been difficult for Kargus’s mother: ‘I have nightmares about Adam, the beating. I wake up in a sweat, terrified, terrified for him,’ she said” (Oullett et al., 2017). Similarly, readers are informed that the initial lack of information surrounding the details of Hines’ death had “taken its toll” on his elderly parents and the rest of his family (Donkin, 2016b). Images of bereaved family members function to convey the family’s anguish, but also to solicit the viewer’s sympathy and compel them to identify and share in the suffering with them. Furthermore, videos and photos are able to display the visceral grief of the family, something that text alone cannot achieve. As discussed in the previous

chapter, the video interviews with Effie Snowshoe are highly emotional in nature and convey her anguish. The reader is invited to place oneself in the family's shoes, and recognize the life of the individual as one that should be grieved. Additionally, by focusing on familial suffering, the media positions the victim as a beloved family member, thus imbuing their life with value outside of their status as a prisoner.

A Mother's Grief

While siblings were featured in many of the news articles, the inclusion of maternal displays of suffering is worth further discussion. Wright (2016) explains that motherhood can be recognized as part of a larger cultural story, as it is understood to be both an emotional state of being and a social status against which all women are measured. Within this cultural story, Wright (2016) explains that there are 'good' mothers and 'bad' mothers. Good mothers are understood to be those who will protect their children at all costs. Bad mothers are the antithesis of good mothers and are those who have "vacated their role as caregivers" or "disturbed the maternal relation" (p. 4). Many scholars, including Wright (2016) have noted that mothers of the criminalized generally fall into the latter category. However, through my analysis, I found that the media coverage focusing on the mothers of the deceased generally refuted this characterization. The media coverage highlighted how the mother continued to play an important role in supporting and caring for their child while he/she was incarcerated. Articles note that Kinew James and Adam Kargus' mother spoke to their child just prior to their deaths (Mackrael, 2013; Oullett et al., 2017) and that Effie Snowshoe called the prison frequently to check in on her son (White, 2014b). In this way, these mothers could be portrayed as 'good' mothers for fulfilling their maternal duties even while their child was incarcerated.

The media's decision to focus on the maternal relations and the mothers' determination to seek justice for their children is significant, as it aligns with our conventional ideas of what constitutes a 'good' mother. The media's representations of these mothers emphasize that a mother's love does not end when their child dies, reinforcing the idea that a good mother's love "knows no bounds" (Wright, 2016, p. 3). By presenting these individuals as conventionally "good mothers", the reader is encouraged to identify with their plight.

Overall, the media articles featured in this project rely on personalizing frames, which emphasize the individual's familial ties, imbue the individual's life with value and encourage the elicitation of sympathy with the family. The personalization of these stories results in the articulation of grievability, as these articles encourage the reader to recognize these deaths as losses. Families are often provided prominence and authority in these representations and dominant portrayals of the criminalized are challenged. In doing so, the media representations included in this study challenge much of the literature on official discourses concerning deaths in custody. The next theme explores how the media coverage was framed by a discussion of vulnerability, which furthered the articulation of grievability in three of these cases.

The Construction of Vulnerability

The second theme noted throughout the analysis is the media's construction of and emphasis on the individual's apparent vulnerability in order to inform a notion of victimhood. Peelo (2006) suggests that making decisions about victims has typically been a central aspect in how society determines the severity of a certain crime. She further suggests that newspapers develop the role of the 'victim' in major crimes by inviting us to witness and take side with the offended. Similarly, drawing on Nils Christie's concept of the 'ideal victim', Greer (2017) contends that there exists a hierarchy of victimization that is reflected and reinforced in the

media and official discourses. Those who are deemed ideal victims are often those who are perceived as vulnerable, innocent or defenceless and, in turn, receive widespread attention in the news. On the other end of the spectrum are those who typically exist on the margins of society, receiving scant media attention. However, he also highlights the fluidity and dynamic nature of criminal victimization reporting, noting that the news media is capable of reflexive learning and that reporting may vary from case to case. While normally, criminalized individuals are not presented as vulnerable, let alone, victims by the media, I contend that the media's presentation of these cases relied on pre-established narratives that we have concerning worthy/unworthy victims, presenting Edward Snowshoe, Adam Kargus and Matthew Hines as vulnerable individuals, unique within the prison system. However, Kinew James was presented in a less sympathetic manner.

In the case of Matthew Hines and Edward Snowshoe, the construction of vulnerability was achieved through discourses surrounding mental illness and through descriptions of staff members that presented them as incompetent, callous or ineffective at their jobs, emphasizing that staff failed to follow the policies in place. The Correctional Service of Canada is described as failing Edward Snowshoe, noting that staff ignored his obvious signs of mental distress and Hines' death is described as another example of the Service's mistreatment of the mentally ill. Both individuals are presented as unique from other prisoners because of their mental health issues. In his op-ed concerning the death of Edward Snowshoe, Mandhane (2014) states that we (the public) must demand that the government respect the human rights of those most vulnerable and that mentally ill prisoners be allowed to serve their time in treatment facilities. The media appealed to repertoire of narratives concerning the mistreatment of mentally ill prisoners, which had, at least in part, been established from the media coverage concerning the

death of Ashley Smith. This was especially exemplified by the media coverage of Edward Snowshoe's death where parallels between the two cases were frequently drawn.

Contrary to these two cases, the media did not construct Adam Kargus' vulnerability through his apparent characteristics, but rather through descriptions of Anthony George. Greer & Jewkes' (2005) assert that media constructions of crime reinforce cultural fears of otherness; however, they contend that mediated constructions of otherness reflect a "spectrum of deviance" ranging from "stigmatized others" to "absolute others" (p. 20). Stigmatized others are those that engage in "mundane" examples of crime or deviance and media representations reinforce an intolerance toward these individuals. On the other end of the spectrum, absolute others are those that commit the most serious or unusual crimes and those with whom we establish and maintain the greatest social distance (p. 20-21) In this case, Anthony George is presented on the end of the spectrum associated with absolute others. While Kargus is a drug addict, a status that might normally be stigmatized in the media, Anthony George is framed as an inherently dangerous and emotionless individual, capable of extreme violence.

Greer (2017) also contends that, where victims are concerned, the potential to visualize a case can have an impact on its perceived newsworthiness. Thus, the release of the video surveillance footage is significant in the media's construction of Kargus as a victim. Morse (2018) states that we must consider how the coverage encourages or discourages spectators to bear witness to the occurrence and to understand the reality of distant others. Morse (2018) asks us to consider the facts that are presented by these representations and to consider how these facts are told, in ways that may elicit an emotional or moral response. Emphasizing the role of the visual, Morse (2018) further states that the technological documentation of an event can shape the way viewers may experience mediatized death.

It is first important to highlight that it is beyond the scope of this project to determine the impact of this video footage on the viewer. While it is possible that the video served to invoke further sympathy for Kargus, it is also possible that the video appealed to individuals on a voyeuristic or salacious level. Nevertheless, I contend that the inclusion of graphic details, both visual and textual enhances the ‘realness’ of Kargus’ death with the possibility of eliciting a more visceral response than if his death was described in the abstract. And, while the textual details are significant, I contend that the actual release of the footage was particularly powerful in portraying the media’s message. While written accounts can provide us with graphic details, as done by the National Post and the London Free Press, the veracity of textual claims may be subject to greater examination. In contrast, photographs and moving images are questioned less despite the fact that the manipulation of photos and videos has become increasingly simple (Hanusch, 2010, p. 55). Viewers are able to view the moments and actions preceding Kargus’ death and the unarguably callous way with which his body was handled following his death. Thus, the release and use of the footage undoubtedly shapes the way the audience experienced Kargus’ death.

Through narratives that focused on the ‘dangerousness’ of Anthony George, the media constructed Adam Kargus’ vulnerability, presenting him as the victim of a violent criminal. Moreover, the media’s release of, and its use of the video footage contributed to this narrative, as it presented the brutality of Kargus’ death in a way that text could not. This emphasized the vulnerability of Kargus and perhaps encouraged a more visceral response from the audience.

While the media coverage concerning the above three cases framed those individuals as vulnerable and presented them as victims, the media’s presentation of Kinew James’ death differs from this approach. Initially, she was portrayed in a vulnerable manner, through articles,

which compared her to Ashley Smith, and through the implication that staff may have ignored her calls for help; however, by the end of the media coverage and the conclusion of the inquest, she is constructed as defiant and difficult to manage. The media frequently discussed James ‘unruly’ behaviours and the difficulties she presented for staff. Furthermore, while Edward Snowshoe and Matthew Hines’ mental health served as a focal point for the media and the elicitation of sympathy for these deaths, the media’s reference to James’ mental health issues was often mentioned in passing or was not mentioned at all. There were several articles that mentioned James’ diagnosis of schizophrenia, but there was little interrogation of how these mental health issues may have been exacerbated by the prison system or how they may have impacted staff’s interactions with her. Additionally, while readers are informed that Kinew James spent years in solitary confinement for “assaulting guards”, “conflicts with staff or incidents”, “damaging prison property” and “multiple incidents of self-harm” (Adam, 2016; Adam, 2017d; Adam, 2017f; Noel & Seglins, 2013; Warick, 2017a), there was no discussion as to whether solitary confinement was an appropriate place for prisoners “like Kinew”. Instead, this information was presented as merely a fact of her incarceration, or as further indication that she was a “difficult” individual with which to work. By focusing on her apparent unruly and aggressive behaviours, readers are not encouraged to identify or sympathize with her. Instead, staff are portrayed in a more benevolent manner.

In three of the four cases, the media constructed these individuals as vulnerable, and as victims of the prison system or prisoners themselves. In doing so, the media coverage articulates grievability to these individuals. In order to achieve this, the media appealed to the established repertoire of narratives around prison violence or the mistreatment of individuals with mental health issues. However, the case of Kinew James indicates the limits to these approaches. While

James was subject to similar conditions of confinement, and an objectively longer period of incarceration, the media instead relied on official narratives from Correctional Service of Canada staff that focused on her ‘unruly’ behaviours and defiance of medical advice. This approach ultimately worked to obscure institutional accountability in her death.

The Individualization of the Etiology of Wrongdoing

The final theme discussed in this section is the media’s individualization of the etiology of wrongdoing. Edelman (1988) notes that in crime news coverage, issues of spectacle combined with the soundbite quality of most news stories tends to overshadow discussion of broader social, psychological and political factors that give rise to complex issues like criminalized harms and injustices. Similarly, Cavender & Mulcahy (1998) contend that crime news often emphasizes the individualization of responsibility, as it can be used as a strategy to dramatize, and make more newsworthy, a particular story. Certainly, as will be discussed below, the media coverage often features a significant emphasis on the actions of individuals. However, the media also highlights institutional failings, presenting these deaths as representative of a larger issue. Yet, while not necessarily focusing on individual actions, the media coverage nonetheless establishes the etiology of wrongdoing in an individualizing manner, linking the death to specific and identifiable problems within the prison system.

The Role of the Individual

To differing extents, the media highlights the actions of individuals with each of these cases. As discussed above, the media coverage of Edward Snowshoe highlights that the parole officer and the psychologist disregarded his mental health concerns, making only cursory efforts to address these issues. Similarly, in the coverage concerning the death of Kinew James, the media concentrates on the findings that a nurse did not call a Code Blue in an appropriate time

period. However, in the cases of Adam Kargus and Matthew Hines, the media focuses more heavily on the actions of individuals. In the case of Adam Kargus, the spotlight is shone on Anthony George and the two guards charged in his death. As discussed above, Anthony George is presented as an extremely violent and dangerous man, an individual who is a risk to public safety. Even when discussing the issues of overcrowding in the prison, the problem is linked back to George.

The lawyer for the family of a man killed in jail wants to know how the victim, sentenced for petty fraud and already assaulted once behind bars, was locked in a cell with a violent criminal[...] ‘How does that happen that a guy with such an extensive history of violence is housed with anyone at all, let alone somebody that was already beaten up’ (Richmond, 2013a).

Thus, rather than presenting a discussion of the issue of overcrowding, the media individualizes the issue noting that the particular problem was that George, a violent criminal, was placed in a cell with Kargus, a vulnerable individual. The media coverage concerning the death of Matthew Hines also heavily emphasized the role of individual staff members, presenting Hines’ death as the result of incompetent or cruel individual choices. For example, in the media’s representations, the nurse is frequently condemned for her inaction, with the media largely ignoring the Correctional Investigator’s findings that this nurse was inexperienced and that the more “troubling question” was “how a relatively inexperienced Nurse, on probationary service, found herself working largely unsupported on the night shift in a large penitentiary” (Zinger, 2017a). Rather than offering an interrogation of this problem, the media relies on the simplistic explanation that the nurse was simply uncaring and deficient in her job. The media highlights that the nurse no longer works for the Correctional Service of Canada, implying that justice has been served in that regard. Similarly, there is a focus on the individual guards involved in the altercation leading to his death, with the media highlighting that these individuals ignored Hines’

pleas for help and “dumped” him in the shower with his shirt over his head. The video produced by the CBC also presents Hines’ death as the result of individual actions. In adhering to the short and dramatic style of such videos, Hines’ death is decontextualized and perhaps oversensationalized, presented predominantly as the result of individual staff members, or, a few ‘bad apples’.

It is unsurprising that the media emphasizes the actions of individuals. Our legal system is based on the assumption of individual responsibility and a key element in constructing an effective crime news narrative is the ascription of blame. By focusing on individuals, Cavender & Mulcahy (1998) suggest that the news story may be dramatized, presenting more as a “whodunit” narrative, similar to that of crime fiction - where there is a “hero” and a “villain” and justice is eventually served. However, in the cases of Adam Kargus, Edward Snowshoe and Matthew Hines, the etiology of wrongdoing is also linked to several institutional failures, which is an important consideration.

The Role of the Institution

In the case of Adam Kargus, the media pointed to the numerous issues that have plagued the Elgin Middlesex Detention Centre. The Elgin Middlesex Detention Centre is presented as a dangerous and lawless place where violence proliferates. The issues of the jail are presented as longstanding; however, the media presents the Elgin Middlesex Detention Centre as exceptional in terms of jails with the CBC even presenting statistics in an effort to emphasize its disproportionately high rates of violence (Oullett et al., 2017). Thus, while the death of Adam Kargus is presented as the result of a systemic, institutional problem, the cause of wrongdoing is nevertheless presented as a particular problem with the Elgin Middlesex Detention Centre.

In the case of Edward Snowshoe, the focus on wrongdoing and accountability is much more structural in its focus. The media frequently points to the cause of wrongdoing in the Service's mistreatment of mental illness. More specifically, to the Service's use of solitary confinement. Solitary confinement is presented as a harmful practice and these articles specifically denounce the Service for its continued use of solitary confinement for prisoners, 'like Edward Snowshoe', who suffer from mental illness. As Mason (2014) notes, "It [solitary confinement] was probably the last place someone with his mental health history should have been". Thus, the etiology of wrongdoing is linked specifically to the Correctional Service of Canada's use of solitary confinement and the lack of resources for treating those with mental illness.

However, in the media's strict focus on mental illness and solitary confinement, there is scarce mention of his Indigeneity and how this may have played a role in his incarceration. The Office of the Correctional Investigator has demonstrated that male Indigenous prisoners are disproportionately represented amongst maximum security prisoners and prisoners in solitary confinement. In its 2015 report on the trends in the use of administrative segregation, the OCI concluded that Indigenous prisoners were more likely to be in segregation compared to non-Indigenous prisoners and were subject to longer stays in segregation when compared to non-Indigenous prisoners. It was also noted that Indigenous prisoners made up 46% of self-injury incidents in segregation with Indigenous offenders involved in an average of seven incidents compared to the non-Indigenous population, which averaged five incidents (Sapers, 2015).

In the few discussions that do reference Snowshoe's Indigeneity, I contend that they ultimately reflect stereotypes that Indigenous people are 'pathologically fragile' and lacking the

coping mechanisms that other non-Indigenous prisoners supposedly possess. In discussing Snowshoe's initial arrival to prison, White (2014b) notes:

One psychologist suggested he had adjustment disorder, 'characterized by anxiety, impairment in functioning and reckless decision making when faced with situational stressors.' The diagnosis is common among aboriginal inmates uprooted from small, insular communities and dropped among a large population of hardened criminals. Mr. Snowshoe was accustomed to open spaces and familiar faces. This was like landing on the moon.

Implying that Snowshoe could not cope with the prison environment because he was Indigenous first ignores that the confined nature of the prison environment is likely a shock to all individuals first entering the system. However, more importantly, it reinforces pathological explanations of Snowshoe's behaviours. The employment of pathologizing discourses, which position Indigenous people as fragile or uniquely vulnerable allows the white settler society to ignore the ongoing role of colonialism in producing this vulnerability and in the mass criminalization of Indigenous people (Razack, 2015, p. 37). By positioning them as pathologically fragile, it allows the reader to think that perhaps Indigenous people are just naturally weaker than the settler society (Razack, 2015).

While much of the media coverage concerning the death of Matthew Hines focuses on the role of individual staff members, as discussed in the previous chapter, his death is also frequently linked to the Correctional Service of Canada's mistreatment of prisoners with mental illness. That being said, there are two articles that challenge the focus on individuals or the focus on the mistreatment of mental illness in Hines' death and instead move toward a broader discussion of the institutional culture of the prison. Drawing on interviews with Julian Falconer, lawyer for Ashley Smith's and Robert Gentles' family as well as an interview with a former deputy warden, Robert Clark from the CSC, Karissa Donkin (2018) emphasizes the Service's systemic lack of accountability and presents these deaths as the result of deep-rooted problems

within the culture of the Service.⁷ Robert Clark is quoted stating that Hines' death is presented as "a symptom of a culture of the correctional system, where guards use force before choosing other options". In another op-ed published by the Times & Transcript, Cunningham (2017) describes the Correctional Service of Canada as having an "unhealthy, unacceptable organizational culture". In discussing the death of Matthew Hines, he asserts that "Canada isn't quite the model caring, enlightened nation it often portrays itself to be and states Hines' death should "disturb every Canadian who cares about justice, human decency, rights, laws and operation of a 'corrections' system that clearly too often has little to do with 'correcting' those in custody". These articles are significant, as they move away from focusing on the Service's treatment of mental illness, or the individual actions of staff, to talk about the toxic institutional culture of the system. While these articles also rely on the idea that the prison *can* work, in their discussion of institutional culture, these articles move away from a discussion focused on individual actions or issues.

In the above three cases, the media attributes blame and locates wrongdoing with external sources. These findings challenge the literature, which has found that wrongdoing and accountability are often obscured. Furthermore, while the actions of individuals are condemned in each of the cases, the deaths of Matthew Hines, Adam Kargus, and especially Edward Snowshoe, is presented as symbolic of a larger issue. The attribution of blame, specifically at an institutional level, is significant in the articulation of grievability for these individuals. Greer (2017) contends that when the victim's 'symbolic power' extends beyond individual cases and become representative of a larger issue, which resonates with the public, it is more likely to garner public outrage or support. However, while the prison system is frequently denounced for

⁷ Robert Gentles died at Kingston Penitentiary in 1993 at the age of 23. He died from asphyxiation after being maced and subsequently pinned down by guards. In 2000, a Coroner's Jury ruled his death accidental.

its wrongdoing and accountability is ascribed to the prison and prison officials, the etiology of wrongdoing is presented in particular ways. In each of these cases, despite the differing circumstances, the etiology of wrongdoing is individualized so that the problem is presented in a definitive, and often, unambiguous way. The implications of this theme will be discussed further in the next chapter.

In the case of Kinev James, the construction of wrongdoing and the ascription of accountability is more complicated. While there were several articles that denounced individual staff members at the Regional Psychiatric Centre, over time, as discussed above, there was less focus on the actions of staff members and more focus on James' health concerns and defiance of medical advice. Razack (2015) asserts that medical discourses work to decontextualize the circumstances of death and obscure any appearance of official accountability. The use of medical discourses to obscure accountability was apparent in the media coverage concerning the death of Kinev James, as articles frequently highlighted the James defied medical advice concerning the management of her diabetes. The use of medical discourses is particularly evident in the following excerpt, which references the testimony from the pathologist:

Forensic pathologist Dr. Shaun Ladham also took the stand, testifying that the cause of James' death was cardiac arrest from hyperglycemia caused by poorly managed diabetes. Diabetic ketoacidosis, in which the body breaks down fats, creating acid and other by-products, can cause laboured, deep breathing, which would sound like snoring to a layperson — or even a non-emergency medical professional who doesn't often encounter it, he said. (Star, 2017-05-16)

The above quote obscures staff accountability, insinuating that there was not much that could have been done differently to prevent her death. Thus, in contrast to the other three cases, the media did not present Kinev James in a vulnerable manner and she was not portrayed as a victim. Instead, by focusing on staff testimony concerning her physical 'ailments' and her 'defiance' of medical advice, the media presents her death as largely unsurprising, despite the

fact that most individuals do not die from diabetes at the age of 35 and despite the previous information implicating the Service.

The media's construction of Kineo James as unruly and defiant reflects correctional discourses concerning criminalized women. In the context of the prison, women are often subject to a number of therapeutic approaches that focus on targeting women's problematic behaviours. Women who do not comply with these sorts of correctional interventions are characterized as difficult to manage, dangerous and even unempowerable (Crepault & Kilty, 2017). Many scholars have pointed out how these official discourses obscure the lived reality for many criminalized women, as many incarcerated women have a history of social and economic marginalization, including intergenerational poverty, mental illness, homelessness, histories of abuse and sexual assault and insufficient access to education, employment, food and health care (Chartrand, 2015; Chu & Elliott, 2012; Van Der Meulen, Shalit, Chu, 2018). According to a 2012 study by the Correctional Service of Canada concerning the mental health needs of imprisoned women, 94% of women in the studied sample experienced symptoms consistent with a diagnosis of a psychiatric disorder, and 80% of the sample had a history of substance or alcohol abuse (Derkzen, Booth, McConnell & Taylor, 2012). Women in prison are also said to experience higher levels of self-harm and suicide (Dell et al., 2009).

Additionally, the media scarcely mentions James' Indigeneity, marginalizing any discussion of the ongoing colonial violence being perpetrated against Indigenous women. Similar to the statistics regarding Indigenous men, the OCI recently found that women, and particularly Indigenous women, are the fastest growing population among federal prisons, noting that in the ten-year period between 2007/08 and 2016/17, the number of federal female prisoners increased by 29% and the number of federal female Indigenous prisoners increased by 60% over

the same time period (Zinger, 2017b). The OCI also noted that while Indigenous women made up 37% of the female prison population, they made up 50% of the maximum-security population (Zinger, 2017b). In the next section, I will discuss how the media's reliance on official discourses ignores broader structural factors that influence incarceration.

Thus far, I have discussed the major themes noted during my analysis and how these themes created particular narratives concerning these deaths. As noted, through strategies of personalization, the construction of vulnerability and the individualization of the etiology of wrongdoing, the media presented these deaths, to differing extents, in a manner which ascribed accountability and represented the deceased as humans, lives worth grieving. In the next section, I discuss the implications of the media's coverage in an effort to answer the second half of my research question: that is, how does the media coverage undermine or reinforce the legitimacy of the prison system?

Breaching the Distance?

As discussed in the literature review and discussion of penal spectatorship, representations of the prison and the criminalized often shield us from the infliction of pain inherent to punishment and construct criminalized individuals as different from the rest of the population. Authors have argued that the media contributes to an increasingly punitive society by oversimplifying and over-representing crime, and especially violent crime. It is this distance, says Brown (2009) that characterizes our relationship to punishment and allows for increasingly punitive policies to flourish. Yet, as demonstrated throughout the previous chapter, many of the news articles analyzed during this project were structured through a personalization of the story, encouraging readers to identify with the criminalized individual, while also denouncing the prison and prison officials for its role in these deaths.

In discussing the significance of attributing grievability, Butler (2004) contends that grief can allow us to understand and empathize with the vulnerability of others, in turn prompting critical opposition to it. By framing the above three individuals as uniquely vulnerable to the prison system, the cases in this study disrupt dominant representations of prisoners and are distinct from much of the literature concerning deaths in custody, which has found that deaths are frequently rationalized and accountability is obscured by discourses that present the victims as dangerous criminals or possessing superhuman strength (Pemberton, 2008, Scraton & Chadwick, 1986). Moreover, these strategies may actually work to challenge official discourses that attempt to obscure accountability in the individual's death.

For example, two years after the publication of the public inquiry report concerning Edward Snowshoes' death, the former Commissioner of the Correctional Service of Canada, Don Head, issued a response to the report. The subsequent published news articles were swift in their condemnation of this response. The Commissioner was described as uncompassionate and was slammed for "sidestepping" the findings of the report. As noted in an editorial published by the *Globe and Mail*, "When Don Head, the Commissioner of Correctional Service Canada, replied to a blistering judicial report on the death of Edward Snowshoe... was there any chance he was going to admit his institution messed up?" ("A numbing response," 2015). In the same editorial the Commissioner's response is described as a "numbing narration of policy directives that skirt the particulars of why an inmate was so easily failed" ("A numbing response," 2015). These articles challenged the validity of the Commissioner's assertion that Snowshoe displayed aggressive behaviours by using his mental illness to underscore his vulnerability. By constructing Edward Snowshoe as a particularly vulnerable individual, these articles challenge

official discourses that attempt to obscure accountability and instead, advocate for greater answerability and change within the prison system.

Accordingly, in constructing these lives as grievable, there is perhaps potential to illuminate the harms and the inherent vulnerability of those involved in the carceral system. However, Greer (2017) contends that the media's attribution of legitimate victim status is never impartial and ultimately reflects and reinforces social divisions and inequalities, in turn, contributing to the wider structures of power, dominance and marginalization from which they derive. Thus, there must also be further consideration given to the means through which these lives are constructed as grievable in the media in order to determine how this coverage may reflect or reinforce social divisions and inequalities, and, for the purposes of this project, how these processes may reinforce the legitimacy of the prison.

Some scholars have pointed to the limitations of media approaches to criminal justice issues, which attempt to frame the criminalized in a humanizing or sympathetic manner. In her discussion of the media coverage of the death penalty, Kennedy (2007) contends that images of familial suffering work to distract the public from the political issues of the death penalty and frame the issue instead in terms of 'painful feelings' (p. 37). Sarat (2001) also dismisses the media's attempts to humanize American prisoners on death row, suggesting that these tactics are naïve in nature and instead work to distract from the larger political issues surrounding the death penalty (p. 312).

I acknowledge that there are certain benefits to portraying these deaths in a personalized manner, or in emphasizing the vulnerability of these individuals; however, I contend that, while these strategies allow for the articulation of grievability, they ultimately work to individualize the issue, presenting these individuals as *different* from the rest of the prison population. And while

this may be helpful in invoking sympathy from the public, it reinforces a dichotomy between these individuals and the rest of the prison population, in turn allowing the penal spectator to maintain a social distance from the incarcerated. Thus, those who do not adhere to the criteria of the ‘ideal’ victim, as discussed by Greer (2017) may provoke less public sympathy.

Additionally, as mentioned in the previous chapter, this approach obscures the ways that broader structural factors, such as race, gender and class play a role in criminalization and the oppressive environment of the prison, instead preferring an emphasis on individual characteristics or factors. This is reflected in the media coverage concerning the death of Kinew James. When James did not fit the mold of the victim, the discourses concerning her death switched, obscuring accountability in her death and reflecting dominant ideas concerning women’s criminalization. Chartrand (2015) contends that violence is intrinsic to the regulation of women in Canadian prisons “through the security and gendered language and practices of the prison” (p. 10). The media’s construction of Kinew James as difficult to manage reflects and reinforces discourses that frame women’s resistance as unruly and disobedient. By relying on an approach that emphasizes individual characteristics, the media marginalizes any discussion of the gendered and harmful nature of the prison system and how this may have impacted James’ incarceration and behaviours in prison. With the exception of the nurse’s testimony that eating was the only way for James to assert control over her life, the media largely overlooks any consideration as to whether James’ behaviours were linked to resistance within an inherently oppressive environment.

Even more significantly, the media’s general oversight of James’ and Snowshoe’s Indigeneity is glaring when considering the plethora of research demonstrating the historic, and ongoing, systemic racism faced by Indigenous individuals involved in the criminal legal

system. In fact, at the turn of the twentieth century, Stony Mountain Institution, the prison where Snowshoe was first placed in solitary confinement, detained ‘Indians’ for practicing their spiritual traditions (Waldram, 1997 as cited in Martel, Brassard & Jaccound, 2011, p. 236). Additionally, the systemic discrimination of the provincial criminal legal system in Manitoba and Alberta was brought to the public’s attention and recognized by provincial governments in the Aboriginal Justice Inquiry of Manitoba and the Cawsey Report in Alberta (as cited in Martel et al., 2011, p. 236). More recently, it has been consistently demonstrated that Indigenous people are disproportionately represented in both the provincial and federal prison system, with the greatest disproportionality in the three prairie provinces (Statistics Canada, 2018).

Moreover, it is particularly pertinent to consider that the prison environment, which is characterized by authoritarianism, power imbalances, isolation and arbitrary demands, is reflective of the trauma and violence that has historically been perpetuated against Indigenous peoples by the Canadian government. Given the historical and political context in which the incarceration of Indigenous men and women has taken, and continues to take place, it seems inadequate that the media coverage privileges an approach that emphasizes individual characteristics, while overlooking structural factors that contribute to and impact the experience of criminalization and incarceration for Indigenous persons.

In addition to the marginalization of certain forms of knowledge, the media coverage of these deaths also relies on narratives that ultimately reinforce the legitimacy of the prison system. First, while it is significant that the media condemns aspects of the prison and prison officials, in its emphasis on the individualization of wrongdoing, it ultimately advances a reformist agenda and, marginalizes any discussion of the ways in which the prison fosters harms.

While the condemnation of the use of solitary confinement is significant, this approach does not problematize criminalization or incarceration; rather, it is simply a question of the conditions of incarceration.

Additionally, as discussed in the previous chapter, the media constructs the deaths of Matthew Hines and Edward Snowshoe through an emphasis on the Service's mistreatment of mental illness. These deaths came to represent the Service's failure to treat mental illness appropriately. However, through the media's emphasis on mental illness, it relies on a framework, which presents mental illness as an individualized issue that can be addressed through increased, or improved, resources within the prison. In other words, the problem is framed as an issue with the way the Service treats prisoners with mental illness, not a problem with incarceration. Similar to Crepault and Kilty's (2017) findings concerning Ashley Smith's death, mental illness is presented as an individualized issue and a pre-existing fact of Snowshoe's and Hines' lives. This individualizing narrative of mental illness is reflected in the following:

Prison officials did their best to get Mr. Snowshoe settled and on his way to rehabilitation – at first. There is much that works in the penitentiary system, which makes it all the sadder that it failed so utterly when Mr. Snowshoe proved to be a difficult prisoner and began exhibiting signs of mental illness.” (“Corrections Canada failed,” 2014).

As indicated by the above quote, the media indicates that the problem is not necessarily with the system or the incarceration of individuals with mental illness; rather, the problem is with how the Correctional Service of Canada treats prisoners with mental illness. By focusing on the issue of resources, this approach ignores the ways that the oppressive prison conditions and other structural factors may impact an individual's mental health (Crepault & Kilty, 2017). Similarly, by emphasizing Hines' mental illness as a central factor for consideration, it implies that Hines' mistreatment was particularly egregious because he was mentally ill. Thus, it implies that this

sort of treatment would not be as problematic if it involved a mentally healthy individual. Once again, by privileging a discussion of mental illness, the solution is framed as increased resources in the management of the mentally ill in prisons. “They [Hines’ family] also want better training for guards who have to deal with mentally ill inmates, something the CSC says is a priority. The agency spent \$85 million on mental health services in 2014-15.” (Donkin & Weeks, 2016a).

Second, the media’s attribution wrongdoing in the case of Adam Kargus reflects stereotypes of criminality, while simultaneously emphasizing the necessity of the prison system. By vilifying Anthony George in order to present Kargus’ death as a tragedy, the media reinforces the legitimacy of the prison as an appropriate response to individuals like Anthony George. Additionally, while the media denounces the conditions of the Elgin Middlesex Detention Centre, in presenting the Centre as exceptional, the systemic and institutional framework of the jail, which fosters and heightens violence, is left unquestioned (Chartrand, 2014). Thus, we are informed that the problem is not actually jail, or incarceration; rather, it is this particular jail that is the problem. The solution implied by the media is the reform of this jail, or perhaps the construction of a new jail.

Concluding Thoughts

The media coverage concerning the deaths of these four individuals challenges dominant discourses of the criminalized and counters much of the literature concerning deaths in custody, as the prison system and prison officials are frequently condemned. Furthermore, contrary to the typical portrayals of the criminalized, these individuals are frequently presented in a manner, which encourages the reader to identify with them and their families. However, the above themes, which structure the media coverage, while potentially successful in invoking public sympathy and denunciation of prison, is ultimately underpinned by an individualization of the

issues, which works to marginalize other forms of knowledge and, in some cases, reinforces the legitimacy of the prison. In doing so, the media coverage informs readers that incarceration can, and in some cases, does work; thus, the solution remains in weeding out the bad apples and tweaking certain policies. The media coverage ultimately allows the penal spectator to remain disengaged from broader questions concerning the legitimacy of the prison as a method to respond to criminalized harms and allows the penal spectator to remain distanced from the pains of incarceration that are regularly enacted on a daily basis in jails and prisons.

Chapter 7: Conclusion

Summary of Findings

My objective in writing this thesis was to observe the ways that the media discussed deaths in custody. Using Brown's (2009) concept of penal spectatorship and Butler's (2004, 2009) concept of grievable life, I sought to explore whether the media recognized these deaths as ones to be grieved, as well as how the media presented the prison system. To accomplish this, I conducted a multiple case study of four deaths in custody, analyzing online news articles published from national and local Canadian online news outlets. Using a cultural criminology framework, I also sought to understand how visual elements were potentially used alongside the text to construct certain narratives concerning these deaths.

The findings of this research suggest that deaths in custody may be constructed as grievable through the personalization of the story, which relies on intimate information concerning the deceased and a focus on the familial grief following the death. The visual representations of these deaths, which included personal and family photos, worked to ground these stories, presenting the individual as someone who really existed and someone with whom the observer could identify. Furthermore, videos, which focused on familial suffering, such as the aforementioned video of Effie Snowshoe, worked to communicate visceral grief, which text alone could not achieve. In three of the cases, grievability was further articulated through the construction of vulnerability. Edward Snowshoe, Matthew Hines and Adam Kargus were reified as victims through coverage that focused on their mental health, or, in the case of Kargus, through the dichotomous positioning between him and Anthony George. In contrast to these three cases, Kinew James was not presented in that same sympathetic manner, and was instead presented as defiant and difficult to manage.

Finally, the media coverage of these cases were structured through an individualization of the etiology of wrongdoing. While the prison and prison officials were frequently criticized for their role in the death, the etiology of wrongdoing was located in particular and identifiable causes. The death of Adam Kargus was presented as the result of a dangerous individual and a toxic jail. For Edward Snowshoe, the etiology of wrongdoing was primarily attributed to the Service's use of solitary confinement and the mistreatment of mental illness. For Matthew Hines, there was significant emphasis on the actions of individuals, as well as the Correctional Service of Canada's mistreatment of mental illness.

In totality, these articles challenge dominant representations concerning criminalized individuals, which portray them as inherently different from the rest of 'us'. Furthermore, contrary to the literature concerning deaths in custody, which has found that accountability is often obscured or rationalized through official discourses, the results of this study found that the media frequently attributed blame to both individuals and institutions. These representations are significant, as the media may play a role in opening up further discussion on aspects of punishment. However, the media's construction of these deaths presents certain limitations and considerations. Overall, while these deaths were presented as unfortunate and untimely, the media marginalizes a broader discussion of punishment, including how structural factors contribute to and influence criminalization and incarceration. In doing so, this coverage obscures the inherent harms of the prison system and in some cases, reinforces the legitimacy of the prison. Even when broader institutional and systemic issues are raised, such as the Correctional Service of Canada's use of solitary confinement or the problems plaguing the Elgin Middlesex Detention Centre, the presentations of these problems is still limited in nature. The coverage informs its readers that the problem is not necessarily punishment; rather it is about the

use of prolonged solitary confinement or a prison gone awry. The lack of systemic analysis gives rise to a dilemma. While individualizing and personalizing structure may enhance the grievability of the individual and perhaps provoke outrage from the public, which can assist in holding officials accountable, the lack of systemic analysis allows penal spectators to remain distanced from those who remain incarcerated and the inherent harms of the system.

Significance of Study and Avenues for Future Research

These four cases represent only a small fraction of deaths that have occurred in the last five to ten years. Many deaths occur behind the closed prison walls with little to no public discussion. Throughout this thesis, I have discussed the examples of Richard and Daniel Wolfe whose deaths received different treatment to those included in this study. One can also think of the death of Peter Collins, an individual who was convicted in 1983 for killing a police officer. In 2015, Collins died from cancer complications in the prison's regional hospital after being denied compassionate release, which would have allowed him to spend his final months among family in the community. Despite the callousness of forcing a terminally ill man to spend his final months in prison, this death did not receive the same level of coverage, nor did it provoke the level of outcry found in these four cases.

There is a general consensus that the news media can influence public opinion with regard to issues such as the criminal legal system and the prison itself. Given the closed nature of the prison system, the role of the media in influencing public opinion cannot be ignored. Moreover, as noted in the literature review, the media can play an important role in holding state officials accountable (Brown, 2009; Wilson & O'Sullivan, 2005). For this reason, it is important that research be attuned to the ways in which the media discusses conditions of confinement, especially when wrongdoing is potentially implicated. Brown (2009) encourages us to "push our

best representations of punishment in a manner that encourages more thoughtful, self-aware and informed portrayals of the complexities of punishment” (Brown, 2009, p. 64). Understanding the role of the media in constructing and representing deaths in custody is an important concern for all those interested in engaging with contemporary questions of the construction of crime and crime control.

After conducting this research, several potential avenues for future research have been uncovered. In this section, I have chosen and described a select few that I deemed to be the most appropriate and that specifically stem from my research limitations.

A multiple case study was seen as the appropriate choice for this research, as I sought to provide in depth details of the cases. Additionally, I chose these four cases, in part, because they received a substantial amount of media coverage; however, this undoubtedly, impacted the findings of my research. There are many deaths that occur in custody that do not receive the same level media coverage. Future research could benefit from a more comprehensive exploration of the media coverage concerning all deaths in custody over a certain time period. This would allow for greater insight into how grievability may be restricted to certain individuals who are seen as undeserving of sympathy and how accountability may be obscured in these deaths as well. This can provide greater insight into the contours of grievability and whose lives can be imagined as worthy of our sympathy. This research could also consider deaths at different historical points to provide insight into how these representations have changed over time.

Additionally, while this research focused on contextualizing these media representations within a culture of punishment, future research could examine media coverage within the context of other critical discourses. For example, a critical feminist criminology lens could be used to

explore the media coverage of Kineo James' death in order to provide a more in depth discussion as to how critical forms of knowledge may be subjugated by the media.

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Appendix A: Coding Grid

Role of the Prison			
Individuals			
Newspaper	Title	Date	Quote
Physical Environment			
Newspaper	Title	Date	Quote

Organizational policies			
Newspaper	Title	Date	Quote

Description of Individual			
In prison			
Newspaper	Title	Date	Quote
Outside prison			
Newspaper	Title	Date	Quote

Impact on Family			
Newspaper	Title	Date	Quote

Nature of Death			
Newspaper	Title	Date	Quote

Proposed Solution			
Newspaper	Title	Date	Quote