And All the Pieces Matter: Thoughts on the Wire and the Criminal Justice System

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And All the Pieces Matter: Thoughts on *The Wire* and the Criminal Justice System

Susan A. Bandes*

“Whatever it was, they don’t teach it in law school.”

I. INTRODUCTION

The standard police procedural, even including great dramas like *NYPD Blue* and *Hill Street Blues*, adheres to time-honored narrative conventions. It focuses on good, if sometimes imperfect, cops trying to find the real bad guys—the perpetrators—and bring them to justice. The episode begins when a crime ruptures the social fabric, and ends when guilt is determined and things are put to right. The standard procedural is concerned mainly with individual fault and individual heroism. It does not raise disquieting questions about the criminal justice system, the legal system, or the social and political arrangements that lead to a permanent underclass. There are eight million stories in the Naked City, and in the police procedural, every one of them stands on its own.

This standard cop show narrative reflects and reaffirms a deeply ingrained, reassuring view of the world. *The Wire* is a different kind of television. It aims not to reassure but to unsettle, or as David Simon once put it, “to pick[] a fight.” On its surface a police procedural, *The Wire* has been aptly described as a portrayal of “the social, political, and economic life of an American city with the scope, observational precision, and moral vision of great literature.” Unlike the standard police procedural, which presents and resolves a discrete problem every week, *The Wire*...

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2 The tag line from *The Naked City*, a TV drama that ran from 1958 to 1963 on ABC.


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Wire keeps widening its lens to reveal the context in which crime and policing take place. Although the show begins as a description of an actual wiretap, the series soon turns out to be about a series of interlocking systems, wired for dysfunction.

The Wire is deeply concerned with institutions, how they constrain the shape of individual lives, and how they perpetuate themselves, often at the expense of achieving their legitimate goals. However, although the show’s most cherished subject is the institutional roadblocks to good policing, The Wire rejects the standard paradigm in this regard as well. It is not one of those cop shows that reflexively portray constitutional rights as annoying hindrances to law enforcement. Other shows tell us that cops need free rein; that we ought to trust their instincts and keep the government and the Constitution off their backs. This show vividly demonstrates that those instincts are sometimes misguided or self-protective and that the right kinds of limits can play an important role in good police work.

In order to dramatize the criminal justice system as a system, the show radically revises the narrative conventions of the genre. Against all odds, it creates a compelling narrative about institutional dynamics and bureaucratic dysfunction. For those of us who study and care about issues of policing and crime, The Wire is indispensable for both its remarkable portrait of the criminal justice system and its demonstration that complexity and social context can make for a gripping tale.

This short essay is an exploration and an appreciation of The Wire’s portrait of the criminal justice system, using “The King Stay the King,” the chess lesson scene from Season One, as a starting point.

II. “THE KING STAY THE KING”

Early in the first season, D’Angelo Barksdale, a young lieutenant in his uncle Avon Barksdale’s drug organization, attempts to teach two street level dealers, Bodie and Wallace, to play chess:

D’Angelo Barksdale: Yo, what was that?
Wallace: Hm?
D’Angelo Barksdale: Castle can’t move like that. Yo, castle move up and down and sideways like.
Preston ‘Bodie’ Broadus: Nah, we ain’t playing that.
Wallace: Yeah, look at the board. We playing checkers.
D’Angelo Barksdale: Checkers?
Wallace: Yeah, checkers.
D’Angelo Barksdale: Yo, why you playing checkers on a chess set?
Preston ‘Bodie’ Broadus: Yo, why you give a shit?


The Wire: The Buys (HBO television broadcast June 16, 2002).
D'Angelo Barksdale: Now look, check it, it’s simple, it’s simple. See this? This the kingpin, a’ight? And he the man. You get the other dude’s king, you got the game. But he trying to get your king too, so you gotta protect it. Now, the king, he move one space any direction he damn choose, ‘cause he’s the king. Like this, this, this, a’ight? But he ain’t got no hustle. But the rest of these motherfuckers on the team, they got his back. And they run so deep, he really ain’t gotta do shit.

Preston ‘Bodie’ Broadus: Like your uncle.

D’Angelo Barksdale: Yeah, like my uncle. You see this? This the queen. She smart, she fast. She move any way she want, as far as she want. And she is the go-get-shit-done piece.

Wallace: Remind me of Stringer.

D’Angelo Barksdale: And this over here is the castle. Like the stash. It can move like this, and like this.

Wallace: Dog, stash don’t move, man.

D’Angelo Barksdale: C’mon, yo, think. How many time we move the stash house this week? Right? And every time we move the stash, we gotta move a little muscle with it, right? To protect it.

Preston ‘Bodie’ Broadus: True, true, you right. All right, what about them little baldheaded bitches right there?

D’Angelo Barksdale: These right here, these are the pawns. They like the soldiers. They move like this, one space forward only. Except when they fight, then it’s like this. And they like the front lines, they be out in the field.

Wallace: So how do you get to be the king?

D’Angelo Barksdale: It ain’t like that. See, the king stay the king, a’ight? Everything stay who he is. Except for the pawns. Now, if the pawn make it all the way down to the other dude’s side, he get to be queen. And like I said, the queen ain’t no bitch. She got all the moves.

Preston ‘Bodie’ Broadus: A’ight, so if I make it to the other end, I win.

D’Angelo Barksdale: If you catch the other dude’s king and trap it, then you win.

Preston ‘Bodie’ Broadus: A’ight, but if I make it to the end, I’m top dog.

D’Angelo Barksdale: Nah, yo, it ain’t like that. Look, the pawns, man, in the game, they get capped quick. They be out the game early.


Several years later, Bodie finally understands D’Angelo’s chess lesson. Bodie’s realization and rejection of his status as one of the “baldheaded bitches” leads to his murder:

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7 Id.
Preston ‘Bodie’ Broadus: I feel old. I been out there since I was 13. I ain’t never fucked up a count, never stole off a package, never did some shit that I wasn’t told to do. I been straight up. But what come back? Hmm? You’d think if I get jammed up on some shit they’d be like, “A’ight, yeah. Bodie been there. Bodie hang tough. We got his pay lawyer. We got a bail.” They want me to stand with them, right? But where the fuck they at when they supposed to be standing by us? I mean, when shit goes bad and there’s hell to pay, where they at? This game is rigged, man. We like the little bitches on a chessboard.

Off. James ‘Jimmy’ McNulty: Pawns. 8

For five seasons the show meticulously illustrates D’Angelo’s insight in one bureaucratic context after another. There is an ironbound internal logic to the institutions portrayed in The Wire. This logic—the rigged chessboard in which the king stays the king, everyone had better know his proper moves, and the pawns are infinitely replaceable—drives every institution The Wire portrays: the drug culture, families, neighborhoods, labor unions, politics, social welfare agencies, law enforcement agencies, the schools, and the media. The main goal of these institutions is to perpetuate and protect themselves. The main goal of the institutional players is to preserve or expand their power. Aims like making the streets safe or covering the news or protecting workers or educating children are consistently subordinated to these primary goals.

The Wire shows us something truly frightening about systemic dysfunction—that most of the harm done is neither dramatic nor venal. Sometimes individuals make heroic or repugnant choices. But The Wire insists on complicating not only the notion of villainy, but also the notion of heroism. It repeatedly presents individual choice as severely constrained, even dictated, by the logic of the system. Harm is done, day in and day out, by regular people trying to do and keep their jobs.

As I will discuss below, a central achievement of the series is to replace the flat categories of standard police procedurals with a fully realized world populated with morally and emotionally complex characters. This is not to say that the show withholds moral judgment. But in every case, the viewer is shown how moral choice is shaped and constrained by systemic forces. High level functionaries like the Baltimore Police Department’s (BPD) Major Rawls may be the closest thing to villains in this series, but even as “the king stays the king” by sacrificing justice and progress for institutional expediency and survival, we are shown how these

8 The Wire: Final Grades (HBO television broadcast Dec. 10, 2006). This brief reference to the chess scene marks the first time it is mentioned in three years. The Wire expects its viewers to pay close and sustained attention, and rewards them for doing so.
choices are virtually foreordained. Those who attempt to live within an organizational structure but refuse to obey these rules, like the BPD’s Bunny Colvin or Baltimore Sun journalist Gus Haynes or student turned drug dealer Michael Lee, are nearly always punished: demoted, forced to resign, banished, murdered, depending on their trade.

Characters take heroic stands from time to time, but the show subverts the standard narrative expectation for a heroic protagonist. Instead it offers Jimmy McNulty in what appears to be the standard hero’s role (the Bobby Simone role in NYPD Blue), consistently forcing the viewer to examine the complex motives driving McNulty’s defiance of the departmental strictures that interfere with his investigations, as well as the practical and moral costs of that defiance.

Just as the show locates its individual characters in the broader institutional context of the criminal justice system, it also locates the criminal justice system within a broader network of crisscrossing institutions. The standard cop show not only erases the bureaucratic constraints on the individual cop; it also erases the larger bureaucratic landscape within which law enforcement institutions operate. All the pieces matter, as Detective Lester Freamon remarks. The Wire begins by showing us the symbiotic relationship between the cops and the drug trade. It then keeps widening the lens. Unless we look at the wider symbiotic relationship between the police, the schools, the street corner, the various levels of government, the media, and other institutions, we can’t even scratch the surface of what’s wrong here.

But crucially, even as The Wire painstakingly reveals the internal wiring of each institution, and the myriad ways in which the institutions are wired together, it also shows the viewer, time and again, how much energy is spent on keeping those wires hidden. Statistics are manipulated (“juked”). Money trails are not followed. High value targets are not pursued. Whistleblowers are severely disciplined and usually banished. Explorations into root causes are tabled in

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9 In several slyly subversive scenes, quintessential outlaw Jimmy McNulty begins running a shadow police department, doling out departmental funds allocated for investigation of his homeless serial killer case, and finds himself understanding some of the frustrations of supervising people like him and his fellow officers. See, e.g., The Wire: The Dickensian Aspect (HBO television broadcast Feb. 10, 2008).

10 Indeed, by the end of Season Five, McNulty has thoroughly unsettled the viewer’s assumptions and, for many viewers, betrayed their trust just as he betrayed the trust of his coworkers.


12 Indeed the series is essentially set in motion by Jimmy McNulty’s nearly accidental revelation to Judge Phelan that high value targets are not being properly pursued, a revelation that violates the departmental code of loyalty. The Wire: The Target (HBO television broadcast June 2, 2002). See also Susan Bandes, Loyalty to One’s Convictions: The Prosecutor and Tunnel Vision, 49 How. L. J. 475 (2006) (discussing institutional loyalty and systemic injustice).
favor of quick fixes or showy press conferences.\textsuperscript{13}  The police culture and the drug culture align in a happy symbiosis—it is in everyone’s interest to keep picking off the pawns, who are then simply replaced. It is in nobody’s interest to follow the money to the high value targets—a road that ends at the seats of power in Annapolis, in Baltimore, and in the corporate boardrooms.

It turns out that the king stays the king in the police department by appeasing the government officials who control the purse strings—that is, by not putting the pieces together. This is the abstract concept of dysfunction made concrete: a show about the institutional imperative to turn away knowledge of systemic failure rather than risk disturbing the status quo. \textit{The Wire} is about the effort that is put, not into solving the crimes that just happen to present themselves at the beginning of each show, but into keeping the “red” (open) cases off the board, keeping the bodies buried, and keeping the patterns of violence that tie the bodies together buried too. That thematic point is made quite literally in this show, which in the final seasons depicts the strenuous efforts of top brass to avoid learning about the bodies in the vacant houses or how they got there.\textsuperscript{14}

The bureaucratic refusal to put the pieces together is often counterpoised, in this series, against misguided, counterproductive tracking of useless or nonexistent patterns. The plotline in which top brass keep the bodies in the vacants out of sight is counterpoised against one in which these same officials pull out all the stops to investigate a faked pattern of serial killings. Although the pattern of killings is entirely illusory, the “discovery” of the pattern and the response to it advance a number of careers in the police department, the newspaper, and electoral politics. The use of COMSTAT to track patterns of crime and to hold officials accountable for crime rates is repeatedly portrayed as increasing the territoriality, the juking of statistics, and the concern with keeping clearance rates down that create disincentives to actually investigating and fighting crime. In the schools, standardized testing not only measures illusory “progress,” but actively impedes the ability to teach anything of value. In each institution, energy is devoted to creating an illusion of measurement, coherence, and progress in ways that impede legitimate institutional goals.

\textsuperscript{13} Or in the case of \textit{The Baltimore Sun}, explorations into root causes are tabled in favor of colorful “Dickensian” anecdotes. \textit{See The Wire: The Dickensian Aspect} (HBO television broadcast Feb. 10, 2008).

\textsuperscript{14} Sgt. Jay Landsman orders the unit to stop looking for bodies: “We do not go looking for bodies, especially moldering fucking John Does. We do not put red up on the board voluntarily . . . . You will not . . . pull down any more fucking wood.” \textit{The Wire: That’s Got His Own} (HBO television broadcast Dec. 3, 2006).
III. "WE GOT OUR THING BUT IT'S JUST PART OF THE BIG THING"\textsuperscript{15}

Criminal procedure is concerned, at least ostensibly, with how law guides police behavior. However, it makes only a halfhearted attempt to grapple with the criminal justice system as an instrument of social control. As The Wire brilliantly depicts, the police presence in certain neighborhoods is a pervasive force shaping the quality of life of those who live there. Criminal procedure has no real framework for addressing questions about policing priorities and police conduct, and tends to relegate these questions to fields like criminology and sociology.\textsuperscript{16} It purports to address police conduct and police incentives, yet its main remedy for police illegality is the exclusionary rule, which is ineffectual or beside the point in dealing with a wide swath of police street-level conduct and supervisory decision-making.\textsuperscript{17}

The Wire, as it happens, contains a surprising number of scenes depicting the effectiveness of the exclusionary rule. Police and Assistant State's Attorney Rhonda Pearlman and Judge Phelan spend substantial time discussing the threshold for probable cause and drafting warrant applications and reviewing arguments for extensions on wiretaps. The warrant process is treated with a fair amount of respect. Cops—notably Herc Hauk—find themselves in serious trouble for doing things like making up informants in warrant affidavits.\textsuperscript{18} And, in the final season, the BPD's case against drug kingpin Marlo Stanfield's organization is compromised (though his crew is decimated, Stanfield himself walks) because it is tainted by an illegal wiretap.\textsuperscript{19}

The exclusionary rule works, but it doesn't address much of what ails the cop culture or the drug culture. Most of the police work The Wire depicts is beyond the reach of the exclusionary rule. The rule doesn't reach the endless Terry stops whose point is not to obtain admissible evidence, but to exert control. Nor does it reach the low level misdemeanor arrests whose purpose is to get the suspect to the station for questioning, to create leverage, or to get a weapon off the street. In The Wire's Baltimore, cases that do get to court (the most serious felony cases) are often derailed not by suppressed evidence but by witness intimidation and murder. In the great Clay Davis trial scene, the case is derailed by a yawning cultural chasm, inspired oratory, and a deeply ingrained acceptance of corruption.\textsuperscript{20}

\textsuperscript{15} The Wire: Corner Boys (HBO television broadcast Nov. 5, 2006) (spoken by the student Zenobia).

\textsuperscript{16} For a general discussion of what criminal procedure can learn from criminology, see generally 7 OHIO ST. J. CRIM. L. 1 (2009).


\textsuperscript{18} Hauk's confidential informant in Season Two is the fictional Fuzzy Dunlop, named after a tennis ball. See The Wire: Duck and Cover (HBO television broadcast July 27, 2003).

\textsuperscript{19} See The Wire: -30- (HBO television broadcast Mar. 9, 2008).

\textsuperscript{20} The Wire: Took (HBO television broadcast Feb. 17, 2008).
The Wire captures the irrelevance of standard Fourth Amendment remedies in another way as well. In standard cop shows, the crime is a given—it appears, unbidden, at the beginning of the episode. The Wire shows a world in which police are inundated with cases and information. The question is not how the police will solve “the case,” but how caseload priorities will be determined. Much of the drama takes place in cubicles, where street level police and supervisors spend much of their time arguing about resource allocation, begging functionaries to do their jobs, and engaging in jurisdictional disputes about who gets saddled with open cases. See, for example, the scene in which Jimmy McNulty consults tide reports to prove that the floating dead body really was in the BPD’s jurisdiction rather than the Harbor Patrol’s. Questions of which cases get prioritized, deep sixed, or sidelined are well outside the ambit of constitutional criminal procedure. But The Wire illustrates the point: a jurisprudence that attempts to address police incentives mainly through excluding evidence at trial is in danger of being sidelined or marginalized.

Even as it shows the myriad multi-institutional barriers to good policing, The Wire also carefully depicts the importance of internal police culture to defining and enforcing policing norms. The point is driven home in the final episodes, when Kima Greggs, the moral compass of the BPD ensemble, turns in McNulty and Freamon for their rogue behavior in the serial killer scheme. Likewise, in one beautiful small exchange, Carver, who has been promoted, informs Herc, who has been fired for his incompetence and repeated refusal to respect limits, that he is about to discipline another officer in a way that will create problems for Herc:

Herc: He knows he fucked up. He knows this. He’s proud, you know? He doesn’t wanna beg.
Carver: It’s not about that.
Herc: Come on, Carv, you cannot do one of your own guys. I mean, I know you got rank now. You’re damn-near lieutenant. But still.
Carver: It ain’t about the rank. I never told you, Herc. Never said a fuckin’ word. But when I gave you that kid to debrief last year. Whatshisface? You were supposed to get him to Bunk Moreland, you remember that?
Herc: Yeah. I fucked up. So what?
Carver: So it mattered.
Herc: So what the fuck does this have to do with Colicchio?
Carver: It all matters. I know we thought it didn’t, but . . . it does.

21 The Wire: Ebb Tide (HBO television broadcast June 1, 2003).
23 The Wire: Transitions (HBO television broadcast Jan. 27, 2008).
IV. YOU FEEL ME?: EMPATHY AND MORAL COMPLEXITY ON TV

I have long been fascinated by the problem of how media can effectively portray complex entities without devolving into simple stories with heroes, villains, and an easy, cathartic resolution. Likewise I’ve been interested in the question of empathy—both the problems of bridging empathic divides across race and class and other barriers, and the problem of evoking empathy for cops, victims and suspects, all at the same time. I’ve observed elsewhere that:

Television . . . has a particular grammar, and the nature of the information we receive is to a great extent shaped by that grammar. I do not suggest that this grammar is inherent in the technology; there are complex explanations having to do with corporate imperatives, audience psychology, and the political and social landscape. But descriptively, we can say that television uses an episodic frame that “fragments information into isolated, dramatic particles and resists longer and more complex messages.” It emphasizes immediacy and discrete occurrences. It prefers simple, dramatic messages that resonate with what we already know—heroes, villains and other familiar stock figures, right and wrong, easily identifiable problems with simple solutions. It is better at showing the status quo than the need for change, better at the concrete than the abstract or nuanced.

I am now grateful that I included the caveat. *The Wire* is a testament to the fact that the hurdles to nuance and complexity are not inherent in the medium. It is possible to tell a compelling story that defies the standard narrative rules of the medium. Indeed, *The Wire* is a pioneer in creating a new kind of serial television, in which multiple intersecting stories involving a huge cast of characters play out, not only from one episode to another, but over a span of several seasons.

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28 There are interesting discussions to be had about the role of subscriber television in this new golden age of television. Subscriber television, for example, gave *The Wire* time to build an audience. It enabled the audience to catch up on previous episodes so it could give the story the attention it required. These were important elements in the ability to present a subtle, complex, long running serial narrative.
The feat *The Wire* achieves is to draw us deeply into the lives of individual characters while at the same time drawing back and showing us the roles these characters occupy in a larger system. This systemic focus doesn’t work against the viewer’s ability to empathize with individual characters. It provides additional context for their perspectives and their decisions. As I mentioned above, at times it even helps create understanding (if not exactly compassion) for powerful characters like Police Commissioner Ervin Burrell or Mayor Tommy Carcetti, who might elsewhere be portrayed simply as ruthless or clueless bureaucrats, but whom this show portrays as institutionally constrained and readily replaceable.

But *The Wire* distinguishes itself from the usual police procedural most notably by the complex, nuanced world it creates, and the empathy it evokes, for those whom other shows simply portray as crooks, thugs, and perpetrators. By the time D’Angelo Barksdale gets killed off in the second season, the audience has become invested in his well-being. It is clear that he has been raised to fill a certain role. It is evident that despite his moral qualms and deep unease about that role, he has no real grasp of what other options might be available to him—and the show leaves entirely ambiguous the question of what those other options might be. Much later, when boxing coach Cutty Wise assures Dukie Weems that there is a world outside drug dealing, and Dukie asks, “How do you get from here to the rest of the world?,” Cutty responds, “I wish I knew.”

D’Angelo is a pawn, an infinitely replaceable commodity. This is the message he tries to teach Bodie Broadus. By Season Four the viewer has been acquainted with Bodie for a long time. He’s been a drug dealer and a cold-blooded killer—in one searing early scene, he killed his sweet, out-of-his-depth friend Wallace—but by now we understand that isn’t all he is. The viewer mourns Bodie’s death. *The Wire* is willing to break the viewer’s heart that way—killing off characters in whom we’ve become deeply invested. By Season Four we begin to feel in a visceral way what it means to be an expendable pawn in the game, and what it means to watch the game unfold. We can get attached to the characters. But no matter what happens to them, there will be others just like them, with the same set of circumscribed moves in the same game, already mapped out for them.

The characters learn this lesson along with the viewer. When the teacher Roland “Prez” Pryzbylewski wants to adopt his student Dukie Weems, the assistant principal explains to him that there will be plenty of other students in the same situation who also need his help. The heartbreaking track the kids are on is a systemic problem, not often solvable by individual acts of kindness. The beneficial effect of individual acts of goodness is not ruled out. Bunny Colvin adopts Namond Brice, and it appears that he has successfully saved Namond from a short life as a hopelessly incompetent drug dealer. But for each role, there are replacements waiting in the wings. Dukie is not saved and will replace Bubbles as a street peddler and heroin addict. Michael Lee will replace Omar Little, living

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30 *The Wire: That’s Got His Own* (HBO television broadcast Dec. 3, 2006).
outside the rules of the game, robbing drug dealers. Marlo Stanfield, who replaced Avon Barksdale as the drug kingpin, will himself be replaced, as will Cedric Daniels, who resigned from the BPD rather than be forced to juke the stats. And so on.

In short, *The Wire* gives us no easy outs, no quick catharsis. In the words of one commentator, "*The Wire* is in the business of telling America truths about itself that would be unbearable even if it were interested in bearing them." For those of us who study and care about the criminal justice system, it is an indispensable exploration of our subject. But don’t watch it just for that reason. Watch it because it’s a dazzling literary achievement, a riveting show: the greatest television series ever made.\(^32\)

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\(^32\) There are actually a large number of sources I could cite for this proposition. However, every one of them is an expression of its author’s opinion, just as this assertion is an expression of my own opinion.