

Soundbites and Cellblocks:

Analysis of the Juvenile Justice Media Debate & A Case Study of California's Proposition 21

We Interrupt This Message

San Francisco – New York

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Overview

Introduction

Juvenile crime is going down. In fact it has dropped 36 percent since 1994. Yet two-thirds of Americans believe that juvenile crime is rising.¹ Voters and legislators across the country are approving increasingly punitive measures to address youth crime, policies that ignore the utility of youth development, prevention, intervention, and rehabilitation. Prevailing attitudes and public policy regarding juveniles have resulted in an historic increase in the incarceration and execution of young people.

The public debate about juvenile justice, like many civic issues, is carried out in large part through the media, in particular the news media. Among those who perceive a crime problem nationally, 82 percent say their assessment is based on crime reports they've seen in the news. Only 17 percent say it is based on their personal experience.²

Developing an understanding of how the news media debate on juvenile justice policy is framed as well as what opportunities exist for moving that debate forward is critical to producing progressive public policy.

This document offers an examination of the messages (sound bites, quotes, and indirect quotes) from advocates on both sides of the juvenile justice policy debate as well as an examination of the larger themes that these messages promoted in news coverage of juvenile justice policy stories. An examination of the media debate on California's Proposition 21 is broken down in a case study that follows the general report.

In addition, this report examines patterns in reporting found in routine crime stories, patterns that provide an important backdrop for the debate taking place between advocates in the news stories on juvenile justice policy.

Methodology

We Interrupt This Message conducted a media analysis on news coverage of juvenile justice generated over a 15-month period from January 1, 1999, to March 21, 2000. The debate on California's Proposition 21 (enacted on March 7, 2000) fell into this period.

Over 1,500 articles, including news articles, op-eds, editorials, and letters-to-the-editor, were collected by searching through five major California newspapers (the *Los Angeles Times*, *Sacramento Bee*, *San Francisco Chronicle*, *San Diego Union Tribune* and the *San Jose Mercury News*) and wire stories with datelines originating in these same cities. Numerous articles republished by the five newspapers, but originating from national sources such as the *New York Times* and the *Washington Post*, were also captured. The Data Center in Oakland, California, performed a major portion of the data collection.

Stories about juvenile justice policy as well as stories about individual youth crimes were collected. Policy articles were collected to examine the shape of the media debate on juvenile justice policy, while articles on individual youth crimes were collected to examine the context in which the debate on juvenile justice policy occurs.

We Interrupt This Message identified and analyzed patterns in the direct and indirect quotes attributed to advocates on both sides of the juvenile justice debate as well patterns in the reporting conducted by journalists.

Contents

The report findings detail how the media debate on juvenile justice is shaped. The report also identifies opportunities for promoting juvenile justice policy through the media.

The report first presents a discussion of landscape themes (themes in routine crime stories), which is followed by a discussion of policy story themes (themes in stories about larger juvenile justice issues). The report then examines the messages (soundbites, quotes, and indirect quotes), from advocates on both sides of the debate, which drove these themes. The report concludes the first section by offering messages and media strategies for moving the debate forward.

The report concludes with a closer examination of the media debate on California's Proposition 21 and offers lessons from the Prop. 21 campaign.

Key Findings

"The advocates of harsher penalties for youth controlled the terms of debate."

The advocates of harsher penalties for youth controlled the terms of debate. The most common messages (sound bites, quotes, and indirect quotes) in news coverage of the juvenile justice policy debate were articulated by the proponents of harsher penalties for youth. All of the three most common story themes in policy coverage were driven by these messages.

The notion that youth crime is out of control and increasingly violent dominated media coverage of juvenile justice policy debate.

The most common theme found in media coverage of the juvenile

justice policy debate is that out-of-control youth crime demands harsher penalties.

The theme of a juvenile justice system that “doesn’t work” was dominant in the media debate. The juvenile justice system is commonly described as “out of date” and too “lenient” to deal with “today’s violent youth.”

Story themes that were infrequent or did not dominate the debate include: the decline in juvenile crime; the social roots of juvenile crime (poverty, the availability of guns, lack of social services, etc.); and the success of prevention and intervention policies in lowering juvenile crime (contrasted with the failure of harsher penalties to lower crime).

The proponents of harsher penalties were aided by news outlets that ask “who?,” “what?,” and “when?” but only rarely ask “how?” or “why?” This practice frames stories in terms of individual responsibility (as opposed to social responsibility) and provides a context that promotes a focus on punishment.

Media coverage of routine (and not so routine) juvenile crime stories provided a problematic context for the media debate of juvenile justice policy. Almost none of the media coverage found by this study linked youth crime to poverty, the availability of guns, or other environmental factors focusing instead on criminal behavior. News coverage of school crimes promoted the notion that violence in schools is widespread and increasing rapidly. Media coverage perpetuated the stereotype that youth of color are inherently criminal. The voices of youth, youth advocates, and legal defenders were dramatically underrepresented in the coverage of youth crime.

“The proponents of harsher penalties were aided by news outlets that ask “who?,” “what?,” and “when?” but only rarely ask “how?” or “why?”

Key Opportunities and Strategies for Advocates

Argue that harsher penalties do not make us safer. Claim the moral high ground by asserting the power of prevention and intervention to make us safer.

Evoked images and stories of the abuse that incarcerated youth face. Tell more stories to go with statistics.

Claim credit for the drop in youth crime. Discredit incarceration strategies.

Link crime to poverty, guns, and racism. The promotion of stories that describe the root causes of crime is essential to shifting the debate away from criminal youth to criminal conditions.

Challenge the practice of equating youth with criminality as well as the practice of indiscriminately labeling of youth of color as gang members.

Fight the media debate in the news section, not just the editorial section, of the newspaper. New stories on both juvenile crimes and juvenile justice policy must be pro-actively framed.



News Coverage of Youth Crime: The Landscape for the Policy Debate

The news coverage of youth crime paints the landscape in which the debate on juvenile justice policy occurs. While the news-reading public is directly informed about juvenile justice policy by stories on pending legislation, arrest rates, prison construction, lawsuits, etc., public opinion about juvenile justice policy is also strongly shaped by articles reporting on individual crimes committed by youth, i.e., routine (and not so routine) crime stories. The themes promoted by articles about individual youth crimes provide the context in which the policy debate happens and often directly shape the debate itself.

Landscape themes are established by patterns in articles about individual youth crimes. Policy themes are established by the patterns in articles that focus on larger juvenile justice policy questions, where the debate over juvenile justice policy is explicit. This study identifies both common landscape themes and common policy themes.

Landscape themes are presented first, followed by policy story themes.

Landscape Themes: Context for the Policy Debate

1. Invisible Causes: Poverty, Guns

Almost none of the media coverage in the study linked youth crime to poverty, gun availability, or other environmental conditions; instead coverage focused on criminal behavior.

Stories that detailed the links between crime and poverty and crime and guns were rare. Only 33 stories out of 1536, or slightly over 2 percent, mentioned any relationship between crime and poverty. Eighty-eight out of 1536, or 5.7 percent, mentioned a link between the availability of guns and crimes committed with guns. *Over 1400 articles made no mention of root causes at all.* When documented risk factors in crime go unexamined, readers are left with no explanation for youth crime other than the notion that today's youth are naturally violent and criminal.

The promotion of juvenile justice stories that include root causes of youth crime is essential to shifting the focus of debate away from criminal youth to criminal conditions. Shanto Iyengar in his seminal book, *Is Anyone Responsible? How Television Frames Political Issues*

“Only 33 stories out of 1,536 mentioned the relationship between crime and poverty.”

(University of Chicago Press, 1991) reported that news stories that offer a systemic or institutional context give viewers a sense that something can be done about a problem and are more likely to move viewers to action. Routine crime stories usually ask “who?,” “what?” and “when?” When crime stories also ask “how?” and “why?” they can promote policy reform.

2. Rampant School Violence

News coverage of school crimes promoted the notion that violence in schools is widespread and increasing rapidly.

Images of school shootings and other school violence drove much of juvenile justice coverage. Coverage of school violence was heavy, and almost 20 percent of all youth crime articles mentioned school violence. However, school-associated deaths represent less than 1 percent of all youth perpetuated homicides on youth, and the number of children killed by gun violence in schools is about half the number of Americans killed annually by lightning strikes.³ The heavy coverage of school crime promotes the notion that youth crime is out of control. In addition, since schools are naturally populated by youth, the portrayal of schools as a hotbed of violence promotes the idea that youth are naturally violent.

3. Youth of Color Are Criminals

Juvenile justice news coverage perpetuates the stereotype that youth of color are inherently criminal.

The criminalization of youth of color is deeply woven into the discussion of juvenile justice and youth crime. Youth of color are often depicted solely as gang-members, incapable of rehabilitation.

“News reporters usually only took up the question of how a youth offender had acquired a gun in accounts of school shootings, crimes generally committed by white youth.”

News accounts often introduce and refer to a youth of color as simply a “gang member,” reducing the youth to a one-dimensional criminal figure. In contrast, one *Los Angeles Times* article described a white 13-year-old accused of shooting four classmates in this fashion: “A yearbook photo of the child shows a youngster with disarming appeal — apple cheeked, grinning softly, his brown hair askew.”⁴ One of the very few instances studied in which news accounts critically examined the labeling of youth offenders as “gang members” occurred in the trial of a gang of white youth known as the “Slick 50’s.” A *Los Angeles Times* article headline referred to them as a “group,” despite a jury finding that classified the group as a “terrorist street gang.”⁵

Racial bias in the media studied in this report played itself out in other ways as well. For example, news reporters usually took up the question of how a youth offender had acquired a gun only in accounts of school shootings, crimes generally committed by white youth. By asking such a question, the media coverage implicitly offers an explanation for the origin of crime besides the criminal nature of the white youth offender. In contrast, the falling juvenile crime rate or the social factors for crime

were rarely mentioned in articles that identified youth of color as offenders, leaving readers with little to understand the origin of these crimes, except the implied criminal nature of the youth of color.

4. Missing Voices

Youth and youth advocates are dramatically underrepresented in coverage of youth crime.

While advocate messages could be found in juvenile justice policy articles, they were all but absent from coverage of crimes involving youth. Youth crime coverage largely shapes the public policy debate and is a primary vehicle for the criminalization of youth. News stories about crime help shape how adults view the occurrence of crime on a national and local level and establish the terms for the public debate found in juvenile justice policy articles.

Of 817 articles where youth were perpetrators of crimes, advocates for youth were quoted less than 14 percent of the time, whereas law enforcement was quoted 43 percent of the time. Prosecutors and judges were quoted 31 percent of the time. Politicians were quoted 16 percent of the time. The people most affected by crime coverage, youth portrayed as perpetrators in news stories, were quoted less than 8 percent of the time.

Youth legal defenders are underrepresented in media coverage.

Legal defenders for youth were dramatically underrepresented, appearing in only 10 percent of the articles that mentioned youth offenders, barely more than half as often as prosecutors appeared. Defenders were also rarely quoted in articles focusing solely on juvenile justice policy.



The Policy Debate: Story Themes and Messages

Story themes define how news stories are structured and in turn how the debate on juvenile justice policy is structured. These themes are shaped by the messages and sound bites of advocates on both sides of the juvenile justice policy debate as well as by the way journalists report on the policy debate. Policy story themes are those themes established by the patterns in articles that focus on larger juvenile justice policy questions in the debate over juvenile justice policy.

This study identified the common policy story themes running through the media coverage of the public policy debate on juvenile justice.

This study also identified the messages (sound bites, direct quotes, and indirect quotes) from advocates that promoted these themes. The messages delivered by the advocates of harsher penalties for youth dominated the debate and fueled the common story themes.

Policy Story Themes

1. Youth Crime Is Out of Control

News coverage was dominated by the notion that youth crime is out of control and increasingly violent.

The notion that youth crime is out of control and is more violent today than 40 years ago was promoted by heavy news coverage of school shootings and other violent youth crimes. It was also promoted by frequent and consistent messages from anti-youth advocates that youth crime is out of control and that “today’s youth” are more violent.

Despite the fact that juvenile crime is at a 15-year low⁶, reporters did not often examine the assertion that youth crime is out of control. Stories on FBI reports provided most of the references on decreasing juvenile crime. When incarceration proponents responded to reports of decreasing crime by boldly predicting a juvenile crime wave around the corner, journalists failed to point out that previous predictions had not materialized (see for example “Juvenile Arrests in U.S. Decline” *Los Angeles Times*, 10/18/99). When references to decreasing crime did appear in other news stories, these references were placed low in the story and often appeared in editorial pieces, not news pieces.

Running throughout news stories is the stereotype of the super-predator youth. Youth are portrayed as dangerous, violent criminals who pose a serious threat.

2. Youth Offenders Deserve Harsher Penalties

The most common story theme in news coverage of juvenile justice was that out-of-control youth crime demands harsher penalties. This was the most common message attributed to advocates of harsher penalties.

This theme was also driven by the failure of journalists to examine whether harsher penalties lead to lower juvenile crime rates and whether harsher penalties are more effective at lowering crime than other strategies. Of the 1536 stories on juvenile justice and youth crimes, only 46 articles or 3 percent even mentioned alternatives to incarceration.

The proponents of harsher penalties for youth focused the debate on violent youth, arguing, for example, that Prop. 21 was targeted at “murderers and rapists.” Non-violent youth offenders were invisible in this discussion. This pattern was amplified by reporters who did not distinguish between violent and non-violent offenders or examine how harsher penalties would affect non-violent youth who represent the majority of youth offenders. Taken together, these factors paved the way for the notion that youth offenders must be punished harder to dominate debate.

3. The Juvenile Justice System Doesn’t Work

The notion that the juvenile justice system “does not work” was prevalent in coverage. Moreover, the juvenile justice system was described as a failure because it is too “lenient” and “outdated.”

Proponents of harsher penalties frequently and consistently claimed that rehabilitation has either failed or should not be available to young people who commit violent crimes or drug crimes. This theme was amplified by journalists who did not examine the impact of incarceration on youth, whether rehabilitation works for young people, or what effect incarceration without rehabilitation has on the reduction of youth crime. A typical quote came in the aftermath of Prop. 21 from former California Governor Pete Wilson, who said that voters “acted decisively to retake California’s neighborhoods, schools, and businesses from vicious street gangs who for too long have hidden behind a lenient and outdated juvenile justice system.” (“Authorities Fear Fallout, but Weigh Options,” *Los Angeles Times*, 3/14/2000)

In addition, almost none of the stories describing failures in the juvenile justice system studied systemic or institutional reasons for recidivism, or youth crime in general. Overall, the claim that rehabilitation strategies are a failure (and that incarceration strategies do work) went unchallenged by advocates and journalists.

The failure of the juvenile justice system was linked not to its reform, but rather to its elimination. The notion that the juvenile justice system

cannot be fixed was furthered by advocates who claimed that the system could not handle the violent youth assigned to it and argued for assigning these youth to the adult system.

Almost no news stories referenced the fact that youth convicted of a violent crime already receive longer sentences on average than adults convicted of similar crimes.⁷

The lack of context meant that the assertion that the juvenile justice system was lenient and outdated went unexamined. This fueled the notion that California's juvenile justice system needs to be replaced by the adult criminal justice process.

Messages

The most common messages (sound bites, quotes, and indirect quotes) in news coverage were articulated by the proponents of harsher penalties for youth. All three of the most common story themes in policy coverage were driven by these messages, underscoring the effectiveness of their media strategies.

The proponents of harsher penalties were also aided by the media practice of framing stories in terms of individual responsibility (as opposed to social responsibility), which promotes a focus on punishment (see discussion of Invisible Causes in Landscape Themes section above).

1. Youth Crime Is Out of Control

Proponents of harsher penalties have promoted the myth of a youth crime wave even in the face of a dramatic decrease in crime. Politicians and advocates regularly employed images of school shootings and out-of-control youth crime to justify proposals to "crack down" on youth.

James Alan Fox was part of a group who, in 1994, claimed to see a crime storm on the horizon due to the population boom among juveniles.⁸ The image of a youth crime wave left a strong impression in the public mind that still holds, despite having failed to materialize. Fox and his colleagues continue to advocate for harsher penalties while rarely acknowledging that their previous predictions were inaccurate.

"James Alan Fox, a criminal justice professor at Northeastern University, cautioned that Americans might be becoming too complacent after seven consecutive years of declining crime. 'What goes down will go up,' Fox said. 'If you don't continue to work hard at crime prevention, it's like going off a diet.'" ("Gun Laws Reducing Violence," *Sacramento Bee* 10/18/99)

Such messages have permeated the debate to the point of influencing others. "Even as crime falls we must not let down our guard," said

President Clinton, reaffirming his commitment to legislation to fund more police in response to news of a drop in juvenile crime. (“Juvenile Arrests in U.S. Decline,” *Los Angeles Times*, 10/18/99).

When pressed to account for extensive data documenting a decline in juvenile crime, advocates campaigning in support of California’s Prop. 21 employed misleading statistical arguments to contend that violent youth crime was increasing (see the analysis following this document, A Case Study of Prop. 21).

2. Youth Offenders Deserve Harsher Penalties

The dominant message was that young people are becoming hardened criminals who are not punished adequately and who should be incarcerated for longer terms. Proponents of harsher penalties constantly promoted variations of this message.

The coverage of Proposition 21 was dominated by this message and supporters of Prop. 21 pushed it in a variety of ways.

“The message we are trying to get across is that a juvenile that commits a murder can in many cases be treated as a juvenile, put in the California Youth Authority and get out on his 25th birthday.” (Grover Trask as quoted in “Crime Initiative Foes Say Ballot Argument Is False,” *Associated Press*, 12/7/99)

Prop. 21 supporters successfully focused the debate on violent youth and defined the initiative in a way that put opponents of the measure on the defensive. They constantly stated that Prop. 21 was about murderers, rapists, and gang members.

“[Prop. 21] makes juveniles more accountable. We’re not talking about a large number of juveniles; we’re talking about those committing rape and murder.” (*LA Times*, 1/13/00)

Neither Prop. 21 opponents nor journalists effectively challenged this characterization of the initiative. As a result, much of the initiative’s impact was effectively masked from the public.

3. School Shootings Demonstrate the Need To Get Tough

Columbine and other school shootings were very effective examples for proponents of harsher penalties, who used them to lament the “softness” of the juvenile justice system and promote a wide array of harsh policies.

“Getting Tough: As news of another school shooting gripped the nation, federal lawmakers announced legislation to reward states that get tough on violent juveniles... ‘One thing wrong with the juvenile-justice system is young people do not get punished for things they’ve done wrong’ [Sen. Pete] Domenici said.” (Note Book, *The Orange County Register* 4/21/99)

4. The Juvenile System Can't Rehabilitate Today's Violent Youth

There was a marked shift away from the idea that youth who commit crimes deserve a second chance and have the capacity to rehabilitate. The very act of committing a violent crime is deemed to be evidence that a youth offender is not a juvenile and therefore is not capable of rehabilitation.

A typical quote by a survivor of violent crime appeared in the *Los Angeles Times*: "You should not be able to hide behind your age anymore. This was a very lethal premeditated attack. There was nothing juvenile about the crime." ("Prop. 21: Measure Would Crack Down on Youth Crime," *Los Angeles Times*, 2/1/00)

Another *Los Angeles Times* story offers the following quote: "Assemblyman Rod Pacheco (R-Riverside) says bluntly, 'some people think that any juvenile can be rehabilitated and that's a false hope.'" ("Rehabilitation, Not Brutality," *Los Angeles Times*, 12/27/99)

The message that youth are more violent today than in the past and that the juvenile justice system was not designed for today's youth criminals was prevalent. An op-ed in the *San Jose Mercury News* provides a typical quote: "...youth is no excuse for murder, rape or any other crime....the current juvenile justice system was originally designed in the 1940s to fight minor offenses like truancy and curfew violations. It was not designed to handle gang members, murderers and rapists." ("Crack Down on Kids?, Vote Yes," *San Jose Mercury News*, 1/20/00)

This message appeared repeatedly throughout coverage, suggesting that the cause of the "failure" was, in fact, bad teenagers, not bad public policy or lack of resources. This message strengthens and expands the "super-predator" mythology.

Missing Story Themes & Messages

Missing Story Themes

Many story themes important to understanding juvenile crime were dramatically underrepresented or missing completely from media coverage. Strong media messages by criminal justice reform advocates that could have echoed these themes were often not present. These were missed opportunities for criminal justice reform advocates.

1. Rehabilitation Works: The History of the Juvenile Justice System

Stories of young people who were rehabilitated by the juvenile justice system were missing from most of the coverage. The history or context of abuse of young people in adult facilities, as part of the rationale for a

“Abuse-in-incarceration scandals were not mentioned frequently in policy discussions. By contrast, school shootings were constantly referenced.”

separate juvenile justice system, was almost never covered. Also missing was a detailed history of the formation of the juvenile justice system. Many Americans know about the civil rights movement, about Martin Luther King, Jr., about Rosa Parks. But few know the juvenile justice system’s history of protecting and rehabilitating violent youth. The story of the juvenile justice system and the philosophy on which it was founded is a missing piece of historical contextualization, which would significantly change the focus of much coverage.

2. Abuse in Incarceration

Also largely missing from coverage was the abuse that young people face in incarceration, particularly the abuse by staff. Although abuse scandals were covered when they happened, these scandals were not constantly mentioned in policy discussions. By contrast, school shootings were constantly referenced in policy discussions (by both journalists and proponents of harsher penalties).

3. What Works? Prevention versus Punishment

Rarely did coverage examine what policies actually lower crime or whether harsher penalties lower youth crime. Prevention and intervention messages received disproportionately little coverage. Examinations of the success rates of various programs were also rare. Opinion pieces and columns were stronger than news pieces in this area:

“Look at New York and Florida, which have the most unforgiving juvenile justice systems. In the 1980’s, Florida pioneered the practice of giving prosecutors, rather than judges, total discretion in whether to try a child as an adult. Two hundred percent more children have been locked up in adult Florida prisons since the law went into effect...Throwing so many children into adult prisons has had the effect of making New York and Florida Nos. 1 and 2 nationally in terms of their rate of juvenile crime.” (Joan Ryan, “Youth Justice, Going Forward or Backward?” *San Francisco Chronicle*, 6/27/99)

4. Racism in the Juvenile Justice System

Stories about racism in the juvenile justice system were rare. Despite enormous racial disparities in the juvenile justice system, only 6% of stories mentioned racism or racial disparities. Institutional racism occurs when social institutions unintentionally (or unconsciously) consistently reproduce racial disparities. While there may be no conscious intent to discriminate, the end result is the same — skin color determines who is locked up and who goes free.

5. Juvenile Crime Is Down

The news that youth crime stands at a 15-year low was lost in the media debate despite more than a few stories covering the release of FBI

reports on decreasing youth crime. The discussion of decreasing youth crime was overwhelmed because it appeared most often as a statistic, was often low in the story, and was not consistently referenced by advocates at every opportunity. When a reference to the drop in juvenile crime did appear, it was found primarily in editorial pieces or in policy articles (as opposed to articles about individual crimes, where it almost never appeared).

6. Institutional Accountability

Stories that focused on the social roots of crime and the institutional responsibility for such conditions were rare. Juvenile justice stories about the rampant availability of guns, the lack of opportunity for huge numbers of youth in poverty, and the lack of social services and mental health services for youth were extremely rare. Without this context readers are left with little to explain the origins of youth crime except stereotypes of youth “super-predators,” which imply that crime is a natural condition of youth.

Yet when the institutions responsible for addressing these social factors were examined in media coverage, a much more sympathetic picture of youth emerged. There is a distinct difference between a gang member that is the prevailing picture of juvenile offenders in media coverage and the youth described by one article examining mental health care in the juvenile justice system in Ventura County, California:

“One 14-year-old boy, called an ‘extreme case’ by Pierce, smears his own feces on the wall. She said the boy has a drug-addicted mother and a brother who may have sexually abused him. Another boy severed an artery by punching his hand through a window in his cell door. And a girl, who is believed to be a victim of incest, cut herself with her wire bra and was placed on suicide watch.” (“Our Mentally Troubled Children,” *Los Angeles Times*, 4/5/99)

Stories such as these (which were rare in coverage) portray a more complete picture of kids in juvenile justice facilities and the failures of those facilities. Stories promoted by youth advocates that pose youth as survivors in a sea of guns, poverty, and abuse are very powerful in undermining the youth super-predator stereotype.

“While advocate messages could be found in articles about juvenile justice policy, they were all but absent in coverage of youth crimes.”

Missing Messages

1. Harsher Penalties Don’t Lower Crime

Youth and criminal justice reform advocates often did not use research reports that support the contention that harsher penalties don’t lower crime and often increase recidivism. This was often absent in advocates’ media messages and was almost never part of reporting.

For example, the New York and Florida experiences (see above) were rarely seen in the everyday news coverage and quotes by juvenile justice advocates did not cite these experiences.

“The basic premise of proponents for harsher penalties – that harsher penalties lower crime – was almost never challenged.”

When this message was present, it was powerful:

“Children sent through the adult system, where there are minimal opportunities for rehabilitation and where their physical and emotional survival is constantly being threatened, are destined to come out of prison as hardened criminals.” (Cardinal Richard Mahoney, as quoted in “Mahoney Leads Protest Against Youth Crime Initiative,” *Los Angeles Times*, January 13, 2000)

The basic premise of the proponents for harsher penalties – that harsher penalties lower crime – was almost never challenged. In order to change coverage, youth advocates would need to assert repeatedly and constantly that harsher penalties don’t lower crime and present stories of the alternatives that keep communities safer.

2. Youth Are Abused by Confinement

The few images of abuse that appeared in coverage were powerful. Unfortunately, advocates for juvenile justice reform failed to keep those images alive.

Stories drive news coverage, and the strongest stories for criminal justice reform advocates often originated from investigations of abuse in the juvenile justice system (e.g., boot camp abuse in Maryland and abuses in California Youth Authority facilities). With the exception of a few messages by the Center for Criminal and Juvenile Justice and the Youth Law Center, advocates did not repeat these stories in coverage. By contrast, the proponents of harsher penalties made good use of anecdotal stories, continuously repeating stories of school shootings and lenient sentences given to very violent youth offenders.

Two rare exceptions to this were a *Los Angeles Times* article (“Juvenile Justice System: A Success Story Under Fire,” 7/7/99) which discussed the story of 16-year-old Luis Rodrigues who was arrested for protesting the Vietnam War and held at an adult facility in the cell next to Charles Manson. The other was an article that recorded the message on a placard at a rally:

“At a rally Tuesday, hand-lettered signs flanked the speakers. One said, ‘Children in adult prisons are 500 percent more likely to be sexually assaulted, 200 percent more likely to be beaten by staff, 50 percent more likely to be attacked with a weapon than youth in a juvenile facility.’” (“Hallinan, Youth Rally Against Prop. 21,” *Associated Press*, 12/7/99)



Opportunities and Messages

The current media debate on juvenile justice presents opportunities for advocates to incorporate new strategies and messages to advance juvenile justice policy.

Messages

1. Argue that harsher penalties don't make us safer.

Safety is a paramount value. As long as the notion that harsher penalties will lower crime and make us safer goes unchallenged, advocates for alternatives will make little headway.

Stories that demonstrate the effectiveness of rehabilitation and the ineffectiveness of incarceration (New York, Boston, Florida) need to be highlighted in the debate. Those experiences make the point that harsher penalties don't lower crime and may even increase it. Advocates need a roster of research reports, statistics and other information in a media-friendly format to use routinely for media interviews. The roster should be national in scope while providing the relevant local and state perspective.

Be clear that prevention strategies keep us safer than punishment strategies. Youth and criminal justice reform advocates can talk about how prevention policies make everyone safer and lower youth crime. They can also point out that although punishment strategies may satisfy our need for revenge, they are less effective at reducing crime and so make us less safe. Advocates for criminal justice reform need to articulate that they are champions of safety.

2. Evoke images and stories of the abuse kids face in confinement

Advocates for juvenile justice reform should talk about the abuse youth face in confinement as often as proponents of harsher penalties talk about school violence. To be most strategic, advocates should discuss the violence of incarceration (in all facilities) instead of focusing on the violence committed by adult prisoners.

3. Claim credit for drop in youth crime

Juvenile justice advocates can credit rehabilitation, prevention, and the improved economy for the drop in youth crime. Proponents of harsher penalties are currently attempting to give credit for the drop in crime to harsh penalties. However, they have not succeeded as of yet. Since data on crime support prevention, the assignment of credit is still up for grabs. Juvenile justice reform advocates need to start pointing to how non-incarceration solutions have worked all over the country, how locales with less harsh penalties experienced the greatest drops in crime, and how wrong advocates for draconian solutions have been.

Strategies

1. Put a face on kids who have been rehabilitated

When rehabilitated youth are highlighted, the public becomes familiar with youth offenders who recover, who do well, and who aren't violent, providing an alternative to the "super-predator" image of youth offenders. For example, one of the strongest rehabilitation stories was an opinion piece by Olympic gold-medallist Bob Beamon commemorating the 100th anniversary of juvenile court and how it changed his life (*San Jose Mercury News*, 9/6/99). This coverage helps to balance the pictures of violent youth and to humanize the juvenile justice system.

2. Highlight the impact of juvenile justice policies on non-violent offenders

The proponents of punitive juvenile justice measures have defined the debate in terms of violent youth. One way to rewrite this script is to make sure the public understands the impact of policy proposals on non-violent offenders.

3. Link crime to poverty, guns, and racism

Stories that focus on the root causes of youth crime are essential to shift the terms of debate from criminal youth to criminal conditions. When the juvenile justice debate makes explicit the connections between crime and poverty and racism, it is easier for advocates to advance public policy proposals that focus on the social roots of crime and promote prevention and rehabilitation.

4. Promote the voices of those most affected by juvenile justice policy

Youth voices can have an impact on the juvenile justice debate by bringing tremendous moral authority to the conversation, in much the same way as crime victims speak with undeniable authority about their

experience. For youth, the impact of the juvenile justice system is not an academic or indirect matter, but an issue that can build or destroy their lives.

5. Debunk the indiscriminate labeling of youth of color as gang members

One of the most powerful forces in criminalizing youth of color is the media and law enforcement practice of indiscriminately labeling youth of color as gang members. This McCarthy-esque practice, which draws its power from the stereotype that poses young men of color as gang-bangers, is creating a new bogeyman, analogous to the “super-predator” icon and similarly potent in shaping public opinion about juvenile crime. Debunking this gang mythology can help prevent the debate on juvenile crime from being defined in terms of gang crime.

6. Challenge the criminalization of youth

The advocates of harsher penalties are criminalizing youth — i.e., equating youth with criminality — through the promotion of messages: “youth crime is out of control,” “today’s youth are too violent to be rehabilitated,” “school shootings demonstrate the need for harsher penalties,” “these youth are the most dangerous criminals on the face of the earth,” etc.

While advocates can and should counter each of these individual messages, they must also challenge the larger theme of criminality. It is important to argue that rehabilitation works, that prevention is more efficient and humane than incarceration, but these arguments will not have traction if the underlying theme that youth are criminals goes unchallenged.

Currently, the juvenile justice debate is about how to stop youth criminals. Advocates for youth can shift the terms of debate and gain ground by challenging the messages used to scapegoat youth.

The first step is to recognize and identify criminalizing messages when they are used. The second step is to respond to these messages by calling out the larger theme that they are promoting. For example: “It is mean spirited and just plain wrong to portray youth as criminals, when in fact they are much more likely to be crime victims. Scapegoating youth doesn’t make us safer and it doesn’t help our youth. It only blinds us to the poverty and abuse facing today’s youth.”



Prop. 21 and News Media Messages: A Case Study

The electoral battle over Proposition 21 - a California ballot initiative that radically restructured the state's juvenile justice system and greatly increased its punitive nature - fell into the data collection time period of INTERRUPT'S study on media coverage of juvenile justice.

INTERRUPT examined news coverage of Prop. 21 to identify and analyze the messages attributed to both supporters and opponents of the initiative as well as to identify patterns in news reporting on the issue.

News Media Landscape for the Prop. 21 Debate

Images from Columbine as well as sensational news reporting on other youth crimes completely dominated news coverage of juvenile justice through the fall of 1999 (the beginning of the election season), and the image of the youth predator continued to surface in news coverage.

Despite this negative atmosphere, the opponents of Prop 21 were effective in the final weeks of their campaign in moving the debate toward a more reasoned center. Until mid-January news coverage of Prop. 21 and youth crime in general was defined by the underlying assumption that increased incarceration and harsher penalties were appropriate measures. However, in the last six weeks of the campaign, Prop. 21 opponents were successful enough in challenging the terms of debate (see below) that media coverage of Prop. 21 changed significantly.

Nevertheless, the atmosphere of sensational news reporting on youth crime continued to drive public misperceptions about juvenile justice through the winter of 2000, the final section of the election season.

Although the change noted in the media coverage on the narrow question of Prop. 21 was far from enough to change the outcome of the campaign, the movement that was witnessed demonstrates that the terms of media debate can be shifted to the advantage of criminal justice reform advocates and points the way for work in the future.

Media Debate Early in the Campaign

Throughout the campaign the proponents of Prop. 21 were unified in message: "Prop. 21 targets juvenile murders, rapists and gang members." They reinforced this message with anecdotal stories.

Initially, the opponents of Prop. 21 were not unified in message and generally were not quoted telling powerful illustrative stories, evoking images or speaking with moral authority. Neither the opponents of Prop. 21 nor the journalists covering the measure challenged the myths that fueled support for Prop. 21.

News accounts defining the impact and scope of Prop. 21 were conflicting, confusing and often erroneous. Summaries by reporters almost always focused solely on the initiative's impact on violent juveniles and failed to discuss the initiative's controversial "anti-gang" provisions.

Accounts of the initiative's sweeping "anti-gang" provisions and its impact on youth were also missing from the quotes attributed to the opponents of Prop. 21. In addition, youth voices were dramatically underrepresented in news accounts.

Media Debate Late in the Campaign

Late in the campaign, the opponents were much more successful in communicating that youth sent to adult facilities commit more crimes later in life. This point received prominent coverage. For instance, the subheading of a *San Francisco Examiner* story (2/18/00) read "Juvenile crime initiative to try minors as adults said to push troubled kids to lives of crime." Challenging the myth that sending kids to adult facilities will lower crime was a significant achievement.

Late in the campaign, Prop. 21 supporters were forced to respond to No on 21 media messages (see below). This was a positive development in the campaign.

Campaign Messages

Yes on 21 Messages

Throughout the campaign, the supporters of Prop. 21 delivered their main media message — that **Prop. 21 is about juvenile gang members, murderers, and rapists.**

Prop. 21 asserted that young people who commit crimes are hardened criminals who are dealt with too leniently and need to be locked away with adults. One quote attributed to Riverside County District Attorney Grover Trask by was typical:

"Prop. 21 makes juveniles more accountable. We aren't talking about a large number of juveniles; we're talking about those committing rape and murder." ("Mahoney Leads Protest Against Youth Crime Initiative," *Los Angeles Times*, January 13, 2000)

Prop. 21 will not take money from rehabilitation, prevention or education.

Pointing out that Prop. 21 funds punishment at the expense of more effective prevention and rehabilitation strategies was successful for Prop. 21 opponents. Pete Wilson responded by calling that a false choice and defending his record on education and prevention. (Op-ed, *San Diego Union Tribune*, 2/23/00) Wilson and other Prop. 21 opponents later claimed that Prop. 21 will not “take a penny” from rehabilitation, education or prevention efforts.

Juvenile crime is going up.

As the opponents of Prop. 21 became more effective at constantly repeating that juvenile crime has dropped dramatically, the supporters of Prop. 21 responded in two ways. Initially, they claimed that juvenile crime was dropping because of harsher penalties. Later, they claimed that violent youth crime was on the rise. In addition, at various times they claimed that youth crime would rise in the future unless punitive action was taken now.

“We are proud that adult crime is decreasing, but the same cannot be said for gang-related violent juvenile crime. During 1983-1998, violent juvenile crime arrests – murders, rapes, robberies, attempted murders and aggravated assaults – increased by 60 percent, according to the California Department of Justice.” (Sacramento District Attorney Jan Scully, *Sacramento Bee*, 2/25/00)

This statement was, of course, highly misleading. While juvenile crime was higher in 1998 than 1983, it had peaked by 1990 and had steadily declined in the following decade. The best response was to politely call them liars, as two advocates, Sue Burrell and David Steinhart, did effectively in a *Sacramento Bee* piece:

“California’s juvenile felony arrest rate has fallen 30 percent since 1990, and homicide by juveniles has declined by more than 50 percent. The Yes on Proposition 21 camp tries to reinforce the myth that juvenile crime is rising, but no respected authority – not the FBI, the U.S. Department of Justice or California’s attorney general – agrees with that view.”

The juvenile system was not designed to deal with today’s violent youth.

The supporters of Prop. 21 asserted that the juvenile system was not developed to deal with “gang murderers with semi-automatic weapons or rapists preying on innocent women.” (Pete Wilson, *San Diego Union Tribune*, 2/23/00) They further argued that violent juveniles should be handled in the adult justice system.

“[The juvenile justice system] was developed in the 1940’s to address offenses such as truancy and curfew violation, not juvenile rapists and murderers.” (Sacramento District Attorney Jan Scully, *Sacramento Bee*, 2/25/00)

“Pointing out that Prop. 21 funds punishment at the expense of more effective prevention and rehabilitation strategies was successful for Prop. 21 opponents.”

Wilson's quote was a variation on the "super-predator" stereotype, evoking images of "gang murderers with semi-automatic weapons" and playing on racial stereotypes.

No on 21 Messages

The No on 21 messages improved significantly after late January. Prior to January, consistent No on 21 messages were not identifiable. The primary anti-21 media messages that appeared in coverage later in the campaign were:

Prop. 21 will send thousands of children to adult jail where they will become better criminals.

Prop. 21 will cost billions of dollars that would be more effectively spent on prevention and education. This message provoked a response from Prop. 21 supporters, thus shifting the terms of debate and indicating its effectiveness.

Prop. 21 is not needed when juvenile crime is at a low-point. Constant reference by advocates to the drop in juvenile crime helped to take some of the power out of the remorseless predator stereotype, and the response by Prop. 21 supporters indicated the effectiveness of this tactic.

Important Messages Missing From the Prop. 21 Debate

By the end of the campaign, important parts of the picture were still missing. There was almost no coverage of dramatic aspects of the bill: how Prop. 21 defined a gang and the impact that would have on young people and how Prop. 21 would impact non-violent offenders. In addition, direct and effective challenges to racist policies in the initiative and the racist agenda of some of its supporters were rare.

Strengthening No on 21 Messages: What could have been more effective?

1. Tell more stories – people not statistics

Stories drive news coverage. Yet opponents of Prop. 21 told them much less often than Prop. 21 supporters. Opponents rarely used images or anecdotes of the abuse and violence that youth face to give force and moral power to their arguments.

No on 21 advocates should have talked about the abuse kids face in confinement as often as their opponents talked about school shootings. With images of Columbine and other school shootings constantly evoked by Prop. 21 supporters and journalists, pro-21 forces won the image war. It is important to note the need to define abuse as the result

"Stories drive news coverage. Yet opponents of Prop. 21 told them much less often than Prop. 21 supporters."

of confinement without scapegoating adult prisoners. A focus on abuse by staff would help in this regard.

No on 21 advocates could have done more to highlight examples of how youth improve more when given a second chance. Such examples humanize the public's perception of juvenile offenders. An op-ed by Olympic gold-medallist Bob Beamon (San Jose Mercury News, 9/6/99) as well as quotes by San Francisco District Attorney Hallinan and others later in the campaign were powerful personal stories that brought home the need to give kids a second chance.

2. Focus more on the impact on non-violent youth

Pro-21 advocates focused on violent youth because it helped generate support for the initiative. No on 21 advocates needed to better publicize its impact on non-violent youth. For example, Prop. 21 changed the definition of felony vandalism from \$50,000 to \$400, which means that a youth who rides her motorcycle on the school lawn or paints his initials on a wall can be sent to jail for a year.

3. Define Prop. 21 proactively, contest the definition by Prop. 21 supporters

News accounts that defined the measure rarely mentioned anything about imprisoning non-violent youth, about mandatory increases in jail sentences, or about the definition of a gang. Even near the end of the campaign when this trend improved, the initiative was still occasionally described as a measure to increase penalties for the worst juvenile offenders. When the measure was presented by the news media the way supporters defined it, opponents of the measure were put at a serious disadvantage.

4. Discredit incarceration strategies more often.

There are numerous examples and studies of how incarceration strategies for addressing juvenile offenders are a failure (see discussion of New York and Florida above). No on Prop. 21 advocates could have pushed these stories more strongly and done more to publicize the effectiveness of prevention and rehabilitation. Such an effort would have helped to undermine Prop. 21 supporters' claim to one of the most important values in the campaign: public safety.

5. Focus more on how Prop. 21 defines a "gang" and how that would impact young people.

The proposition's definition of a gang is absurd and dangerous and should have been talked about as such. Yet opponents of Prop. 21 rarely mentioned it. The message by Prop. 21 supporters that the measure

would toughen penalties against gang members hurt the No on 21 forces.

The *San Francisco Chronicle* editorial board had one of the best messages on the issue. "The provisions for youth gang involvement are so far reaching that any group of 3 or more youths can be called a gang and prosecuted....If a youth is sitting at home watching TV and two friends are arrested for car theft, the youth can be charged and imprisoned for conspiracy." (1/10/00)

An op-ed by the Data Center's Ryan Pintado-Vertner (*San Francisco Bay Guardian*, 2/9/00) also provided some very useful examples of the absurd and racist policies police departments have used for determining who is in a gang. More widespread use of these examples would have been useful in No on 21 messages.



Conclusion

The terms of debate were contested late in the campaign. In January of 2000 there was a lack of, and great need for, a concerted, morally outraged counterattack to the media messages promoted by the advocates of Prop. 21. By late February this had happened. Opponents of Prop. 21 on the whole stopped ceding the terms of debate to Prop. 21 supporters who were actually forced to respond to opponents' messages.

Lessons from the Prop. 21 Fight

1. Strong editorials are not enough. News stories must be proactively framed.

While the opponents of Prop. 21 were winning in the editorial pages, they were losing in the news pages. Almost every major California newspaper called for the defeat of Prop. 21. At the same time, the news stories about Prop. 21, about juvenile justice policy in general, and about individual youth crimes drove public opinion to support Prop. 21.

2. Challenging the terms of debate is critical.

A strategy of calling out the attack on youth (in the same manner as Governor Davis' electoral campaign against the "politics of division") could have provided an overarching theme to contest the terms of debate. A theme of condemning the criminalization of youth could have provided a common link between all the individual messages necessary to undermine the proponents of Prop. 21: Prop. 21 targets non-violent youth, youth crime is down, gang provisions are dangerous, crime is linked to the poverty of youth, youth of color pay a heavy price for biased juvenile justice, etc. Naming and targeting a public enemy, such as former California Governor Pete Wilson, who can be equated with the attack on youth, can be a powerful tactic.

3. Prop. 21 opponents could not win a debate in which proponents were allowed take the moral high ground by promoting "public safety," a widely held value.

Prop. 21 opponents could have fought for the moral high ground by asserting that prevention and rehabilitation policies make communities a safer place and that incarceration strategies satisfy vengeance at the price of safety.

"New journalists tended to present Prop. 21 in the same manner as it was defined by its proponents, putting its opponents at a serious disadvantage."

Endnotes

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WE INTERRUPT THIS MESSAGE is a national non-profit media strategy and training center dedicated to building capacity in grassroots and public interest organizations to conduct traditional media work as well as to reframe public debate and interrupt media stereotypes.

INTERRUPT provides media training, technical assistance, and strategic media consulting, endowing advocates and activists with the power to inject new messages and ideas into the media debate – messages and ideas that reshape public debate, pave the way for campaign victories, and lay the groundwork for larger victories in the future. INTERRUPT also conducts collaborative media campaigns and provides media services.

INTERRUPT was founded on the belief that marginalized communities and their advocates need to be able to *change* media coverage as well as *get* media coverage in order to promote the well-being of their communities.

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