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# Media Constructions of Youth Offenders Considered for or Given an Adult Sentence under Canada's Youth Criminal Justice Act

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Media Constructions of Youth Offenders Considered for or Given an

Adult Sentence under Canada's Youth Criminal Justice Act

By

Cassandra Sieler-VanEvery

A Thesis  
Submitted to the Faculty of Graduate Studies  
through  
Criminology in Partial Fulfillment of  
the Degree of Master of Arts at the  
University of Windsor

Windsor, Ontario, Canada

2012

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September 10, 2012

## **DECLARATION OF ORIGINALITY**

I hereby certify that I am the sole author of this thesis and that no part of this thesis has been published or submitted for publication.

I certify that, to the best of my knowledge, my thesis does not infringe upon anyone's copyright nor violate any proprietary rights and that any ideas, techniques, quotations, or any other material from the work of other people included in my thesis, published or otherwise, are fully acknowledged in accordance with the standard referencing practices. Furthermore, to the extent that I have included copyrighted material that surpasses the bounds of fair dealing within the meaning of the Canada Copyright Act, I certify that I have obtained a written permission from the copyright owner(s) to include such material(s) in my thesis and have included copies of such copyright clearances to my appendix.

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## **ABSTRACT**

This thesis draws upon a social constructionist paradigm and content analysis analytic strategy to analyze two Canadian newspapers' constructions of the issue of adult sentencing and youth for whom an adult sentence was imposed or considered. The study is situated in the context of the federal government's efforts to amend adult sentencing and other sections of Canada's Youth Criminal Justice Act (YCJA) following the 2008 Supreme Court decision that overturned this legislation's presumptive adult sentencing provisions. The thesis is predicated on the presumption that newspapers, as secondary claims-makers, have the power to influence public perceptions about youth crime, and that they present and advance the competing perspectives of competing claims-makers. The thesis finds that the newspapers contain mixed constructions; that is constructions of youths as out-of-control and dangerous, as well as deserving of rehabilitation and that newspaper articles that are primarily case-specific are more punitive, while legislatively focused articles are more likely to support rehabilitation. Since case-specific articles predominate, the primary message is punitive, though even in case-specific articles a balance or mix of punishment and rehabilitation is common. This finding helps explain the public's persistent support for rehabilitation and raises questions about the Harper Government's contention that a more punitive youth justice policy is needed to bolster public confidence in the justice system.

## **DEDICATION**

This thesis is dedicated to all youths affected by youth violence, offenders and victims alike. Many research studies suggest that social environments cause youth offending and often their victims are fellow youths. As such, this thesis is dedicated to all youths affected by these conditions with the hope that one day the violence will stop.

## ACKNOWLEDGEMENT

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# CHAPTER I

## INTRODUCTION

This thesis analyzes coverage of youth crime and youth justice in two widely read Canadian newspapers, the *Globe and Mail* and the *Toronto Star*. The aim was to examine whether and how these media sources' coverage of youths who receive or are considered for an adult sentence under the Youth Criminal Justice Act (YCJA) contribute to or alternately counter the 'loss of public confidence' in the justice system that the Harper government contends necessitates amendment to adult sentencing and other YCJA provisions (Department of Justice Canada, 2011). Specifically, the study analyzes coverage of adult sentencing of youth offenders between the May 16, 2008 landmark Supreme Court ruling in *R. vs. D.B.*, which identified the YCJA's presumption of an adult sentence for specified offences unconstitutional, and March 14, 2012, the day after Bill C-10 received Royal Assent. My aim is to examine and analyze how Canada's two most widely read newspapers construct the issue of adult of young offenders, and to assess whether and how these newspapers foster or alternately participate in efforts to counter or dispel, moral panic on youth crime in Canada.

Drawing broadly upon a social construction paradigm my research questions are:

1. How are youths who are charged with a violent crime that received or were considered for an adult sentence represented in the Canadian newspaper media?
2. How do newspaper constructions participate in fuelling and countering moral panic on violent youth crime?

Here is where readers may ask, what is the significance of this study and how will it contribute to Criminology? The significance lies in its contribution of research on the media's role in supporting or opposing policy changes that result in more punitive responses to youth offending. Previous research identifies the media as a primary source of public information on youth crime (Latimer & Desjardins, 2009; Pollak & Kubrin, 2007). Recognizing this, the government of Canada maintains Canadians have lost confidence in the youth justice system and that therefore a more punitive response is needed (Barnett, Dupuis, Kirkby, MacKay, Nicol & Bechard, 2011). This study will contribute to understanding on how the media mediates this and opposing claims that more rehabilitation is needed. Drawing on Adjoran (2011) and Spencer (2005, both of whom find that the media supports both punishment and rehabilitation of violent youth offenders, this study fills a gap by focusing specifically on the most sensational cases rather than on the issue of youth violence generally. In addition to making a contribution to constructionist research on how the media operates, the thesis provides insight into how the controversial policy issue of adult sentences for youth was constructed in the media at a moment of legislative changes to provisions on adult sentencing in the YCJA.

In Chapter Two I review empirical and theoretical literature relevant to changes to the YCJA under Bill C-10, focused on the moral panic process that arguably fuels these reforms. In doing so I draw upon conceptualizations of moral panic advanced by David Garland (2008), who builds on previous theory that focuses on the role of the media in fostering disproportion, exaggeration and alarm over an identified social issue or problem. As part of this I review research on what surveyed publics believe about the extent and nature of youth crime and previous scholarship on the role of the media in both fostering

and countering these beliefs. My analysis draws particularly on David Garland's (2008) analysis on how moral panic processes entail reciprocal efforts both to fuel and to counter punitive demands.

In Chapter Three I outline the social constructionists perspective that anchors my approach to the research and describe the strategy of content and role of thematic analysis in this that I employed in analyzing the data.

Chapter four summarizes the findings.

Chapter five discusses these findings in light of reviewed scholarship and the theory that underpins my analysis.

Chapter six presents conclusions and situates these in relation to the strengths and limitations of the methodology.

## CHAPTER II

### LITERATURE REVIEW

While there do not appear to be any studies that deal specifically with how youths who have been given an adult sentence are constructed in the media, there is an abundance of research on how violent youth offenders are portrayed, and on how the public views the contradictory youth justice goals of punishment and rehabilitation. There is also a substantial body of research which suggests that because the media tends to focus on the violent acts that some youths commit, public perception is skewed into thinking the youth crime problem is larger than sound analyses of statistics and research suggests is warranted. A recent study commissioned by the Department of Justice Canada rather remarkably concluded that harsher sentencing is a viable strategy for increasing public confidence in Canada's youth justice system precisely because the media, rather than research and statistics, shapes public perceptions on crime and justice (Latimer & Desjardins, 2009). By implication, if the general public wants the government to give more youths adult sentences the government should amend youth justice legislation to do so, as the Harper government has done through Bill C-10, which builds on legislative proposals to first tabled in 2007 (see review in Barnett et al., 2011).

From the perspective of this thesis, a key question is whether and how the media shapes public views that the Harper government frames as in agreement with their position that the YCJA fails to provide a constitutionally viable option for ensuring that the courts do what is necessary to ensure that a youth who commits a truly serious violent offence should be sentenced as an adult (Bala, Carrington & Roberts, 2009, p. 133). A

report on a Department of Justice Canada commissioned survey emphasizes that only 7% of Canadians express high confidence in the youth justice system (Latimer and Desjardins, 2009, p. 19). However, this report neglects to point out the finding, shown in a table, that another 53% indicated moderate confidence, while 40% indicated low or no confidence (Latimer & Desjardins, 2009, p. 6, Figure 3). This confidence rating is in fact a significant improvement compared to findings of polls conducted in the late 1990s that appear to have influenced the then Liberal government to replace the YOA (Doob & Sprott, 2004; Roberts, 2005). However, no such comparison is made by the authors of the report, or by the government in legislative summaries (Barnett et al. 2011; Casavant & Valiquent, 2010; Valiquent, 2007) and other explanatory texts on YCJA reform. Nevertheless, the current Harper government maintains that tougher sentences for youth will increase public confidence. This claim effectively dismisses the government's own justice department's survey findings, from 2007 forward, that effective rehabilitation and prevention are what the public most strongly endorses, a finding discussed below in the ways publics do and do not endorse punishment (Latimer & Desjardins, 2009, pp. 12-13, 23; see also Latimer & Desjardins, 2007)

## **Canadian Youth Justice and Adult Sentences – A Brief History**

### ***Juvenile Delinquents Act (JDA)***

From 1908 until 1984, youth justice was governed under the first statute which addressed crime and delinquency committed by a 'child' age 7 and older, the Juvenile Delinquents Act (JDA) (see discussions on the JDA in Doob & Sprott (2004); see also Barnett et al., 2011). Under the JDA delinquents were officially defined as misguided and



misdirected children in need of help, guidance and assistance. The key aim was rehabilitation rather than punishment. In the words of a Department of Justice (2004) text, the JDA resembled ‘more of a social welfare exercise than a judicial process’. A major drawback of this system was that youths were denied basic rights including the right to appeal a court decision. What this means is that a youth court could order any intervention deemed necessary to better the youth even if it was not proportional to the crime, including holding the youth in custody until he or she reached the age of 21. Reform began in 1961 and finally ended in 1982 with the passage of the Young Offenders Act.

Throughout the JDA era, any youth over the age of 14 charged with an indictable offences could be transferred to an ‘ordinary’ or adult court where they were subject to an adult sentence and lost special protections including the withholding of their identity from the press and public. As scholars emphasize, in practice this was extremely rare. This was consistent with the intent of the JDA, which stipulated that this course of action was ‘in no case [to] be followed unless the court is of the opinion that the good of the child and the interest of the community demand it’ (s. 9(1)). Further, media coverage was not allowed under the JDA, except when the youth was transferred to an adult court, which, again, was extremely rare (Doob & Sprott, 2004; see also JDA s. 9(1)).

### ***Young Offenders Act (YOA)***

The Young Offenders Act (YOA) came into force in 1984 and was amended in 1986, 1992 and 1995, with each amendment toughening provisions for serious youth offenders (Casavant & Valiquent, 2010; Doob & Sprott, 2004). Under the YOA, a young offender was defined as anyone from age 12 to their 18<sup>th</sup> birthday alleged to have

committed an offence created by federal statutes or by regulations made there under. As was the case with the JDA, the YOA allowed for the possibility of sending youth offenders charged with a serious offence to adult court if the youth was 14 or older. Under the YOA, a youth who was charged with an indictable offence, including especially first or second degree murder, attempted murder, manslaughter or aggravated sexual assault could be transferred to an ordinary or adult court subject to a test that significantly restrained use of this option. Consideration had to be given to the interests of society, including affording protection to the public and rehabilitation of the young person and whether these objectives could be reconciled (see Bala et al., 2009; Doob & Sprott, 2004).

One key difference between the YOA and the JDA is that under the YOA the goal was to balance the protection of young offenders with accountability. Rhetorically, the act emphasized responsibility for their offences, though taking no measures or taking alternative measures remained a legislatively authorized option provided their use was consistent with the needs of the young offender and the interests of society (see s. 3(1)(d) and 4(1)(b)). The YOA was criticized for numerous reasons. First, it was criticized for not setting out clear unambiguous principles to guide authority figures responsible for upholding the law (Casavant & Valiquent, 2010). Second, some argued that it placed more value on reintegration and rehabilitation than on public protection (Casavant & Valiquent, 2010; Doob & Sprott, 2004; Bala et al., 2009). For whatever reasons, public confidence in the youth justice system plummeted. By 1997 polls indicated 70% of Canadians had low or no confidence in the youth justice system, which means an astoundingly low 30% expressed either high or moderate confidence (Angus Reid, 1997,

as cited in Roberts, 2005, p. 317) – half the rate generated in the Department of Justice survey authored by Latimer and Desjardins (2009).

### ***Youth Criminal Justice Act (YCJA)***

The YCJA came into force in April 2003. It was developed with the aim of addressing citizen and stakeholder concerns over perceived flaws of the previous YOA; that is, it represents an effort to ‘rehabilitate public confidence’ (Doob & Sprott, 2004, p. 238). A significant change relevant to this thesis is changes in provisions for sentencing violent youth offenders as adults. The YCJA created a presumption that youths found guilty of serious violent offences would be sentenced as adults in youth courts unless the youth demonstrated why this should not occur, and the historic practice of transferring youths to adult courts was abolished. At the same time, the adult sentence test remained in effect with re-drafting to emphasize consideration of whether a youth sentence would be of ‘sufficient length’ to meet the principles and purposes of sentencing (s. 72(1) ). Specifically, this test makes reference to the Declaration of Principle (s. 3) and purposes of sentencing (s. 38), both of which prioritize the long-term protection of the public. A major focus of the act as a whole is rehabilitation and reintegration – promoted by providing youth with meaningful rather than severe consequences for criminal offending. While proportionality is a key consideration, the YCJA defines proportionality to take into account not only the seriousness of the offence and the degree of responsibility of the youth but also the young person’s ‘reduced level of maturity’ (s. 3(1)(b)(ii)) (see discussions of differences in adult sentencing under the YOA and YCJA in Bala et al., 2009; Casavant & Valiquent, 2010; Doob & Sprott, 2004).

Bala, Carrington and Roberts (2009) contend that the YCJA has been a qualified success. That is, judged by substantial decreases in youths charged and youth custody rates and a concurrent drop in the quantity and severity of youth and adult offending, this legislation has achieved its goal to contribute to the long-term protection of the public while reducing over-reliance on the courts and custody. Indeed, as of 2010 crime and homicide rates were at a 36-43 year low (Brennan & Dauvergne, 2011). However, with respect to adult sentencing of youth, Bala and colleagues conclude that the YCJA has been less than successful. Specifically, notwithstanding the adult sentence test that Bala, Carrington and Roberts (2009) and others note serves to mitigate the impact of the YCJA's symbolically tough presumptive offence provisions, these provisions were overturned by the Supreme Court of Canada in May 2008 in the landmark decision *R. v. D.B.*, 2008 SCC 25.

To situate this historically, after a number of conflicting court of appeal decisions on the constitutionality of placing the onus on youth to demonstrate why they should not be subject to an adult sentence and why their name should not be published, reviewed by Bala, Carrington and Roberts (2009), in May 2008 the Supreme Court of Canada ruled that these provisions violate the principles of fundamental justice and of section 7 of the Canadian Charter of Rights and Freedoms. Specifically, the court ruled that it is a principle of fundamental justice that youths be entitled to a presumption of diminished moral blameworthiness or culpability, given their age and vulnerability, and that therefore the onus must be upon the court to demonstrate that an adult sentence is necessary, and the publication of a youth subject to an adult sentence is warranted. In the words of the ruling:

[T]he Crown, not the young person, should have the burden of showing that ... the young person is no longer entitled to [the] protection [of a youth sentence] (R. v. D.B., paragraph 93).

A key point, emphasized by the Supreme Court in R. v. D.B., the YCJA adult sentencing provisions are situated within the overall thrust of the YCJA. As stated in the YCJA Preamble;

Canadian society should have a youth criminal justice system that commands respect, takes into account the interests of victims, fosters responsibility and ensures accountability through meaningful consequences and effective rehabilitation and reintegration, and that reserves its most serious intervention for the most serious crimes ...

## **Bill C-10**

### ***Background***

Bill C-10, also known as the *Safe Streets and Communities Act*, was introduced in September 2011 and received royal assent on March 13, 2012, with sections relevant to youth justice coming into force October 23, 2012. This Bill, referred to as the Omnibus crime bill, incorporates nine previous crime bills, only one of which pertains to the YCJA, contained in Part 4 of the bill. These amendments build upon C-4, proposed under the previous Harper minority (see Casavant & Valiquent, 2010; Valiquent, 2007). This thesis is primarily concerned with provisions relevant to adult sentencing. However, it is important to note that in addition to changes to adult sentencing provisions, the bill adds newly defined categories of offences, specifically ‘violent offences’, ‘serious violent

offences’ and ‘serious offences’ (s. 2(1)j ), as well as deterrence and denunciation as sentencing aims (s. 38); broadens the gateway to both pre-trial detention and sentenced custody (s. 29 and s. 38) and expands conditions under which a youth can be identified in the media. Most salient to this thesis, it lowers the standard of proof for imposing an adult sentence (re YCJA s. 72(1)) (see discussion of these changes in Barnett et al., 2011, p. 123).

### ***Adult Sentencing Provisions***

The Bill C-10 changes to adult sentencing provisions respond to a series of Supreme Court decisions, including in particular the R. vs. D.B. ruling discussed above. As repeatedly stated in this ruling, the reverse onus provisions of the YCJA violate the historically established presumption of youths’ diminished moral blameworthiness or culpability, and therefore youths’ rights under the Charter of Rights and Freedoms. Again, the YCJA adult sentence test (s. 72(1)) hinges on the court’s consideration of two YCJA provisions —the Declaration of Principle (s. 3) and sentencing provisions (s. 38). Bill C-10 changes both. First, it re-frames or re-situates public protection and accountability as primary youth justice principles (s. 3(1) ), while adding recognition of youth’s diminished moral blameworthiness (s. 3(2)). Second, as noted above, it adds deterrence and denunciation as possible sentencing aims.

The amended adult sentencing test requires that the presumption of diminished moral blame be rebutted, but not, as proposed under C-4, ‘beyond a reasonable doubt’ (s. 72(1)(a)) (see discussion in Barnett et al., 2011). Second, it requires that the principles of youth justice (s. 3(1)) and aims of sentencing (s. 38) be considered (revised s. 72(1)(b)).

This places recognition that a youth's diminished moral culpability is at the centre of the actual imposition of an adult sentence. Thus, while Bill C-10 builds on the Harper government's 2006 promise to correct the YCJA's adult sentencing flaws by requiring the courts to consider an adult sentence, it may in practice make it more difficult to impose. As *R. v. D.B.* makes clear, regardless of what the public allegedly prefers the government cannot authorize the courts to automatically impose an adult sentence, no matter how serious the offence. The government does, however, require the Attorney General to consider recommending an adult sentence for offences previously defined as presumptive offences, and allows the Attorney General to recommend this for violence and other indictable offences that might result in an adult found guilty of these offences being sentenced to custody for more than two years, as Bill C-10 does in clauses 176 to 183 (see discussion in Barnett et al., 2011, p. 135-137).

### **Popular Punitivism and the Myth of Punitivism**

Research on media portrayals of youth crime and public responses as measured in opinion polls and surveys draw upon theory and research on the ways justice responses are shaped by moral panics and the political mobilization of moral panics in the media. Stanley Cohen introduced this term moral panic in 1972, as noted by David Garland (2008). The conventional usage of the term refers to “a sudden and excessive feeling of alarm or fear, usually affecting a body of persons, and leading to extravagant or injudicious efforts to secure safety” (Cohen, 2004, as cited in Garland, 2008, p.10). Key characteristics disproportion, exaggeration and alarm. Furthermore, a moral panic can be long lasting or short-lived. It may also lead to change, policy or otherwise, or is may produce no change whatsoever (Garland, 2008). Also noted by Garland, the mobilization

of punitive sentiments by media and political forces has become increasingly self-conscious and strategic; as have counter efforts in the media and political discourse to dispel disproportionate fear and the punitive demands that appear to so commonly accompany this. Similarly, Matthews (2005) argues that the surge in punitiveness has been driven, at least partially, by manipulative politicians who play on the public's fears and anxieties in order to increase their electoral support, while downplaying characteristically equal public support for rehabilitation and prevention. He argues that this results in a more negative attitude towards youth offenders than is warranted by crime rates.

Matthews' (2005) observations are consistent with findings the Department of Justice Canada survey (Latimer & Desjardins, 2009). It's findings that punitive attitudes among Canadians are offset by support for rehabilitation and prevention are in fact characteristic of surveys generally. In brief, scholarship and polls consistently find that Canadian and U.S. publics alike characteristically support both harsher punishments for youth offenders and more rehabilitation (Doob, 2000; Doob & Sprott, 2004; Merlo & Benekos, 2010; Minkes, 2007; Perelman & Clement, 2009; Roberts, 2005; Tuffs & Roberts, 2002). It is therefore not surprising then, that an impressive 93% of respondents in the 2008 Department of Justice survey supported more effective rehabilitative programs while less than half (48%) endorsed the view that jail is an effective method for correcting offending behaviour (Latimer & Desjardins 2009, pp. 12-13), or that the previous wave of this survey produced similar findings (Latimer & Desjardins 2007). As Doob (2000) noted a decade earlier, the same participants ambivalently want tougher



penalties for serious youth offender and reject more prisons and reductions in resources for crime prevention.

As discussed above, the government's dubious claim that the public has lost confidence and that a more punitive approach is therefore needed draws on the 2008 Department of Justice Canada survey (Latimer & Desjardins, 2009). Importantly, this survey did not ask respondents either whether they supported deterrence or whether and under what circumstances they supported making an adult sentence more available to the courts. Rather, the authors infer support for deterrence (p. 23) and the government infers support for both – without discussing the prior survey's findings that deterrence and denunciation were among the least endorsed sentencing aims (Latimer & Desjardins, 2007, p. 17-18). The government's conclusion, however, is consistent with the later survey's 'conclusion' that similar public perceptions are more influenced by the media than by research, statistics or personal experience, and that tougher sentences may increase confidence (Latimer and Desjardins, 2009, pp. 4, 23).

These observations are salient to scholarly claims that the media operates as a double-edged sword, serving contradictory social and political aims (Adjoran, 2011; Garland, 2008; Spencer, 2005). On the one hand, media representations foster populist demands to get tough on youth offenders, in particular seriously violent youth offenders, fostering misperceptions that violent crime is increasing in quantity and severity (Latimer and Desjardins, 2009). On the other side, media representations foster support for a more humane and evidence-based preventative response to youth offending and the needs of youth offenders. Recently in Canada, for example, the *Globe and Mail* published a host of editorials and columns that point out youth crime and crime generally is decreasing (e.g.,

Gallaway, 2011; Greenspan & Doob, 2011; Simpson, 2011). At the same time, this paper continues to sensationalize youth involvement not only in gang-related and terrorist crimes but also in more common youth crimes such as joy riding (e.g., Cheney, 2011). Thus, while opposing sensationalist and child saving representations align with what Garland (2008) refers to as cultural politics in an increasingly polarized “right” versus “left” political landscape, they also reflect the marked ambiguity and ambivalence that previous researchers note characterize media discourses even within a single newspaper, or indeed a single article.

### ***Parallel Political and Operational Systems***

The government’s contention that a more punitive youth justice act is needed to bolster public confidence may be viable politically but reflects a disconnect between how the YCJA is perceived to operate and how it actually operates (Bala et al., 2009; Doob & Sprott, 2006; Latimer & Desjardins, 2009). Minkes (2007) describes Canada as having two parallel systems; one political one operational. The political one contains the general public’s belief that the system is not tough enough, while the operational one contains the previous Liberal governments’ view that too many youth are charged and incarcerated. Thus, for some time there has been this difference between reality as viewed through official crime trends and appearances as shaped by media representations that most commentators agree overwhelmingly sensationalize youth violence. Consequently, ‘the Canadian government felt it necessary to play down the liberal [i.e. prevention oriented] elements of the YCJA’, at least in its initial explanatory literature and news releases (Minkes, 2007, p. 347). As Bala et al. (2009) emphasize, key aims of the YCJA are to promote diversions from the courts to community-based alternatives, and to reduce

“overuse” of incarceration by reserving this sanction for the most serious offenders. As Minkes (2007) and others note tougher sentences for serious offences are intended to satisfy popular punitivism, while diversions are supported by evidence that more humane community-based rehabilitative strategies are more effective in terms of reducing reoffending rates and keeping costs down.

This dual strategy included the elimination of youth offender transfers to adult courts. The apparent intention was to foster greater public confidence in the ability of the youth justice system itself to deal with the most serious youth offenders. However, no increase in adult sentencing appears to have occurred (Bala et al., 2009; Doob & Sprott, 2004). Alleged dissatisfaction with this outcome is arguably fuelled by exaggerated media accounts that demonize serious youth offenders, while giving space to demands for more humane evidence-based interventions. Notwithstanding evidence of public support for both, tough on crime public sentiment is used to legitimize policies that are resulting in the ‘adulteration’ of youth justice systems across Western democracies (Muncie, 2008, p. 110).

### **Canadian and International Media Portrayals of Youth Crime**

In a recent Canadian study Adorjan (2011) conducted a comparative analysis of representations of youth offenders in three Canadian newspapers during the 1990s in order to determine if these newspapers constructed youths as victimizers, or as victims. He concluded that all three newspapers provided some evidence of sensationalistic details that appealed to readers’ emotions by portraying youth offenders as victimizers. However, the *Calgary Herald* and the *Globe and Mail* often highlighted the social and

environmental circumstances that effected youth crime trends, thus confirming their status as victims as well. That is, some of these articles supported rehabilitation, or in Spencer's (2005) words, who examines similar processes in the U.S. media, child saving. Adorjan found that media sources differed considerably. The *Alberta Report* was more likely to report sensationalized stories with eye-catching headlines. For example, one headline read, 'Locking up the wild generation', while *Globe* articles are more likely to support prevention and rehabilitation.

In another recent Canadian study, Weinrath, Clarke, and Forde (2007) conducted research in Winnipeg, and used official crime data from the Winnipeg Police Service to find that there is a limited association between offence-related fears and official crime rates. In terms of official crime rates, they report that violent crime rate increased 62.9% between 1983 and 1993, then remains stable from 1993 to 2003, while property crimes rates declined from 1983 to 1993 (11.4%) and were then stable over the next 10 years. Fear of crime, on the other hand, increased for all crimes from 1984 to 1994 and then declined from 1994 to 2004. These authors did find an association between increases in fear of assault and sexual assault and actual crime rates between 1984 to 1994. Notably, this pattern did not continue. Hence, they conclude that there is no continuous relationship between crime rates and fear of crime over the 20 years.

After conducting an analysis of Canadian news coverage from 1900-2000, Faucher (2009) concluded that news media discourses tend to emphasize the randomness of youth crime and its predatory nature, whether it was violent or not. Faucher also found that the representations of youth offenders shifted over the 20<sup>th</sup> century. Under the JDA youths were presented in the media as misguided children, while in the later decades they

were constructed as increasingly responsible and accountable for their behaviour. Faucher (2009) found that as these media constructions shifted so too did how policy rhetoric and societal beliefs. Both official discourses and media discourses went from being more forgiving of youth's deviance to less sympathetic, especially in the 1990s. The implication is that more punitive views towards youth offenders may be attributed to higher levels of media fuelled fear. Unfortunately, this study did not examine whether and how these portrayals were countered by media arguments on rehabilitation and prevention.

Canadian studies on media influences on public perceptions build on research conducted in the United States (U.S.) in the 1990s that support contentions that the media is a key agent of moral panics over youth crime. As Kurlychek and Johnson (2004) document, in the U.S. slogans such as 'If you're old enough to do the crime you're old enough to do the time' graced media headlines and dominated political campaigns (p. 486). When it came to adult sentences, they concluded that the public holds the view that when a criminal act is particularly violent it implies maturation and the offender deserves to be sentenced as an adult. This conclusion is supported by research on media portrayals and public perceptions in Britain following the 1992 murder of two year old James Bulger by eleven year olds Jon Venables and Robert Thompson. Haydon and Scraton (2000) argue that the media constructed the violent youths as demonic victimizers or 'freaks of nature' (p. 423) who matured early and lost their innocence, and that a resultant desire for punitive sentencing and political opportunism came together as 'hundreds of people bayed for blood' (p. 422). One outcome was a public petition for the two boys to be detained for life and not released under any circumstances. This itself generated media

attention including foreign media critiques that included critique of the media commentary itself.

### ***The Media and Moral Panic***

Consistent with Latimer and Desjardines' (2009) observation that public perceptions are shaped by the media to a greater degree than by any other influence, Canadian and international research supports the contention that the media fuels moral panic (Adorjan, 2011; Faucher, 2009; Haydon & Scraton, 2000; Kurlychek & Johnson, 2004; Spencer, 2005; Weinrath, Clarke & Forde, 2007). A primary contention is that the media, using atypical and isolated examples, construct serious violence as the most common variety of youth crime. As many commentators reviewed in this thesis note, the resulting moral panic fosters more intense public hostility and condemnation, more punitive laws, longer sentences, more police, more arrests, and more prison cells – despite the common discrepancy between these media portrayals and official statistics.

American researchers Pollak and Kubrin (2007) term the discrepancy between media portrayals and official statistics the 'law of the opposites' (p.61). They contend that this is rooted in the tendency of the media to only treat bad news as worth reporting. As they note, 67% of crimes news stories in the U.S are about violent or sex offenders, while these crimes account for less than 10% of actual crimes recorded by the police (p.62). As well, over 75% of the public claim that they form their opinions about crime from what they see or read in the news (Pollak & Kubrin, 2007, p.61), as is also reported by 59% of respondents in the recent Department of Justice Canada commissioned survey (Latimer & Desjardins, 2009, p. 4). This confirms that Canada and the U.S are both similar in the

respect that a large percent of the public forms their opinions based on media accounts. A decade previous, Altheide and Michalowski (1999) reported that a significant amount of research and theory suggests that news media contributes to public perceptions and influence how society perceives social problems. Furthermore, they argue that the news media play a role in society's preference for solutions, which they identify as typically punitive.

Drawing on Garland (2008), this construction of the media as the source of moral panic is incomplete, or perhaps out dated. This is to say, the media's role is more complex than many scholars suggest since the media is also involved in endeavours to foster humane evidence-based policies, and therefore in efforts to counter moral panic. This is due to the media's role in mediating competing claims (Matthews, 2005). In Canada this is evidenced in texts representing Liberal, NDP, Bloc and Green parties opposition to what these texts frame as catering to public misperceptions rather than responsibly engaging in education on the positive and cost effective impacts of community-based rehabilitative strategies (see archive under "further readings" link on the Parliament of Canada website for Bill C-10<sup>1</sup>). As Garland (2008) emphasizes, media participation in advancing competing political positions on legislation and policy is part of the "left" versus "right" polarization of the political landscape which must be taken into account in efforts to evaluate media representations and their impacts on public sentiments and legislative responses at the present time (see also Spencer, 2005).

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<sup>1</sup> See Parliament of Canada website links for further readings on Bill C-10, specifically see <http://www.liberal.ca/newsroom/blog/oppose-conservative-crime-bill-count-ways/> and <http://www.ndp.ca/press/conservatives-hide-from-opposition-impose-closure-on-their-controversial-crime-bill>.

## **Literature Review Summary**

In Canada both the quantity and severity of youth crime have decreased over the past decade (Brennan & Dauvergne, 2011). Nevertheless, the Harper government has proceeded to toughen sentencing and expand the use of custody for youth, while requiring the Attorney General to recommend adult sentences for serious violence as defined under C-10. Its key rationale is that this is necessary to restore public confidence in the justice system as a whole, and in the youth justice system in particular (Barnett et al., 2011). Included in this toughening strategy are measures that purport to expand the use of adult sentencing under the YCJA, or at least to expand consideration of this historically rare course of action. Arguably, the impact will either be to confirm to the Canadian public that youth are indeed out of control and that the justice system needs to firmly and strictly deal with them for the public to be protected, or to undermine confidence by creating yet another symbolically tough and substantively ineffective set of provisions. It is therefore important to examine how the media represents the youths found guilty of murder, attempted murder and aggravated sexual assault, for whom an adult sentence ‘must’ be considered under the C-10 amended YCJA (clause 176 re YCJA s. 64). As importantly, it is important to assess how the media constructs the ability of the YCJA to deal with these youths in the wake of the *R. vs. D.B.* ruling.

In the following Chapter I outline the theory and method that grounds my analysis of media representations of adult sentencing of youth in Canada.



## CHAPTER III

### THEORY AND RESEARCH METHOD

As stated in the introduction to this thesis, this research draws upon a social construction paradigm to anchor a content analysis assessment of Canadian newspaper constructions of youth crime and youth criminals in cases where an adult sentence is imposed or considered. My research questions are:

1. How are youths who are charged with a violent crime that received or were considered for an adult sentence represented in the Canadian newspaper media?
2. How do newspaper constructions participate in fuelling and/or countering moral panic on violent youth crime?

I addressed these research questions through an examination of how the *Globe and Mail* (hereafter the *Globe*), which is distributed nationally, and the *Toronto Star* (hereafter the *Star*), which is primarily distributed in the greater Toronto area, depict the crimes and offenders for which an adult sentence is imposed or considered. I chose these two newspapers because of their broad circulation rates. In 2010, The *Star* was the highest circulating paid paper in Canada with an average of 2,044,024 papers circulated on a weekly basis (Canada's Newspaper Industry, 2012). The *Globe* took a close second with an average of 1,906,686 papers distributed weekly in Canada (Canada's Newspaper Industry, 2012). Similarly, in 2009, the *Star* was also the highest circulating paper while the *Globe* was the second highest circulating paper in Canada. What this means is that a very large number of newspaper readers are exposed to these two papers and their

messages regarding youth offenders given or considered for an adult sentence. Moreover, there should be a sufficient body of articles on youth sentenced as adults or considered for adult sentencing despite the relative rarity of this sentence under the YCJA.

### **Constructionism**

In the tradition outlined by Joel Best (2003), the constructionist approach focuses on claims-making actors, processes and contexts, including the people and agencies through which claims and counter-claims are introduced and disseminated. A claims-maker is defined as an individual or group of individuals who are able to advance claims about an issue as a social problem in various public arenas including the media and legislative debates (Best, 2003). Primary claims-makers tend to be powerful members of society who have the ability to reach a large number of people in advancing their social issue, or claims makers who gain the support of the powerful. Best's approach focuses both on claims-makers and the audiences that receive, accept and reject their claims-making efforts. Claims-making refers to the activities of individuals and groups who make assertions or grievances about an issue, and claims are assumed to reflect the interests of the actors who advance them (see also Ogle et al., 2003). For an issue to be given public and especially policy attention activists need to bring attention to the problem, typically by mobilizing media coverage which will assumedly shape readers' and viewers' understanding of the problem (Best, 2003).

Importantly, issues are not just brought to the attention of the public and automatically accepted as true. Issues are constructed by competing groups at a particular moment in time, and the public choose which sets of claims and claims-makers to listen

to, in part by choosing which media sources to read or follow. Whatever the profession, situation or role of human subjects, social constructions involve choices (Best, 2003). The choices that people make among competing constructions are based in their histories. That is choices among competing claims are rooted in the discursively mediated past experiences, through which humans constructed who they are and what they believe today.

### *Newspapers as Claims-maker*

The newspaper media operates as a second order claims-maker, as does the media generally (Matthews, 2005). That is, newspapers mediate claims advanced by primary claims-makers, that is, action groups, professionals, political parties and governments. Importantly, if newspaper owners, editors or columnists wish to prioritize constructions of youth who receive or are eligible for an adult sentence as unredeemably violent and dangerous they have the power to do so; likewise if they wish to prioritize the rehabilitative potentials of even the most troubling youth they have the power to do so. In either case they can be reasonably confident that these constructions will influence readers opinions on the issue in ways that are likely to result in buying and/or reading future newspapers – in print or increasingly in on-line formats. Regardless, as a second order claims-maker the media interprets and disseminates a broad range of claims to a broad audience. While media messages cultivate certain perceptions among readers and thus shape the ways in which readers define situations and interpret events (Ogle et al., 2003), people do not simply receive information that they obtain through the media. Rather, people use media constructions to construct their own complex and

characteristically contradictory view of the world and the relevance of a given problem to and in this world (Best, 2003).

Spencer (2005) is among those who use the constructionist perspective in research on how the media constructs youth violence. Spencer examined U.S. news reports on youth violence published in 1994, selected through a “theoretical sampling decision” (p. 51). His aim was to determine how the media depicted violent youth crime and violent youths. He concluded that youth crime was framed as a growing problem, both in size and geography, but that the origins or roots of this problem were constructed as social. That is, dangerous and violent youth were constructed as lost youth, for whom society paradoxically has responsibility. Spencer argues that this depiction fuelled fear that social disorder was spreading beyond inner cities to suburbs and small towns, and also a certain ‘something else [that] allows for a broad range of ideological interpretations’ (p. 61). He concludes that this resulted from the newspapers simultaneously constructing violent youths as victimizers and as victims. Salient to Spencer’s conclusion is the repeated finding of research on public opinions on youth offenders and youth justice that consistently finds publics hold contradictory views towards youth offenders – views that are at once punitive and rehabilitative (e.g., Doob, 2000; Matthews, 2005; Latimer & Desjardins, 2007, 2009; Tufts & Roberts, 2002).

### **Research Method – News Media Analysis**

Research conducted for this thesis employ data collection and analytic strategies inspired by Matthews (2005) and Spencer (2005). I collected and analyzed articles and columns from two Canadian newspapers: the *Globe* and the *Star* with the aim of assessing

how these media sources construct youth offenders who receive or are considered for an adult sentence, and of assessing whether and how these sources contribute to moral panic or efforts to counter moral panic over violent youth and the purported inadequacy of the YCJA in dealing with violent youth. I sample articles published between May 16<sup>th</sup>, 2008, the date of the election call that followed the Supreme Court ruling in *R. vs. D.B.* (2008) and March 14, 2012, the day after passage of the bill (C-10) that incorporates this ruling into the YCJA's Declaration of Principle and adult sentencing provisions. Given this incorporation, it is important to examine how the issue of adult sentences and youths considered for such sentences were constructed in the news media over this time period.

My sample is drawn from articles on or relevant to adult sentencing published in *the Globe and Mail* and *the Toronto Star* over this four-year period. Using Proquest I searched for articles that specifically addressed adult sentencing using search terms: 'youth(s)' or 'youth criminal justice act' in conjunction with variations on 'adult sentencing' 'adult sentence', 'presumptive sentence', 'presumptive offence' and 'R. v. D.B. I then searched for all articles and columns that referred to the cases in which an adult sentence was eventually considered or imposed. Together, these constitute my full sample of 250 articles relevant to media constructions of youth who were considered for an adult sentence that were published between May 16, 2008 and March 14, 2012. Those articles that specifically reference adult sentencing comprise my sub-sample of 129 articles.

### *Analytic Strategy*

Using Spencer (2005) as a model, I combine a focus on discursive practices, which Spencer terms the “hows” with what he calls discourse-in-practice or the “whats” of media coverage (p. 50). I proceeded with this dual focus by pragmatically mixing the broad constructionist and critical strategies outlined by Spencer (2005) with more post-positivist strategies of conventional content analysis outlined by Babbie (2005) and Berg (2004) drawing on arguments for pragmatic mixing of qualitative and quantitative methods outlined by Feilzer (2010). Similar to Spencer (2005), I address the “hows” through attentiveness to the language of claims, while marking the “whats” through attentiveness to the ways media articles portray and incorporate the broader cultural context. Similar to Babbie (2005) and Berg (2004), I use content analysis to systematically assess and categorize what who says, to whom, how and with what rhetorical effect.

### *Qualitatively Influenced Content Analysis*

As described by Babbie (2005), content analysis is a strategy for studying recorded human communications, including books, magazines, newspapers, poems, paintings, speeches, letters and so on. Berg (2004) describes this strategy as ‘a passport to listening to words of the text and understanding better the perspective(s) of the producer of these words’ (p. 269). Krippendorff (2004) describes content analysis as ‘a research technique for making replicable and valid inferences from texts to the contexts of their use’ (p. 18). In contrast, Holsti (1968) defines content analysis as ‘any technique for making inferences by systemically and objectively identifying special characteristics of

messages' (p. 267). A commonly noted advantage to this research strategy is that it allows for a systematic and therefore "objective" analysis of what is in texts. To meet standards of objectivity, the criteria of selection and a coding plan need to be formally established before actual analysis of the data commences (see also Neuendorf, 2002). The goal is to consistently apply theoretically salient categories or themes in such a manner that future readers and researchers using these categories and themes would obtain comparable results (Berg, 2004). However, as Krippendorff (2004) notes, ultimately all reading of texts is qualitative, which is to say subjective – especially for researchers working within a constructionist paradigm (Guba & Lincoln, 2008). Nevertheless, in the content analysis approach outlined by many authors, the analytic process consists of converting certain characteristics of the text into numbers and demonstrating that the criteria used are valid and reliable.

In analyzing the data Berg (2004) encourages the researcher to pay particular attention to literal words in the text being analyzed, including the manner in which the words are offered. Adorjan (2011) and Faucher (2009) take this approach in their analysis of newspapers. Adjordan (2011) took note of when articles described young offenders as kids or children, thereby employing a theme of innocence. Faucher (2009) looked at descriptors applied to young offenders in the media between 1900-2000, as well as their acts, by focusing on words, expressions and images. The use of 'boys', 'girls', 'naughty' and 'dishonest' in the earlier years constructed the message that the media was more tolerant of children's delinquency, while the use of 'evil', 'cruel', 'dangerous', 'menacing' and so on in the later years conveyed the message that youths are out-of-control and get tough measures should be supported. Furthermore, as Berg (2004)

stresses, messages should be analyzed in terms of explicit or manifest themes and how much space or time is devoted to the substantive concerns captured in these themes.

Babbie (2005) describes initial steps for conducting a content analysis on media sources. First, a researcher is encouraged to develop operational definitions of the key variables. In my study I examine how constructions vary on a continuum with support for harsher punishments on one side, support for rehabilitation on the other side, and support for a mix of harsh punishment and rehabilitation in the middle. Babbie (2005) next suggests that these operative definitions be applied to the key units of analysis that the research intends to make descriptive and explanatory statements about. In my study there are the 250 newspaper articles and columns that address a case or the issue of adult sentencing or a case in which a youth was considered for or received an adult sentence.

### *Analytic Process*

As outlined by Berg (2004), the process of content analysis includes a series of distinct stages. In my more qualitative approach, these stages overlap and recur throughout the analytic process.

### *Research questions*

As outlined by Berg (2004) the first step in content analysis is to formulate one's research question. Again, I address two research questions:

1. How are youths who are charged with a violent crime that received or were considered for an adult sentence represented in the Canadian newspaper media?



2. How do newspaper constructions participate in fuelling and countering moral panic on violent youth crime?

#### *Preliminary social constructs*

The second step is to develop a number of preliminary social constructs or analytic categories based on one's knowledge of the issue as depicted in reviewed scholarship (Berg, 2004). Among these social constructs, I took note of physical descriptions of youth offenders considered for an adult sentence, and whether these descriptions suggest a demonic, dangerous individual or as Adorjan (2011), Faucher (2009) and Spencer (2005) suggests, a lost youth deserving of rehabilitation, I also took note of how often get-tough messages are used alongside descriptors of youths as dangerous and responsible for their crimes; how often rehabilitation messages are used alongside descriptors of youth offenders as victims themselves and not responsible for their crimes and how often these are 'mixed' in the same article. Spencer (2005) used a similar approach when he coded for descriptions of youths physical appearance, their actions and their biographies and the resulting image of culpability or responsibility these images projected.

#### *Read all data*

The third step is to read through all the data and keeping social constructionist precepts in mind jot down relevant themes and categories relevant to the issue of adult sentencing and the larger changing context in which constructions of this issue are advanced. According to Berg (2004) this is necessary to establish 'objective' criteria for selection. From a more qualitative perspective, this reading though of all the data is

necessary to get a sense of the data set as a whole. It is essential if one is to look for something new, that is something that is not suggested in the literature reviewed for step two.

### *Code and sort data*

The next step is to code the data. Here is where attention to manifest content and also to more latent content become important. Manifest content is the visible surface content, while latent content is its underlying meaning or broader implication (Babbie, 2005). Babbie suggests coding for both whenever possible. For my research, the manifest content is the literal words that are used to describe youth offenders and their crimes, while the latent content is what these terms suggest with respect to the article's overall support for a punitive, rehabilitative or mixed youth justice response. To accomplish sorting of the data I used a tally sheet with categories listed at the top (Berg, 2004). To address the fact that a single message or data bit can often be coded multiple times and that more than one category might apply, I coded the articles primarily for latent content specific to whether messages primarily or only supported either punishment or rehabilitation, or a balance of both, and left analysis of the more manifest messages for my more in-depth thematic analysis.

### *Surface look*

The next step is to take a surface look at the number of occurrences of a category across the data set so as to identify patterns (Berg, 2004). Here is where I organized all the substantive or manifest themes I jotted down during my initial read through of the data.

### *Explain*

The final step is to explain the patterns uncovered or in more constructionist language constructed through the content analysis and discuss their implications for the research question or questions. Throughout the research I was aware that details of my analytic strategy might change at any given moment during the analytic process. In qualitative analysis, and especially in constructionist anchored qualitative research, analytic strategies emerge during the course of the research itself (Guba & Lincoln, 2008). Recognizing this, I remained reflexively open to emergent categories and substantive themes as the project developed. My key aim was to pragmatically mix what works best to make sense of the data.

## CHAPTER IV

### FINDINGS

As outlined in the preceding chapter, my findings are based on analysis of a sample of news media reports and commentary on adult sentencing under the YCJA published in the *Globe*, and the *Star* between May 16, 2008, and March 14, 2012. My analysis aims to address how youth offenders charged with a violent crime and who receive or are considered for an adult sentence are represented in the Canadian newspaper media, and how these constructions participate in fuelling and countering moral panic on violent youth crime. To generate a sample that is relevant to this research concern, I employed the strategy described in the previous chapter. I first identified articles that specifically address adult sentencing by searching ‘youth(s)’ or the ‘youth criminal justice act’ alongside adult sentencing and related terms, and then searched for all articles that reference cases in which an adult sentence was eventually considered or imposed. My full sample consists of 250 articles that address the issue of adult sentencing specifically or report on cases that eventually lead to consideration or imposition of an adult sentence over the four-year period. My sub-sample, which is the focus of my more in-depth qualitative analysis, consists of 129 articles that specifically mention adult sentencing: 54 in the *Globe* and 75 in the *Star*.

Of the full sample of 250 articles, 95 were published in the *Globe* and 155 were published in the *Star* (see Table I through Table III). To further break this down, 73 of the *Globe* articles were case-specific, which is to say the article described a specific criminal

incident, while 22 were about adult sentencing under the YCJA or addressed ways Bill C-10, or its predecessor C-4, amends these provisions. Of the *Star* articles, 136 were case-specific while 19 were about the YCJA, C-10 or C-4 (see Table II and Table III).

Unexpectedly very few articles across both papers were solely about bill C-4 – perhaps because there was little expectation that this legislation would pass under the then minority mandate of the Harper Conservatives. Several, however, address or comment upon the landmark *R. v. D.B.* ruling (7 of 41 legislatively focus articles).

Drawing on the sub-sample of 129 articles, which is the focus of my qualitative analysis, 54 were published in the *Globe* and 75 were published in the *Star* (Table IV). To further break this down, 32 of the *Globe* articles were case-specific, while 22 were about adult sentencing under the YCJA or addressed ways Bill C-10, or its predecessor C-4, amends these provisions (Table V). Of the *Star* articles, 56 were case-specific while 19 were about the YCJA, C-10 or C-4 (Table VI).

### **Numerical (Statistical) Patterns Across the Sample**

Drawing on the constructionist framework that anchors my analysis, Spencer (2005) and the step by step procedure that Berg (2004) advocates, my numerical analysis of the full 250 articles attends to those that specifically address adult sentencing under the YCJA as well as those that address one of the 13 cases identified in the sub-sample. My assessment of both the full sample and this sub-sample focus on descriptions of youth violence and the ways each paper uses metaphors to describe the problem and its origins. At the same time, I mapped constructions of the offenders and their victims. That is, especially in my depth analysis case-specific articles that explicitly address adult

sentencing (n = 88), I paid attention to literal words used to describe the offender, the crime and their victims. I also attended to the emotional orientations contained and advanced in the news reports and columns. I expected that a single text would provide a mix of opposing and in many cases ambivalent constructions. My effort to categorize or count articles and bits of articles along a punishment, rehabilitation and balanced continuum constitutes but one-step in a larger more broadly qualitative constructionist analysis.

Keeping the above qualifiers in mind, I coded the full sample of 250 articles to systematically capture and count ‘messages’ that convey:

1. Support for retribution or punishment only or as a priority, including adult punishment, largely unaccompanied by messages that convey concern for the vulnerabilities that may have shaped the behaviour of the offender relevant to their potential for rehabilitation;
2. Support for rehabilitation, prevention and child-saving only or as a priority through, for example, emphasis on youth’s diminished moral or cognitive capability or troubling home life;
3. A balance marked by roughly equal support for punishment and rehabilitation

### ***Punitive, Rehabilitative and Balanced Messages – Full Sample***

As stated above, of the 250 articles that comprise my full sample include 95 from the *Globe and* 155 from the *Star* (Table I). I coded these articles on the above continuum adding a fourth category when none of these categories applied. Findings on how support

for punishment (only or its prioritization), rehabilitation (only or its prioritization), or a balance of punishment and rehabilitation are distributed across both papers are summarized in Tables I through III.

### *Finding*

The first finding is that in the full sample support for some degree of rehabilitation and some degree of punishment are fairly similar across the two papers. That is, taken together, in a combination of both newspapers almost three-quarters of the articles support some degree of punishment (181 of 250 @ 72%), while slightly less support some degree of rehabilitation (161 of 250 @ 64%). Therefore, in both newspapers punishment is supported to a greater degree, but the difference between support for punishment and support for rehabilitation is not pronounced.

### *Punitive, Rehabilitative and Balanced Messages – Sub-sample*

Of the sub-sample of 129 articles, a notable difference between *Globe* and *Star* articles became evident (Table IV). *Globe* articles were more equally divided between case specific (32 of 54 @ 59 %) and YCJA focused (22 of 54 @ 41 %), while *Star* articles were disproportionately case-specific (56 of 75 @ 75 %) rather than YCJA focused (19 of 75 @ 25 %).

### *Findings Across the Two Papers*

In the sub-sample of articles that specifically address adult sentences, support for some degree of rehabilitation and some degree of punishment are approximately equal. That is, across both newspapers three quarters of the messages convey support for some

component of rehabilitation, but even more messages support some component of punishment, though the difference is minimal. Specifically, 98 of 129 @ 76 % supported rehabilitation only, prioritization of rehabilitation or a balance that includes rehabilitation; while 107 of 129 @ 83 % supported punishment only, prioritization of punishment, or a balance.

These findings support my expectation that the media might potentially influence the public into thinking both that youth offenders are out-of-control and dangerous and therefore deserving of punishment, and that the media may influence the public to support rehabilitation. This conclusion is based on the assessment that the messages do not overwhelmingly support punishment as opposed to rehabilitation, but rather rehabilitation and punishment are supported to a similar degree. Notably, this is consistent with Matthews (2005) finding that publics support rehabilitation as much or more than they do punishment, and with Latimer & Desjardins' (2007, 2009) finding that support for rehabilitation is stronger than support for jail generally, discussed in Chapter II. The first finding of my research is then that in Canada this mixed position is in fact what the two most circulated newspapers in Canada also support.

### ***Finding Between the Two Papers***

In terms of differences across these two media sources, in the full sample *Globe* and *Star* articles were equally likely to support rehabilitation. Specifically, 28% of *Globe* articles and 27% of *Star* articles supported rehabilitation only or its prioritization. Similarly, 12% of *Globe* articles and 12% of *Star* articles favoured only rehabilitating youth offenders. Conversely, and this is where notable differences lie, 26% of *Globe*



articles conveyed support for only punishing youths compared to 16% of *Star* articles advocating punishment as the only option for dealing with youth offenders. Similarly, 44% of *Globe* articles and 35% of *Star* articles support punishment only or its prioritization. Ultimately, what this means is that when it comes to rehabilitation, the two papers are equal in their support but when it comes to punishment, the two differ in that the *Globe* is more punitive. Tables II and III summarize these findings on the full sample of *Globe* and *Star* articles.

Similar findings were found in the sub-sample. Again, *Globe* and *Star* articles were equally likely to support rehabilitation. That is, 39% of *Globe* articles and 39% of *Star* articles support rehabilitation only or its prioritization. Similarly, 13% of *Globe* articles supported rehabilitation only, as did 16% of *Star* articles. In terms of punishment, 44% of *Globe* articles and 37% of *Star* articles conveyed support for punishment only or its prioritization while again the *Globe* supported punishment only to a higher degree. That is, 26% of *Globe* articles supported punishment only, compared to 19% of *Star* articles. Table V and Table VI summarize these findings in the sub-sample of *Globe* and *Star* articles.

### ***Findings on Case Specific versus YCJA-focused***

In the full sample of 250 articles punishment was overwhelmingly supported when the article was case-specific compared, whereas support for rehabilitation characterizes articles with a legislative focus. For example, with the *Globe*, 25 of the 73 articles that were case-specific (34%) contained a punishment only message, whereas none of the 22 legislative articles supported only punishment. Similar findings were found with the *Star*;

24 of the 136 case-specific articles (18%) supported only punishment as a suitable way to deal with violent youth offenders, while 1 of the 19 legislative articles (5%) did so.

However, 23% of the legislatively focused *Globe* articles (5 of 22) supported rehabilitation only as did 42% of legislatively focused *Star* articles (8 of 19). In contrast, only 8% of *Globe* case-specific articles (6 of 73) and 8% of *Star* case-specific articles (11 of 136) support rehabilitation.

In the sub-sample of 129 articles support for rehabilitation is strong in both papers. Again, this sub-sample includes only articles that directly mention or address adult sentencing. Of these, when case-specific and legislatively focused articles are combined, 83% of *Globe* articles convey some degree of support for punishment, whether support for punishment only or its prioritization; for a balance of the two; or even for some punishment with rehabilitation prioritized. In contrast, 70% of the articles support rehabilitation to some degree, again including those that convey support for rehabilitation only or its prioritization, balanced, or some rehabilitation with punishment prioritized. In the *Star*, support for punishment or rehabilitation was more equal, with 83% of the articles conveying support for some degree of punishment, and 80% conveying support for some degree of rehabilitation.

In the sub-sample these differences in support for punishment versus rehabilitation are offset by differences between case-focused and YCJA focused articles, as is also the case with the full sample, as summarized above. In brief, though this difference was much less marked in the *Star*, both papers tended to favour a punishment only or prioritization of punishment message in case specific articles, while legislatively focused articles tended to favour or prioritize rehabilitation. In the *Globe* sub-sample there were no articles that

conveyed a punishment only message when the focus of the article was the YCJA and only two supported a mix that favoured prioritization of punishment, while only 4 of 19 of the *Star's* YCJA focused articles (4 of 19 @ 21 %) conveyed support for punishment only (1) or its prioritization (3). This is in contrast to 68% of *Globe's* YCJA focused articles, and 58% of *Star's* YCJA focused articles support rehabilitation only or its prioritization. In contrast, 22 of the 32 case-specific *Globe* articles supported punishment only or its prioritization (69%), while 6 of the 32 supported rehabilitation only or prioritized (19%), while less than half of the *Star's* case specific articles (24 of the 56 @ 43 %) supported punishment only or its prioritization and close to a third (18 of the 56 @ 32 %) supported rehabilitation.

Notably, again focusing on the sub-sample, the *Star's* support for punishment in case-specific articles is pronounced than the *Globe's* (43% versus 69%). However, both papers support punishment to a marked degree when the focus is a case as opposed to legislation. This is noteworthy because these are the two most widely read newspapers in Canada, which means many readers have the potential to be influenced by these punitive messages. What this set of findings suggests is that when either the *Globe* or the *Star* opined about adult sentencing under the YCJA or Bill C-10 the paper was more likely to message support for rehabilitation than when the focus was an individual case.

Interestingly, however, while the *Globe* and *Star* tended to convey similar proportions of support for punitive messages overall (44% vs. 37%) the difference between case specific and legislatively focused articles was far less marked in the case of *Star* articles than in the case of *Globe* articles. This was largely because the *Star* was far more likely than the *Globe* to advocate a balance or mix of punishment and rehabilitation, rather than

prioritizing either (23% in the *Star* compared to 13% in the *Globe*). Moreover, the *Globe* exhibited a noticeably higher degree of support for punishment only messages compared to the *Star* (26% versus 19%). To a marked degree, this translates into the *Globe* overall conveying a more punitive message than the *Star*.

### ***Coverage***

Berg (2004) urges researchers to assess messages in terms of how much coverage or time is devoted to certain topics. Consequently, I took note of how much coverage each newspaper devoted to case specific versus legislative articles. As discussed above, in the full sample, 77% of *Globe* articles (73/95) and 88 % of *Star* articles (136/155) were on specific cases, while 23 % of *Globe* articles and 12 % of the *Star* articles pertained to legislation. What these finding suggest is that readers are disproportionately exposed to case-specific articles. Therefore, given that case-specific articles were found to be particularly more supportive of punishment than legislative articles, and that there was significantly more case-specific articles, readers are disproportionately exposed to articles supporting punishment. As such, because the media is widely known as being so influential in terms of influencing public's opinion, this suggests that they may be swayed towards supporting a more punitive youth justice strategy despite rehabilitation being widely supported in legislative focused articles.

Returning to the sub-sample, 59% of the *Globe* articles (32/54) and 75 % of *Star* articles (56/75) pertained to specific cases, while 41 % of *Globe* (22/54) articles and 25 % of the *Star* articles (19/75) pertained to the YCJA or its reform. What these finding suggest is that the *Globe* reading public would be almost equally exposed to legislative

focused and case focused articles, while *Star* readers are disproportionately exposed to case specific articles. Therefore, *Globe* readers might theoretically be equally likely to be swayed in either direction —towards preferring harsher punishments or towards for preferring more prioritization of rehabilitation, while *Star* readers might more likely to be swayed towards punishment. This is notable, especially since the *Star* is the highest circulating paid newspaper in Canada. However, since support both for rehabilitation and for a balance of rehabilitation and punishment is stronger in case-specific *Star* articles than in case-specific *Globe* articles, the overall effect of this potential impact is mitigated. However, it is important to keep in mind that regardless of how narrowly they might read, readers would have read articles across the full sample, since they would not have been searching, as I did, for adult sentencing as a issue or theme.

### ***Descriptors and Headlines***

When I initiated the study I assumed that a key analytic concern would be how the newspapers described the crime, as well as the youth offenders. What I found to be more predictive of support for punishment or rehabilitation was how the articles' constructed a youth's character. Unlike Faucher (2009), who focused heavily on words used to describe a charged or sentenced youth, i.e. 'girls' and 'boys' compared to 'youths' and 'teenagers', I found that how the crime was described was an effective focus, including how the crime was described in headlines as Adorjan (2011) also notes. Focusing on the sub-sample that expressly address adult sentencing, case-specific articles characteristically describe a crime as heinous, but this descriptor is often accompanied by the use of the words boy or girl. Faucher (2009) suggests that by using terms such as boy and girl the media constructs images of youth as deserving of forgiveness. My data do not support this. By

using the terms boy or girl alongside descriptions of crimes of an evil nature the media rather constructs childhood, or at least adolescence, as dangerous and out-of-control. In effect, the articles remind readers of the tender age at which evil is possible. In light of observations advanced in discussions of the Bulger case (Haydon & Scraton, 2000) this might fuel public desire for more punitive measures.

It is noteworthy that in the 129 article sub-sample, case-specific articles messaging punishment are marked not only by the most sensational descriptors but also by the most sensational headlines. For example, *'Teen behind girl's slaying to be sent to adult prison: Judge denies her bid for extended stay in youth jail'* is arguably more sensational and therefore more likely to attract readers than *'Crackdown on crime tops Harper agenda: Sweeping legislation in works as MPs return to House of Commons'*. This is to say, exposure to punitive versus rehabilitative messages differs not only by number of articles conveying support for these messages, but by whether the headline and captions actually attract readers. Since case-specific articles contain more sensational headlines when compared to legislatively focused articles, readers will predictably be drawn to read the former over the latter. If this is the case, then both *Globe* and *Star* readers will be disproportionately exposed to punitive messages given their choice in articles to read and, therefore, may support more punitive views when it comes to youth offenders considered for or given an adult sentence.

Across the *Globe* and the *Star*, similar headlines and descriptors were employed to construct youth offenders as deserving of punishment, though *Star* articles tended to use more vicious words to describe the youths and their crimes, which is ironic considering the *Globe* supports punishment to a higher degree. As noted above, less than half (43%)

of the case-specific *Star* articles in the sub-sample contain messages that support or prioritize punishment compared to 69 % of the case-specific *Globe* articles. Additionally, a relatively high percentage of the remaining *Star* articles message support for a balanced approach in that these articles equally supported rehabilitation and punishment. As discussed above, a smaller portion of balanced messages in case-specific *Globe* articles coincides with a larger proportion of punitive messages.

### ***Cases Marked by Broad Coverage***

The purpose of this next section is to highlight which cases received the most attention across the newspapers. This is because the more attention a case receives, the more the public is likely to engage with it and be influenced by its messages. If the most covered cases are widely punitive, then public views may reflect this. Similarly, if the most covered cases are rehabilitative, then it is likely readers would be influenced accordingly. Those cases that received the most coverage are listed in Table VII.

In total 13 cases are identified across the 209 case-specific articles in the full sample, 88 of which are included in the sub-sample. A handful of these cases received primary attention, with five conveying mostly pro-punitive messages and two conveying stronger support for rehabilitation. First is the Stefanie Rengel case, addressed in 26 of 73 case-specific *Globe* articles (36%) and 32 of 136 *Star* articles (24%). Similarly, in the subsample this case was addressed in 12 of 32 *Globe* articles (38%) and in 19 of 56 *Star* articles (34%). This serves as the most covered case in both newspapers. It involves co-perpetrators Melissa Todorovic, then 15, who manipulated her boyfriend David Bagshaw, then 17, into murdering her perceived rival Stefanie Rengel, as girl she had never met.

The second most covered case was the boxing day murder of Jane Creba, covered in the full sample in 9 of 73 *Globe* articles (12%) and 33 of 136 *Star* articles (24%) and in the subsample in 5 of 32 *Globe* articles (16%) and in 12 of 56 *Star* articles (21%). It serves as the second most covered case in both newspapers. This case describes a shootout between rival gangs which claimed the life of Jane Creba when a bullet hit her.

A third case was addressed in 7 of 73 *Globe* articles in the full sample (10%) but in no *Star* articles, and in the subsample in 5 of 32 *Globe* articles (16%). This case also serves as the second most reported on case in the *Globe* and is among those not covered in both newspapers. It involves a young girl who was kidnapped by two youths, severely beaten, sexually assaulted and tortured for hours prior to being murdered.

A fourth case covered is the case of the Ipod killer, which only appears in the *Globe*, addressed in 8 of the 73 *Globe* articles in the full sample (11%) and in 3 of 32 articles (9%) in the subsample. Again, this case is not covered in both newspapers, and serves as the third most covered case in the subsample. It describes a youth who accosted another youth and ‘stabbed him in the heart’ when he would not give up his girlfriend’s Ipod.

Finally, a fifth case given primary attention is the Toronto 18 case, addressed in 8 of 73 *Globe* articles (11%) and 21 of 136 *Star* articles (15%) and in the subsample in 1 of 32 *Globe* articles (3%) and in 5 of 56 *Star* articles (9%). It is covered in both newspaper but given more attention in the *Star*, specifically when considering the subsample. It does serve as the third most covered case in the *Star*. This is the case of the Toronto which involves a youth who attended terrorist training camps and was involved in plans to attack



buildings and government officials – originally 18 individuals charged, 4 of which were youths, but after charges were stayed for some there remained 10 adults and 1 youth charged.

The above were given the most coverage across the two newspapers. What is noteworthy is that articles on these cases all primarily contained punishment only or punishment prioritized messages. Specifically, the Stefanie Rengel and Kimberly Proctor murders more often than not contained punishment only messages, with prioritizing punishment being less common for these cases, but more common than prioritizing rehabilitation. While the Ipod killer story and the Jane Creba case were more likely to prioritize punishment; punishment only messages are somewhat less common for them. The exception lies with youth involved in the Toronto 18 cases. A handful of articles conveyed strong messages for punishment, however, more often than not rehabilitation was prioritized. In sum, the most covered cases advocated primarily for punishment. This suggests that readers were fairly heavily exposed to punishment oriented views and might be swayed in this direction.

Briefly, it is important to note a sixth and seventh case, addressed in both newspapers, which contained strong support for rehabilitation. The Ashley Smith case was covered in the full sample in 6 of 73 *Globe* articles (8%) and 8 of 136 *Star* articles (6%) and in the subsample in 2 of 32 *Globe* articles (6%) and in 4 of 56 *Star* articles (7%). This case describes a young girl who was in and out of the youth justice system from a very young age and then was transferred to an adult penitentiary at 18 for misconduct while in the youth system. She eventually committed suicide, with prison guards standing watch, at the age of 19.

The seventh case is of the Constable Garrett Styles death, covered in the full sample in 6 of the 73 *Globe* articles (8%) and 14 of the 136 *Star* articles (10%), and in the subsample in 1 of 32 *Globe* articles (3%) and 4 of 56 *Star* articles (7%). This case describes a youth who was out joyriding in his parents' vehicle when Styles pulled him over. When the officer reached in to take the car keys the youth stepped on the gas which resulted in Styles being dragged 300 feet before the car rolled on top of him causing his death.

Both of the latter two cases, that of Ashley Smith and that of Constable Styles, were almost always accompanied by rehabilitation only messages or its prioritization. Very few articles on the cases expressed that the youths involved deserve an adult sentence or that they should be punished in any extreme way, while rehabilitation was advocated for. As such, these cases show the circumstances in which support for rehabilitation overrides support for punishment.

### **Qualitative Analysis – The Five Most Covered Cases**

Across the full and sub samples, punitive messages were especially strong in articles on the most sensational cases, here listed as cases one through five. These consist of a handful of very serious crimes that received broad coverage across both papers. Using more qualitative strategies, I draw upon these most widely covered cases to demonstrate how articles that address these crimes convey punitive and rehabilitative messages when the issue of adult sentencing is addressed.

### *The Stefanie Rengel Case*

The Stefanie Rengel murder stands out as the most covered in the sub-sample of 13 cases that specifically address adult sentencing. The majority of the 31 articles on this case (12 in the *Globe* and 19 in the *Star*) unequivocally supported punishment only or primarily messages. Articles authored by *Globe* crime columnist Christie Blatchford exemplify this. Across a number of articles Blatchford reiterates that Bagshaw ‘stabbed Stefanie and left her to die in the snow on the very first day of 2008’ (Blatchford, December 16, 2010). This conveys two messages. First, ‘leaving her to die in the snow’ conveys the image of Bagshaw as cold, impulsive and cruel. That is, not only did he murder Stefanie Rengel, but he left her to die alone in the cold. This same article states that it was the very first day of 2008. This reminds us that Stefanie Rengel never got to start her life in 2008, while her killers are still alive. Finally, this same article describes Melissa Todorovic, the ‘mastermind’ behind the murder, as Bagshaw’s ‘obsessive and neurotic then-girlfriend’ while a previous article speaks to her lethal intentions’ (Blatchford, September 29, 2009). In describing the murder, Blatchford reiterates that Stefanie was stabbed six times, ‘once so ferocious the blade of the knife went through her body and hit her back’ and that no matter how many times the events are relayed, ‘they lose none of their truly evil nature when they are once again recounted’.

In contrast, *Globe* articles authored by Blatchford and others tended to describe David Bagshaw in less punitive terms. For example, in contrast to describing Melissa Todorovic as ‘chilly’ (Blatchford, September 17, 2009); ‘a heartless killer’ motivated by ‘lethal jealousy’ (Jimenez, July 27, 2009); the ‘vicious creature’ who ‘orchestrated her [Stefanie Rengel’s] trip to the grave’ (Blatchford, July 15, 2009), Blatchford describes

Bagshaw as having ‘growing shame’ (Blatchford, December 16, 2010); and earlier as being ‘capable of human connection’ (Blatchford, September 17, 2009). Overall, David Bagshaw is described as a victim of his former girlfriend’s, Melissa Todorovic, relentless campaign to force him to kill Stefanie Rengel. At the same time, David Bagshaw is described as being responsible for his actions and therefore deserving of an adult sentence, and by implication enhanced punishment. This is to say, *Globe* articles do not as strongly support punishment in his case but they nevertheless convey that he is deserving of adult punishment. At the same time, many articles reiterated that he murdered Stefanie, a girl that he liked, even admired, in order to secure his sex life. This has the potential to create an image of a very dangerous youth because one cannot but wonder what he might do to a person he does not like.

The *Star*’s articles on the Rengel case employed similarly impassioned descriptions. Articles authored by Rosie DiManno and other *Star* commentators referred to the crime as ‘horrible’, ‘evil’, ‘bizarre’, ‘tragic’ and so on (Small, December 23, 2011; DiManno, September 29, 2009; Small, September 29, 2009). Many referred to Melissa Todorovic as ‘the puppet master’, as she was the mastermind behind the murder and orchestrated the entire thing (e.g., Small, December 23, 2011; Small, March 21, 2009). The crime was described as ‘an evil endeavour’ multiple times across the twelve *Star* articles on this case. It was also described as ‘a bizarre and frightening scheme’ (Small, September 29, 2009). Moreover, Melissa Todorovic was described as having ‘a frightening character flaw’ as well as being ‘obsessively jealous of Rengel’ (Small, December 23, 2011) or indeed as ‘jealous and villainous’ and as having captured David Bagshaw in her ‘homicidal succubus’ (DiManno, September 29, 2009). Melissa

Todorovic is described as being among a group of individuals who ‘reek of danger [and who are] deranged, disaffected, sociopathic, likely to snap’ (DiManno, September 29, 2009). In addition to being ‘jealous and controlling’ she is described as being ‘highly manipulative’ and ‘obsessed with hatred for Stefanie, a girl she didn’t even know’ (Small, April 10, 2009). At the same time, however, as well as being described as ‘cold’ Melissa Todorovic is also described as being ‘a disturbed individual who needs all the help our system has to offer’ (Small, July 29, 2009) – indicating support for rehabilitation as well as punishment, though punishment is clearly prioritized.

When describing David Bagshaw, *Star* articles are less confident of his rehabilitative potential and therefore less sympathetic than *Globe* articles. For example, the ‘horrible’ nature of the crime was conveyed in descriptions of how David Bagshaw ‘lured’ Stefanie Rengel out of her home, stabbed her six times and left her to die in the snow on New Year’s Day 2008, language that essentially conveys the same message that Blatchford conveys in the *Globe* (Small, December 23, 2011; Tyler, December 16, 2010). However, Bagshaw was further described as ‘an anti-social misfit from a young age’ who was ‘charged with assaulting his poor-health mother’. Moreover, he is reported to have ‘routinely tormented younger kids’ (DiManno, September 29, 2009) and as being a boy with ‘a compulsion to commit murder’ (*Anonymous*, September 18, 2009). In general, both youths implicated in the murder were described as ‘evil monsters’ (*DiManno*, September 29, 2009).

### ***The Boxing Day Murder of Jane Creba,***

The Boxing Day shootout that led to the death of 15 year-old Jane Creba is the second most covered of the 13 cases. A majority of the articles supported punishment for the killers. In a *Globe* article the murder was described as a slaying and a ‘wild, gang-related shootout’ (Appleby, April 25, 2009). This is significant because the public is already typically fearful of gangs. Furthermore, in detailing the murder the article specifically states ‘the fatal bullet that tore into Ms. Creba’s back and exited through her throat’ (Appleby, April 25, 2009). This serves to create a vivid picture in the reader’s mind, which suggests they should fear the youth and support a more punitive approach for dealing with youths. The article does contain some minor messages pertaining to rehabilitation. However, while the article devotes some space to describing the difficult background that Jorrell Simpson-Rowe grew up amidst, including family poverty, a drug-dealing father, an erratic and sometimes violent mother, and so on, the overall message is that punishment should be prioritized. This serves to remind readers that the youth’s behaviour was created by his home life as opposed to him being a psychopath, and that he may be rehabilitated, while also stating that ‘his risk of re-offending is substantial’ (Appleby, 25, 2009).

In contrast, the *Star*’s Rosie DiManno describes the Creba murder as ‘a brazen episode of willful violence’ in which ‘no thought was given to the likely harm that would befall innocents standing by’ and as a ‘type of inexcusable violence that was unleashed’ which was ‘truly appalling’ (DiManno, April 25, 2009). Another author reports that the offence was ‘carried out with such brutality’ and also that the youth was determined by psychiatrists to have ‘a high risk to reoffend violently’ (Small, April 9, 2009). While *Star*

articles do not particularly describe the youth, Jorrell, as an evil menace to society, they do all explicitly agree that the youth is culpable and needs to be held accountable for his actions and that an adult punishment is necessary to accomplish this, similar to the *Globe* articles.

### ***The Kimberly Proctor Case***

The Kimberly Proctor murder is addressed in 7 *Globe* articles but in none of the *Star* articles. Because this case took place in British Columbia, the *Star* contained no articles about it, likely because this newspaper primarily serves Toronto readers and writes primarily about Toronto based events. Brennan and other *Globe* commentators refer to the murder of Kimberly Proctor as ‘brutal’ and as having been committed in a ‘sadistic way’ by ‘boys ... [who] lured Ms. Proctor to the younger boy’s home, bound and gagged her and sexually assaulted her for several hours before taping a plastic bag over her head and suffocating her’ (Brennan, March 30, 2011). A subsequent article by Brennan reports that the youths thought ‘it would be “fun” and “exhilarating” to confine, sexually assault and murder the high-school student and then set the body ablaze’, while referring to Ms. Proctor as a ‘random victim’ chosen ‘for ...giggles’ (Brennan, March 29, 2011).

### ***The Ipod Killer***

A third key case is the Ipod killer in which Michael Oatway was murdered on an Ottawa public transit bus, addressed in 8 *Globe* articles and not contained in the *Star*. This case was also only covered in the *Globe*, possibly because the location of the murder was Ottawa rather than Toronto. As in the Rengel case, the *Globe*’s key crime writer Christie

Blatchford used language that conveys support for punishment to describe the events and the youth found guilty of the killing. She reports that Shawn McKenzie and his friends ‘essentially trapped’ Michael Oatway on the bus and demanded ‘at knifepoint that he turn over the Ipod and ultimately putting him in a headlock and stabbing him in the heart’ (Blatchford, February 13, 2009). This same article describes the murder as a ‘slaying’ and describes McKenzie as possibly being ‘a very cold-blooded individual’ in that he showed no remorse when victim impact statements were read (Blatchford, February 13, 2009). In a previous article, Blatchford states that when McKenzie stabbed Michael Oatway he ‘was in the presence of evil’ (Blatchford, January 29, 2009).

### ***Toronto 18 terror group***

Finally, a case that was given minimal attention in the *Globe* is the Toronto 18 case, addressed in 8 *Globe* articles and 21 *Star* articles. Unlike the previous cases discussed, articles describing this youth were less harsh in their descriptions and slightly more in favour of rehabilitation, though many did take note of the fact that the youth still knew what he was involved in and should have known better, therefore deserving of punishment. For example, Isabel Teotonio writes ‘Yogakrishnan was portrayed as an impressionable covert to Islam who was estranged from his Hindu family when he became enmeshed with the group.... desperate for religious guidance’ (Teotonio, September 11, 2009). This same article describes the youth as an ‘immature individual’. In another article by this same author, it discusses how the youth ‘has grown up since his arrest’ and that he ‘clearly has more insight, more maturity, more self-assurance’ (Teotonio, May 23, 2009). While articles pertaining to this case do typically support rehabilitation for the youth, he was still given an adult sentence, which in and of itself conveys the message



that punishment was deserved. This case, however, was the only one in the top five cases covered that conveyed a preference for rehabilitation over punishment.

The intention of the preceding case focused descriptions was to highlight the ways in which the newspapers most covered cases enlisted to construct the youth offenders involved in the offence. The most covered cases tended to be accompanied with particularly vivid and heinous descriptions of the offence itself. Further, constructions of the youth offenders were of individuals who are a dangerous menace to society in need of punishment, specifically an adult sentence.

### **Themes and Sub-Themes**

In the three step ‘read through’ (Berg, 2004) of the data that resulting in my sample and sub-sample of articles I noted a number of probable themes. During my subsequent work with the data, focusing on the 129 articles that specifically address adult sentencing (54 *Globe* articles and 75 *Star* articles), I organized these into key themes and sub-themes. These themes and sub-themes are summarized in Table VIII. What follows will be a break down of these themes, accompanied with an analysis on their meanings.

### ***Adults Versus Youth Sentences***

A key theme that appeared across many of the case-specific articles in particular and also occasionally in those more legislatively focused articles, is that there is a clear differentiation between a youth sentence and an adult sentence. In fact, this was the most common theme among the entire sub-sample of 129 articles (33% of the articles conveyed this theme).

A majority of the case-specific articles in both newspapers, with few exceptions, compared what sentence the youth offender would receive if charged as an adult to what they would receive if charged as a youth. Many further distinguished between an ‘actual’ adult sentence and a ‘youth’ adult sentence. For example, a *Globe* article authored by Blatchford stated: ‘All that was left for Mr. Bagshaw was an appeal of his so-called adult sentence’, alluding to the fact that parole eligibility is set at 10 years for a youth, instead of the 25 years which apply for persons older than age 18. Moreover, Blatchford frames an adult sentence for youth as ‘a maximum of six years in secure custody’, rather than acknowledging the ten (Blatchford, December 16, 2010). Some *Globe* articles do also note that with an adult sentence a youth remains on parole for the rest of their lives and the convictions would stay on their record (Blatchford, February 13, 2009), whereas if charged as a youth, five years after completing a sentence the record is wiped clean providing the then adult has not reoffended. Quoting Blatchford: ‘it would be as if Mr. Oatway had never existed’ (Blatchford, January 29 2009).

The *Star* differs. For example, one article suggests that there’s a big difference from 25 years, the minimum parole eligibility for adults convicted of first-degree murder, and seven years, the minimum eligibility assigned by the courts in this case (Mitchell, November 14, 2008). Another article contained statements such as a youth convicted in the death of Jane Creba ‘could be walking the streets in 10 months if he is given a youth sentence’ (Small, April 9, 2009). Statements such as these likely serve the purpose of enraging readers because it in no way seems to be a punishment that is meaningful and holds the offender accountable if he is out of prison in ten months for causing the death of another human being. What is important to note, however, is that with statements such as

these, the media is engaging in misrepresentation of these sentencing provisions. These articles neglect to mention the amount of pre-trial detention the youth has served while awaiting trial, as well as the period of intensive supervision after their release under a youth sentence. However, whether it is a misrepresentation or not, the fact is that it is still representation that the public is being exposed to and potentially influenced by.

The significance of these statements and this theme is that what these articles are doing is putting the sentencing procedures of youths into perspective for the newspaper's readers. Many are making statements that highlight how unacceptable it is for a youth to be receiving such little time in prison when they quite literally ended the life of an innocent human being, which, as suggested, enrages readers and further fuels their desires to see youths punished more punitively.

### *Age Sensitivity*

Related to the above is the subtheme of age, which emerges as an important consideration in all of the case-specific articles. This is because when the offender is a youth their age is the deciding factor in what type of sentence they would get. All of the articles were sure to mention the youth offender's age. Furthermore, what I noticed in particular is the way the articles discussed youth's who were very close to being eighteen, therefore legally an adult. This occurred with David Bagshaw, Shawn McKenzie and Jorrell Simpson-Rowe. For example, many of the articles that focused on these youths always discussed, in a similar manner, how close they were to becoming adults; 'Mr. McKenzie was just three months shy of his 18<sup>th</sup> birthday' (Blatchford, February 13, 2009), while Jorrell Simpson-Rowe was only six weeks away from turning eighteen.

These youths were also often written about as if they were already adults. For example, they were often referred to as Mr., which conveys the image of an adult.

What these articles do is reinforce the idea that youths who have committed murder deserve to be sentenced as an adult because their actions are very adult-like. They do this by describing 17 year-old youths as if they are already adults, or by implying that today's youth's mature early and therefore should be punished as adults.

### ***Victims' Good Qualities***

A second key theme across case-specific articles is one that I expected to find. Many articles highlight the victims good qualities, while simultaneously painting their murderer as an evil, out-of-control youth who stole the life of an innocent human being. By doing this, newspapers are fuelling the good versus evil image we are accustomed too. For example, in the Rengel case, the *Globe* describes Stefanie Rengel as a 'very kind, idealistic, forgiving girl who looked for the good in everyone ... she believed she could help anyone be a better person just by caring' (Blatchford, September 17, 2009). In describing Michael Oatway, the *Globe* writes 'the gentle, slight Mr. Oatway sat quietly looking out the window, listening to music on his girlfriend's Ipod' (Blatchford, February 13, 2009). The Star similarly appealed to reader's emotions by highlighting the victim's good qualities. For example, regarding the death of Constable Garrett Styles, it writes that he left behind a wife and two children (Rush, September 16, 2011), one being a week-old son (Fedio, July 9, 2011).

These statements are relevant to my research concern too since they serve the purpose of appealing to a reader's emotions. Theoretically, the more that readers feels for

the victims and their families, the more they would be likely to want to see the youth offender responsible for the crime to be punished severely, and the more they feel for the perpetrator the more they would be likely to want to see rehabilitation at least incorporated into sentencing. Many articles appealed to emotions, especially to efforts to evoke empathy for the victim. It would therefore be predictable that a larger portion of the readers would support punitive and therefore adult sentencing for violent youths, at least in conjunction with punishment.

### ***Causes of Youth Crime***

Many of the articles, primarily case-specific ones, tended to give a brief description of the youth offenders childhood and family background as a type of explanation for their criminal behaviours. In fact, this theme occurred in 23% of the sub-sample of 129 articles and serves as the third most common theme in this analysis. Furthermore, some of these articles use this explanation as a means of describing the youths rehabilitative potential while others claim it is still no excuse for the crime that was committed. Some examples include discussing the youths 'erratic and sometimes violent mother' (Appleby, April 25, 2009); and that 'the worst offenders often come from the poorest families in the worst projects, that they often have neglectful or absent parenting' (Blatchford, January 30, 2009). Drawing on the *Star*, they also write 'many suffer from mental health problems and addictions' (MacCharles & Campion-Smith, September 21, 2011).

These types of statements were the main reason the messages contained some sort of rehabilitative stance. Without these clues as to the cause of the youth's criminal

behaviour many of the articles conveyed a more punishment only message. The articles are implying that if a youth's environment caused their criminality, then the youth is still salvageable. However, because the crime was already committed, the youth deserves to be punished. This is to say, if the causes of crime are given attention further youth criminality can be prevented in the future.

### ***Murdered by a Stranger***

Another case specific theme is the theme of youths murdering a stranger. It is common knowledge that the general public fears strangers because they often read, or see on the news, coverage of someone harmed by someone who is a stranger to them. Predictably, many people believe that strangers are a greater danger to them than people they know, which is actually not actually the case (Hughes, June 22, 2008). Some of the articles help foster this belief. One example is the Rengel case. Articles tended to stress that Melissa orchestrated the murder of a girl she had never even met. Another example involves an elderly woman who was 'pummelled into a coma' and killed for her purse by three youths who she did not know (Peritz, May 21, 2009). The presence of this theme simply serves to fuel more punitive reactions regarding youths because readers fear these people who are strangers to them and youths in general who may be strangers to them.

### ***Planned and Deliberate***

A significant portion of the case-specific articles described youth offenders who planned and deliberated their crime. Many did not murder their victim on impulse though, of course, some did, but rather they carefully weighed the costs versus the benefits of committing murder and choose to proceed anyways. In fact, this theme serves as the

second most cited theme across the subsample of 129 articles (40 of 129 @ 31%). For example, in the *Globe*'s account of the Kimberly Proctor murder, her killers 'not only planned the rape, but also the murder, sharing maps with suggested places for dumping Ms. Proctor's body' (Brennan, March 29, 2011). Further, with the Stefanie Rengel murder it was often highlighted how often Melissa and David discussed the death of Regel (Blatchford, September 29, 2009).

The *Star*, in contrast, writes 'over eight months, through conversations, phone calls, text messages, Facebook ramblings and MSN web chats, she (Melissa) waged an unrelenting campaign to pressure Bagshaw into killing the Grade 9 student' (Small, December 23, 2011). The *Star* also writes about 'The Bathtub Girls'. Two sisters who deliberately killed their mother by holding her head under water; it was 'a well planned murder complete with an Oscar-worthy 911 call and a celebration dinner at a local restaurant' (Mitchell, July 28, 2010).

What this consistent, reoccurring theme of cold calculation does is create the image that youth offenders are dangerous, cold, manipulative and menacing. It is one thing to engage in questionable actions, which cause the death of another human being, but it is another thing to actually plan the death of another human being. Consistently reading about youth offenders planning their murderous tendencies may lead to the belief that youths are dangerous, out-of-control and deserving of adult punishments to fit their very adult-like actions. Therefore, the significance of this theme is that it may further fuel reader's punitive desires when dealing with violent youth offenders.

### ***U.S. Comparisons***

Legislative articles commonly justified their opposition to Bill C-10's punitive approach by comparing Canada to the U.S. In short, it was described how the 'get tough' approach was already tried by the American's and did not work. Furthermore, the American's reverted to a more rehabilitative approach to dealing with youths while we are taking their failed approach and trying to make it work. For example, one *Globe* article writes 'as Canada goes the tough-on-crime route when it comes to youth, many U.S. states are going in the opposite direction. They've found this strategy doesn't work and, moreover, it's bankrupting them' (Paperny, July 18, 2011).

What this comparison simply does is highlights for readers that tougher measures have been proven not to work in the U.S. and that Canada will unlikely be an exception to these results. The next theme highlights the financial costs of Bill C-10 and prisons, but with this U.S. comparison alongside that the newspapers are instilling into the minds of readers that incarceration simply does not work and it is expensive!

### ***Costs of Incarceration***

YCJA focused articles tended to highlight the costs associated with the new piece of legislation introduced by the Conservative government: Bill C-10. Bill C-10 is repeatedly identified as being a tough new piece of legislation which will result in more people, youths and adults alike, going to prison. Furthermore, some of the articles did not necessarily discuss Bill C-10 particularly, but discussed the costs or harms associated with incarcerating youths. Included in these costs are financial costs, social harms and harms to youths. Particularly, many of these articles highlighted the financial costs of the new Bill and/or prison in general (16 of 129 @ 12%). In discussing Bill C-10, the *Globe*



projects that over a five-year period it will cause a total of \$717-million in changes to legislation on young offenders (Mackrael, December 15, 2011). Further, other harms to youths are also highlighted. For example, one article contends that young people who are put behind bars are 11% less likely to get a job once they are out compared to youths who did not spend time in prison (Paperny, July 18, 2011). Another, in opposing Bill C-10, quotes that ‘undue repression, far from stopping crime, only transforms minor offenders into professional criminals’ (Gagnon, November 14, 2011). Drawing on *The Star*, a similar focus on finances is present. For example, one article quotes that “a million dollars spent on prisons for youths is a million dollars not spent on programs to increase high-school completion, public health programs for ‘at risk’ families,” and so on (McMurtry & Doob, November 7, 2011).

Legislative articles that advocate for rehabilitation also argue against the costs of increased incarceration. I did find that the main focus of these costs was the financial aspect, which means that readers may get the impression that we would rather rehabilitate youths in order to save money, not because it is more beneficial than prison. However, putting a price on the legislation does tend to put things into perspective for the average reader, so highlighting these financial costs appear effective.

## **Conclusion**

My analysis identified notable differences both between the two papers and between case-specific and legislation focused articles – regardless of whether analysis focuses on the full sample or the sub-sample of articles that specifically reference adult sentencing. On the one hand, differences in the papers correlate with the predominance of

case-specific or legislatively focused in each paper. Consequently, readers of the *Star* are disproportionately exposed to messages that heinous crimes deserve punishment, especially when the impacts of headlines and descriptors are taken into account. On the other hand, quantitative analysis identifies the *Globe* as conveying a more punitive message. Theoretically, in both cases these messages fuel beliefs that youths who commit serious crimes for which an adult sentence is considered or imposed are in need of punishment – both because they deserve punishment and because they are a danger to society. By implication, youths who commit crimes serious enough to warrant consideration of an adult sentence fall outside the larger young offender population, whose more minor offending both papers consistently convey as best addressed through rehabilitation.

With respect to the key themes and sub-themes, it is logical to assume that the more often a theme appears the more readers were exposed to associated ideas and beliefs and the more likely readers would be influenced by these. For example, referring to case-specific articles, the message that youth crimes were planned and deliberate, and therefore that youths are cold and calculating, occurred quite often. Therefore, readers may become convinced that many youths today are dangerous because of the degree of planning they put into committing their crimes. Similar conclusions may be made about the themes causes of crime and adult sentences versus youth sentences with respect to their commonality. On the other end, regarding legislative articles, it was very common to read about how costly prisons are, as well as how costly Bill C-10 will be. Moreover, articles critical of the costs of proposed YCJA reform contain messages that incarceration is costly in more ways than just money. Therefore, many readers exposed to this theme may

be tempted to consider prison as not the most suitable option for dealing with youth offenders if there is an alternative method that is not as costly. Alternatives, however, are not likely to appear viable in the case of seriously dangerous youth offenders – those for whom an adult sentence is considered. The exception is evidenced in the two case-specific instances in which rehabilitation was prioritized, the case of Ashley Smith and the case of Constable Garrett Styles. Rehabilitation was likely supported in these cases through explicit statements that these youth were capable of being rehabilitated and that punishment was not appropriate, or in the Ashley Smith case, that there is a responsibility to address youths' mental health needs.

## CHAPTER V

### DISCUSSION

As noted in the literature review, previous scholarship identifies the media as a double-edged sword, serving contradictory social and political aims (Garland, 2008; Spencer, 2005). Opposing sensationalist pro-punitive and more child saving rehabilitative representations align with what Garland (2008) refers to as cultural politics in an increasingly polarized “right” versus “left” political landscape. These competing politics and representations are reflected in considerable ambiguity and ambivalence in media representations of youth crime, even within a single newspaper, or indeed a single article. Bearing this in mind, this thesis addresses two research questions. The first question is

1. How are youths who are charged with a violent crime that received or were considered for an adult sentence represented in the Canadian newspaper media?

As outlined in the preceding Chapter, I found that when the topic of the articles was legislative, that is, when the focus was the YCJA and/or Bill C-10, rehabilitation for youth offenders was more likely to be supported. However, when the articles were about a case in which a youth was given or considered for an adult sentence, punishment was more likely to be supported – solely, primarily or at least balanced with rehabilitation. Punishment only messages suggested that punishment is the only way to protect the public and also that punishment is a means for holding the youth offender accountable for their actions through meaningful sanctions, while messages that convey support for a mix

of punishment and rehabilitation suggest punishment and rehabilitation are both important components of criminal justice intervention.

The case-specific articles were my main focus in addressing the first research question of how youth offenders who received or are considered for an adult sentence are represented in the Canadian newspaper media. As is evident in the examples provided in the previous chapter, these cases are primarily youths who killed another human being. It is therefore perhaps predictable that these youths would be constructed as evil, out-of-control and a danger to society, though other messages predominate in the Ashley Smith and Constable Styles cases. These largely punitive messages were conveyed through the literal use of words such as ‘evil’, ‘sadistic’, ‘monsters’, ‘psychopathic’, ‘brutal’ and so on, as discussed in the previous chapter. Furthermore, this was conveyed also by descriptions on how the crime was committed. Statements such as ‘stabbed her six times and left her to die in the snow’; ‘held her head under water’; ‘stomping on his head’; ‘strangled him with his own belt’; ‘stabbed him in the heart’ and so on created a vivid image of the offence in readers minds which leads them to believe that the offender must be evil and out-of-control.

At the same time, these articles described the youth in such a way that conveyed an image of a lost youth deserving of rehabilitation. Examples include the case of Kimberly Proctor. One of her murderers was described as having a father who had been convicted of murder already, as well as suffering from violent antisocial behaviours and suicidal tendencies (Brennan, March 30, 2011). Similarly, in the Ipod killer case the youth found guilty, Shawn Mackenzie, was described as poor, having ‘a profound learning disability’, a neglectful mother and severe behavioural problems (Blatchford, January 30,

2009). These contextual considerations, however, were less prevalent than the message that these youths needed to be held accountable for their actions; otherwise stated, they deserve punishment, which consequently may serve to downplay their rehabilitative potential.

Because a larger portion of articles in each newspaper was case-specific, it is plausible to assume that readers are exposed more to messages that support punishment than rehabilitation, and that this might influence them to be more likely to demand more punitive measures when it comes to serious youth offenders. Furthermore, because headlines for case-specific articles are arguably much more enticing and attractive than headlines for legislative articles, it is also plausible that readers may bypass legislative articles containing rehabilitative messages and only read the case-specific articles that construct youths as dangerous and out-of-control – especially those readers most susceptible to punitive messages. On the other hand, readers already pre-disposed to prioritize rehabilitation may bypass case-specific coverage or pay more attention to those cases in which youth are accorded more sympathy.

The second research question is:

2. How do newspaper constructions participate in fuelling and countering moral panic on violent youth crime?

My effort to address this question draws on scholarship on how newspaper constructions both fuel and counter moral panics on violent youth crimes, in particular Spencer (2005), Adorjan (2011) and on the level of theory, Garland (2008). My data suggest that most case specific articles foster moral panic on violent youth crime, notwithstanding the

occasional article that mentions how rare it is for youths, girls in particular, to engage in seriously violent behaviours. However, this was not mentioned enough, leaving it up to the reader to decide whether to believe this type of behaviour is common among today's youths or not. Furthermore, there was such little focus on youths who had the potential to be rehabilitated and whose offence was not 'evil in nature' in case-specific articles. Related to the previous research question, the case specific articles do predictably contribute to fuelling moral panics on violent youth crimes because these articles consistently construct youths as dangerous and out-of-control even if forces beyond their control 'causes' this. Especially since so few of the articles report how rare this behaviour is, readers are likely to fear today's youth and believe that they have the potential to commit violent, brutal murders, or at least believe that the dangers posed by a minority require tougher youth justice legislation or alternatively more effective rehabilitation and support. This finding builds on Adorjan's (2011) research that examines media articles from Western Canada in the 1990's, articles that also conveyed mixed and contradictory messages.

Moral panic is countered in the legislatively focused articles because they consistently stress how prisons and Bill C-10 in general will cost Canadians, in more ways than just money. Some argue that prisons are like a criminal university that teach youths how to be better criminals (Paperny, July 18, 2011). Others present statistics which put into perspective the rate of youth crime overall, and the small proportion that is seriously violent. For example, the *Globe* writes 'the portion of the prison population under the age of 18 has fallen from 10 to 4.6 percent' (Paperny, July 19, 2011). Legislative articles in both newspapers present youths as being less dangerous than

imagined and less deserving of prison sentences. As such, readers may be more opposed to harsh sentencing and more accepting of rehabilitative attempts when reading these articles, which may also serve to counter moral panic on youth crime. However, as previously stated, this is offset by the fact that at least some readers are likely to be more attracted to case specific articles, especially given the enticing headlines which convey punishment messages and describe charged or sentenced youths as dangerous and out of control.

It is also important to note differences in the focus of the two papers, and their possibly different readership. It is likely that many readers only read one of the two newspapers, that is the *Globe* or the *Star*. Remembering that the *Globe's* and *Star's* statistically important difference was in the proportion of punishment only messages especially, but not solely, in the sub-sample. However, this was offset by the fact that the *Star* used more heinous descriptions of the crime and the youth than did the *Globe* even while offsetting this with contextual information that implies the youth also deserve a chance for rehabilitation. Therefore, when comparing a case-specific article from each newspaper, the *Star's* use of literal words and descriptions conveyed a stronger punitive message. Consequently, *Globe* readers may be more influenced to support rehabilitation than *Star* readers, since the *Globe* has a more equitable distribution of case-specific and legislatively focused articles (59% versus 41%), compared to the *Star* which predominantly published case-specific articles (75% versus 25%).

I would argue that case specific articles are more compelling, especially to readers most susceptible to punitive messages but that this must not characterize the majority since surveys demonstrate public support for rehabilitation even more than they



support punishment (e.g. Latimer & Desjardins, 2009, p. 12). Articles found it pertinent to describe case-specific cases in detail, implying that the cases themselves are what is important and critical in forming constructions of violent youths. This is consistent with previous scholarship. For example, Spencer (2005) notes that a description of a heinous case ‘offers a unique opportunity to examine in close detail the themes and images’ implicated in simultaneous constructions of violent youths as victimizers as well as victims, generating among readers strong ‘emotional orientations’ (Spencer, 2005, p.56). As such, it is the case-specific articles that arguably offer a more influential construction of youth offenders. Again, while punishment is typically emphasized, rehabilitation is a strong sub-theme, especially with all rehabilitative messages factored into the analysis.

Considerable research suggests that the news media is a primary source of public information on youth crime (Latimer & Desjardins, 2009; Pollak & Kubrin, 2007). Thus, political parties will endeavour to comply with, or alternately to incite for tougher sentences, public demands in order to gain electoral support using the media and other strategies. However, given the persistence of public support for rehabilitation over punishment in surveys in both Canada and the U.S. (e.g. Latimer & Desjardins, 2007, 2009; Matthews, 2005) it is as important to examine how the media might shape public support for rehabilitation as well as punishment. As David Garland (2008) notes, governments attempt to mobilize or defuse moral panics to fit their political agendas. Therefore, the Conservative government’s claims that Canadians are losing faith and confidence in the youth justice system, and that a viable solution for raising their confidence is stricter policies regarding violent youths is questionable (Department of Justice Canada, 2011), One must bears in mind that this is a claim, not a research-based

fact. As noted in my review of government sponsored research, confidence levels appear higher than a decade or so previous, given 60% of surveyed Canadians voiced moderate or high confidence compared to 30% in the late 1990s (Latimer & Desjardins, 2009, Roberts, 2005).

This is relevant to the argument that there is a difference between how things appear to be and reality. Drawing on Garland (2008), a government that wishes to differentiate itself from its alleged soft on crime political opponents will predictably endeavour to interpret public confidence measures to suit their purposes. Whether prisons actually work or not is not the point. Rather appearing tough and convincing Canadians that this is what Canadians themselves want is the point.

## CHAPTER V

### CONCLUSION

The research conducted for this thesis entailed systematically and rigorously collecting, coding and interpreting newspaper reports and commentary on youth offenders who received or were considered for an adult sentence under the YCJA between the May 16, 2008 Supreme Court ruling in *R. vs. D.B.* and March 13 when Bill C-10 received Royal Assent. Drawing on Garland (2008), the overall aim was to provide insight both into how two prominent print media outlets in Canada construct youth violence associated with YCJA adult sentencing provisions, and into how said constructions could be seen to foster or alternately to counter moral panic over youth justice. As framed in government documents, I address how an alleged loss of public confidence in the youth justice system might have been shaped by media representations of the issue of adult sentencing of youth offenders. This loss of confidence purportedly fuels the government's determination to reverse, at least in appearance, the prevention and rehabilitation priorities at the heart of the YCJA. This entails requiring the Attorney General to consider recommending an adult sentence for youth found guilty of what the YCJA termed presumptive offences. This study examined how the media participates in this through a mixed analytic strategy that combines constructionist insights and attendant reflexivity with the rigor of content analysis as outlined in post-positivist accounts of this research strategy.

In short, as have other researchers whose studies draw upon constructionism (Adorjan, 2011; Faucher, 2009; Spencer 2005), my findings suggest that, in the sample analyzed, the media does engage in conflicting constructions. Both the *Globe* and the *Star*

tended to take a rehabilitative stance when describing legislation relevant to youth offenders and a punitive stance when describing particular acts of youth violence but across these categories measures were mixed. Therefore, media sources have the potential to both fuel and counter moral panics on youth offenders in a way that might foster support both for enhanced adult sentencing and for rehabilitation. Given the predominance of case-specific articles, it is logically more likely that readers will be drawn towards punishment than rehabilitation – not generally, but for the most serious of youth offenders.

These findings are similar to previous studies reviewed above. For example, Spencer (2005) found that the media simultaneously constructed youths as victimizers deserving of punishment, as well as lost youths deserving of rehabilitation. He concluded that this results in ambivalent constructions of culpability. Adorjan (2011) similarly concluded that two of the three newspapers he analyzed contained mixed messages that constructed youths as dangerous while also emphasizing the social environment that caused their criminality. This is significant because my thesis builds on this prior research on the mixed messages advanced in the media. Furthermore, it serves as the most recent research on media constructions of youth offenders, with a specific focus on those who commit the most serious crimes.

As noted above, surveys consistently show that the public supports rehabilitation even more than punishment. This is in part because most do not see punishment and rehabilitation as opposites, especially in the long term. Rather, most appear to believe that both of these aims are important for justice to be done. Thus, notwithstanding previous research concluding that the media overwhelmingly conveys support for punishment

(Altheide & Michalowski, 1999; Haydon & Scraton, 2000; Pollak & Kubrin, 2007; Welch et al., 2002), support for rehabilitation must also be recognized. This finding may stem from how society views children in general, and also how society views therapy which is common. Since children are seen as having greater vulnerability, being less developed mentally and therefore in need of guidance and protection (Bala et al., 2009), they are implicitly more susceptible to rehabilitation. Indeed, this presumption is at the heart of the Canadian youth justice system, as confirmed in *R. v. D.B.* (2008). Canadian society is institutionally charged with responsibility to protect children and youth. So even if a youth has done something that contravenes the law, people might intuitively want to “save” them. This may explain why public support for rehabilitation is strong despite media outlets constructing violent youths generally and especially those for whom an adult sentence is considered as dangerous and out-of-control, thereby conveying supporting punishment.

Inherent to my research are strengths as well as limitations. A key strength is that I expanded the research literature on the complexities of how youths who come into serious conflict with the law are constructed in the media. Specifically, I add to the existing literature by focusing on how youths who have been given an adult sentence were constructed in the Canadian newsprint media during a recent period of controversial legislative reform. While numerous studies address media constructions of youth crime and even youth violence, the media’s treatment of youth considered for or receiving an adult sentence appears to have not yet have been a focus of research in Canada, the United States or the United Kingdom. Furthermore, this specific focus did not result in a lack of support for rehabilitation. Therefore, a major strength is that this research study

fills in the gaps in literature by adding a specific focus on adult sentencing and how it contributes to social constructions of youth offenders given or considered for one. Specifically, it adds to Spencer's (2005) research study on social constructions of violent youth offenders. A second strength is the comparative approach I took. I compared two newspapers to each other to determine how their constructions differ. A third strength is that my analysis combined the rigour of traditional content analysis with the reflexive and critical sensitivity of a more qualitatively oriented social constructionist analysis. It thereby contributes to efforts to assess the promises and limitations, and indeed the challenges, of mixed methods approaches (Feilzer, 2010; Fries, 2009; Lincoln, 2012).

There are also limits to my research. First, are challenges and arguably limits associated with my mixed methods approach to the project? As described by Babbie (2005) and Berg (2004), coding is a process for transforming raw data into a standardized form. This is a highly positivist formulation for a constructionist endeavour. Some researchers (Guba & Lincoln, 2008; Lincoln, 2010) argue that mixing methods is effectively mixing paradigms that are incommensurable. Others (Feilzer, 2010; Fries, 2009) contend that a combination of research methods provides the benefits of triangulation by producing mutually reinforcing results. As Fries (2009) states, 'the researcher can have greater confidence that their representations of the social are reflective of the social practice of those whose behaviours they are studying' (p. 337). On the other hand, Lincoln (2010) contends that the work we do is always already theory laden, and that proponents of commensurability naïvely and even fraudulently deny this (p. 7). This critique does not fit well with arguments for a new mixed methods paradigm that is simultaneously critical, constructionist and pragmatic (Feilzer, 2010; Fries, 2009).

I am clearly a proponent of mixing methods. I engaged in this by mixing a post-positivist research strategy that employs quantitative analysis with a constructionist sensibility and stance on the nature of reality. With Feiler (2010), I would argue that I am a pragmatist. I do not “care” which methods I use as long as these methods have the potential of addressing what it is I want to know.

With that a note on reflexivity is essential. Reflexivity can be defined as having an ongoing conversation with oneself about experiences while simultaneously living in the moment (Fontana & Frey, 2003). This implies that a researcher needs to understand and address that he or she is a part of the research as it is being conducted and that this inevitably influences the results. This is to say, reflexivity involves and requires that the researcher take ownership of the coding process and analysis. It is me, the researcher, who chooses which things to code and which things to exclude within and across the three categories. What I take note of is a subjective choice and what I exclude is also a subjective choice. Furthermore, it is also me who analyzes the coded data so as to make sense of it. It is me who finds, discovers and constructs the stated meanings based on the information that I coded. Consequently, while Berg (2004) and others (e.g., Neuendorf, 2002) maintain that criteria of selection, variables and coding rules must be established before research begins, in order to ensure that the research is as ‘objective’ as possible, more qualitatively oriented researchers view this goal as neither possible nor desirable.

In qualitative accounts, reflexivity is at the heart of the research process and findings, especially but by no means exclusively when the data are textual, whether produced through interviews or otherwise (Cassell, 2005). By definition, research is an effort to investigate what is as yet unknown. The steps involved in generating and coding

the data must reflexively engage the researcher, who needs to remain open to new concepts and insights as the process of data collection and its analysis unfold. As Spencer (2005) outlines, the research is a construction, not a representation, of “what is” and of “how” this operates. As Krippendorff (2004) concludes, ultimately all reading of texts is subjective. The implication of this for my research is that subjectivity is inescapable. For example, I may read a message to have supported punishment only when others may read the message to prioritize punishment; meaning rehabilitation is considered as possible. I may code messages differently than others may code them, which could sway my conclusions. While I have therefore endeavoured to make my methodology transparent, I obviously cannot guarantee another researcher would agree with my analytic decisions or conclusions.

Second, with respect to limitations, my sample is time limited. Originally I considered analysing articles beginning in 2003, the year the YCJA came into force, through to when Bill C-10 received royal assent. However, this larger time period is quite ambitious for an M.A. level research project. I therefore opted to reduce the time period to almost four years. Inspired by Spencer (2005), I decided to focus on the theoretically crucial period following the R. vs. D.B. ruling, during which the Harper Conservatives have prioritized YCJA reform.

Third, I only used two media sources, and both are primarily focused on Ontario, or more specifically Toronto. Optimally, the research would compare municipal papers from across Canada, while ensuring “right” wing and “left” wing media outlets are both included. Again, however, this was beyond the scope of what I could realistically hope to accomplish in an M.A. level project.



A fourth limitation is that I found that the same authors wrote on or about the same cases in the same papers. It is logical to assume that that author's own opinions and biases were likely reflected in their writing. Therefore, their opinions and biases are not only expressed in one article, but several. Future studies may want to discuss the implications of this.

Overall, the strengths or promises of this research study outweigh the limitations. On the level of theory the research contributes to scholarship on how moral panic is mobilized and also how it is used to justify legislation. On the level of method the research contributes to scholarship on the benefits and challenges of pragmatically mixing methods and purposes from what are arguably incommensurable paradigms (Guba & Lincoln, 2008; Feilzer, 2010; Fries, 2009; Lincoln, 2012). Finally, at the level of policy the research advances understandings of forces shaping youth justice reform at a time of historically low crime rates and intense political polarization.

## TABLES

**Table I: Messages Across the *Globe* and the *Star* – Full Sample**

	<i>Globe &amp; Star</i> Case-Specific	<i>Globe &amp; Star</i> YCJA focused	All	%
<b>Punish only</b>	49	1	50	20%
<b>Punishment Prioritized</b>	41	5	46	18%
<b>Rehab only</b>	17	13	30	12%
<b>Rehab Prioritized</b>	26	13	39	16%
<b>Balance punish &amp; rehab</b>	37	9	46	18%
<b>Not applicable</b>	39	0	39	16%
<b>Totals</b>	<b>n = 209 (84%)</b>	<b>n = 41 (16%)</b>	<b>n = 250</b>	<b>100%</b>

**Table II: Messages in the *Globe* – Full Sample**

	Case Specific	%	YCJA Focused	%	ALL	%
<b>Punish only</b>	25	34%	0	0%	25	26%
<b>Punishment Prioritized</b>	15	21%	2	9%	17	18%
<b>Rehab only</b>	6	8%	5	23%	11	12%
<b>Rehab Prioritized</b>	6	8%	10	45%	16	17%
<b>Balanced</b>	9	12%	5	23%	14	15%
<b>Not applicable</b>	12	16%	0	0%	12	13%
<b>Totals</b>	<b>73</b>	<b>77%</b>	<b>22</b>	<b>23%</b>	<b>95</b>	<b>100%</b>

**Table III: Messages in the *Star* – Full Sample**

	Case Specific	%	YCJA Focused	%	ALL	%
<b>Punishment only</b>	24	18%	1	5%	25	16%
<b>Punishment Prioritized</b>	26	19%	3	16%	29	19%
<b>Rehab only</b>	11	8%	8	42%	19	12%
<b>Rehab Prioritized</b>	20	15%	3	16%	23	15%
<b>Balanced</b>	28	21%	4	21%	32	21%
<b>Not applicable</b>	27	20%	0	0%	27	17%
<b>Totals</b>	<b>136</b>	<b>88%</b>	<b>19</b>	<b>12%</b>	<b>155</b>	<b>100%</b>

**Table IV: Messages Across the Globe and the Star – Sub-sample**

	<i>Globe &amp; Star</i> Case-Specific	<i>Globe &amp; Star</i> YCJA focused	All	%
<b>Punish only</b>	27	1	28	22%
<b>Punishment Prioritized</b>	19	5	24	19%
<b>Rehab only</b>	6	13	19	15%
<b>Rehab Prioritized</b>	18	13	31	24%
<b>Balance punish &amp; rehab</b>	15	9	24	19%
<b>Not applicable</b>	3	0	3	2%
<b>Totals</b>	<b>n = 88 (68%)</b>	<b>n = 41 (32%)</b>	<b>n = 129</b>	<b>100%</b>

**Table V: Messages in the *Globe* – Sub-sample**

	Case Specific	%	YCJA Focused	%	ALL	%
<b>Punish only</b>	14	44%	0	0%	14	26%
<b>Punishment Prioritized</b>	8	25%	2	9%	10	19%
<b>Rehab only</b>	2	6%	5	23%	7	13%
<b>Rehab Prioritized</b>	4	13%	10	45%	14	26%
<b>Balanced</b>	2	6%	5	23%	7	13%
<b>Not applicable</b>	2	6%	0	0%	2	4%
<b>Totals</b>	<b>32</b>	<b>59%</b>	<b>22</b>	<b>41%</b>	<b>54</b>	<b>100%</b>

**Table VI: Messages in the *Star* – Sub-sample**

	Case Specific	% Case Specific	YCJA Focused	% YCJA Focused	ALL	% ALL
<b>Punish only</b>	13	23%	1	5%	14	19%
<b>Punishment Prioritized</b>	11	20%	3	16%	13	17%
<b>Rehab only</b>	4	7%	8	42%	12	16%
<b>Rehab Prioritized</b>	14	25%	3	16%	17	23%
<b>Balanced</b>	13	23%	4	21%	17	23%
<b>Not applicable</b>	1	2%	0	0%	1	1%
<b>Totals</b>	<b>56</b>	<b>75%</b>	<b>19</b>	<b>25%</b>	<b>75</b>	<b>100%</b>

**Table VII: Most Covered Cases**

<b>Stefanie Rengel Case</b>	<b>Full Sample</b>	<b>Subsample</b>
<i>Globe</i>	36%	38%
<i>Star</i>	24%	34%
<b>Jane Creba Case</b>		
<i>Globe</i>	12%	16%
<i>Star</i>	24%	21%
<b>Kimberly Proctor Case</b>		
<i>Globe</i>	10%	16%
<i>Star</i>	N/A	N/A
<b>Ipod Killer Case</b>		
<i>Globe</i>	11%	9%
<i>Star</i>	N/A	N/A
<b>Toronto 18 Case</b>		
<i>Globe</i>	11%	3%
<i>Star</i>	15%	9%
<b>Ashley Smith Case</b>		
<i>Globe</i>	8%	6%
<i>Star</i>	6%	7%
<b>Const. Garrett Styles Case</b>		
<i>Globe</i>	8%	3%
<i>Star</i>	10%	7%

**Table VIII: Themes and Sub-Themes in Articles Specific to Adult Sentencing**

	<i>Globe</i>	%	<i>Star</i>	%	All	% All
<b>Totals</b>	<b>n = 54</b>		<b>n = 75</b>		<b>n = 129</b>	
<b>Adults versus youths</b>						
Sentencing	18	33%	25	33%	43	33%
Age sensitivity	11	20%	12	16%	23	18%
Victim qualities	11	20%	7	9%	18	14%
<b>Nature of youth crime</b>						
Planned & deliberate	16	30%	24	32%	40	31%
Murdered by a stranger	12	22%	12	16%	24	19%
Causes	14	26%	15	20%	29	23%
<b>Youth justice viability</b>						
Cost of incarceration	10	19%	6	8%	16	12%
U.S. comparisons	8	15%	3	4%	11	9%

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## **VITA AUCTORIS**

I graduated from Leamington District Highschool in 2006 and immediately enrolled in the Criminology program at the University of Windsor in the fall semester. I then graduated from the program in 2010 with a minor in Psychology as well. In the fall semester of 2010 I started the Masters Criminology program, which was completed in the fall of 2012. Youth crime and youth justice has always been an area of interest for me, which lead to the determination to conduct this study on media constructions of youth offenders considered for or given an adult sentence. Further, I aim to work with at-risk youths in the very near future.