

UNIVERSITY OF CALGARY

Hidden in Plain Sight: Publication Bans, Mythology, and Youth Crime

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## **Abstract**

The manner in which we experience the world, and the way in which we interpret our safety, is reliant on our ability to accurately interpret signs that are essential for maintaining social order. The media plays an essential role in this interpretation, providing us information in order for us to understand the context of events that occur around us. This is an essential function in a liberal democracy, allowing for a justice system designed not only to punish, but allow for distinction between individuals regarding culpability – such is a principle at the heart of the Youth Criminal Justice Act. This act recognizes that youth must be protected in order to allow for them to have a successful future role, and one of the tools that allows for this is a prohibition against publication of information that could identify either youth victims or youth offenders. However, these protections are not sufficient to accomplish these goals if not diligently enforced, with potential loopholes that allow for identification of others, provided relationships are not disclosed, making the provisions vulnerable to breaches in journalism ethics. This case study examines one of the most prominent youth cases in Canada in the past 20 years, specifically the way in which the youth involved, dubbed J.R. in court documents, is portrayed in national newspapers and whether current regulations were sufficient to protect her identity.

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## **Chapter 1: Introduction**

It is possible to measure whether a liberal-democracy is just by examining the way in which media portrays young offenders. This is particularly true if we define a just society as being a fair society, as Thomas Rawls does in *Justice as Fairness: A Restatement*. Rawls' view states that the rules of society must be formulated based on the idea that society should structure itself in order to, as much as possible, reduce the burden on societies least advantaged by providing them the greatest benefit to systems put into place for societies daily operation (Rawls, 2001, p. 42-43). As youth have not yet been provided with all of the rights within society that we afford adults, they can be considered the least advantaged.

This is particularly relevant when it comes to media attention surrounding criminal activity perpetrated by youth: exposure to media sources presenting criminal stories can lead to increased bias, and support for more punitive measures within the criminal justice system (Goidel, Freeman, & Procopio, 2006). As such it is important to examine the mass media discourse surrounding youth crime, as mass media sources serve as a primary source of information within our society. However, it is not as simple as examining whether discourse appears to be neutral, or favouring either the accused or the victim within a news story.

Michel Foucault points out that even discourse around leniency is merely a means to further social control through the cementing of power to administer punishment: “Beneath the humanization of the penalties, what one finds are the rules that authorize, or rather demand, ‘leniency’, as a calculated economy of the power to punish” (1977, p. 101). This discourse can serve to reinforce ideologies surrounding crime and punishment, forming a kind of cultural control surrounding society’s members. Foucault (1977) articulates that in order to gain

maximum impact such punishments are performed for the masses

It is no longer the terrifying restoration of sovereignty that will sustain the ceremony of punishment, but the reactivation of the code, the collective reinforcement of the link between the idea of crime and the idea of punishment. (p. 110)

The use of publication bans prevents some degree of this performance by concealing the punished, to compensate for this the way in which the act and actor are described become vitally important. This concealment is vital to the Youth Criminal Justice Act's (or YCJA) stated goal of allowing for the rehabilitation and reintegration of youth in a manner to prevent recidivism as described in article 3 (SC 2002). As such it is also important to look at the mythologies that are formed within society through the use of signs and relations, both implicit and explicit, between activities and the way in which society functions.

There has been extensive research regarding the impact of crime media consumption has on society by scholars such as Callanan (2012), Kohm (2009), Dowler (2004), and Brunger (2014); however, youth crime in media has not received the same academic attention as adult crime, and though youth receive a fraction of the attention of adults in media, that attention is often associated with violent criminal acts (Goidel, Freeman, & Procopio, 2006). This is particularly relevant within the Canadian context, as there are protections built into the Canadian Justice system for young offenders in relation to media publications.

The YCJA, having been passed by parliament in 2002 and put into effect in 2003, is the legislation in Canada that dictates the treatment of individuals who committed a criminal offence, or are a victim of a criminal offence, prior to reaching the age of 18. Its primary purpose is the rehabilitation of young offenders in order to allow for their successful reintegration into

society (Bala, Carrington, & Roberts, 2009, p. 136). The emphasis on this principle provides for several protections and allowances for young offenders, including reduced sentencing, an increased emphasis on alternative measures within the judicial system, and restrictions on media publications within Canada.

The latter is the primary focus of this examination. Canadian media conglomerates are bound by sections 110 and 111 in the YCJA that provide for publication bans where minors are present as either victims or perpetrators (SC 2002). Section 110 provides the following instructions with regards to those accused under the ACT:

Subject to this section, no person shall publish the name of a young person, or any other information related to a young person, if it would identify the young person as a young person dealt with under this Act (SC 2002).

Section 111 provides the following protections:

Subject to this section, no person shall publish the name of a child or young person, or any other information related to a child or a young person, if it would identify the child or young person as having been a victim of, or as having appeared as a witness in connection with, an offence committed or alleged to have been committed by a young person (SC 2002).

The protections in Section 100 are not absolute, and are subject to the following limitations:

- (a) in a case where the information relates to a young person who has received an adult sentence;
- (b) in a case where the information relates to a young person who has received a youth sentence for a violent offence and the youth justice court has ordered a lifting of the publication ban under [subsection 75\(2\)](#); and

(c) in a case where the publication of information is made in the course of the administration of justice, if it is not the purpose of the publication to make the information known in the community. (SC 2002)

However, despite these limitations the feature is supposed to provide youth with an enhanced opportunity for rehabilitation, becoming fully functioning members of society during adulthood.

It is the impact of these publication restrictions that shall be the focus of this research.

Building from current research that examines the effect of media publications on the perception of those accused of a crime, as well as literature surrounding the formation of moral panics within media circles, I will explore whether the implementation of this protocol had the intended effect using the case study of a prominent Canadian case of violent crime involving both a young offender and an adult offender. While such legislation is theoretically beneficial, the absence of defined penalty, along with the lack of certainty of enforcement, reduces the viability of the legislation by leaving adherence to publication bans to the discretion of members of the media.

The nature of the case, known colloquially as the “Richardson Family Murder”, allows for an examination not only of the semiotics of youth crime, but also of how the media responds to competing mythological narratives that are present due to the dynamics of the perpetrators: an underage female who had engaged in a relationship with a male over the age of 18. Additionally, these narratives will be examined in coverage relating to the trial, and post-trial periods allowing for an examination as to whether print media sources respond to changing public pressures in reporting on the young offender. The case was chosen based on the severity of the crime, the presence of a young offender, the result of the sentencing, and the amount of coverage that was provided. The combination of these elements, including the publication of educational information of the subject post release, made it an ideal candidate for examination.

## **Chapter 2: Literature Review**

### **2.1 Youth Crime Discourse**

Research into the public's understanding of youth crime in Canada shows that the general populace is either uninformed, or misinformed, of the realities surrounding youth crime (Hartnagel, 2004, p. 365). The 1999 General Social Survey demonstrated that the reaction of the justice system to youth crime is in line with societal beliefs, however there is a belief that the courts are too easy on youth indicating that there is a disconnect between reality and perception (Hartnagel, 2004, 365/370). Such a development is unsurprising in a climate where individuals within society garner their information from sources who possess ideologies similar to their own. Adorjan found that print media in Canada promotes narratives designed to garner an emotional reaction consistent with their readership, and that this projected reaction use distinct framing of victimization to illicit this reaction (2011, p. 189-190). This lack of understanding may help to explain the divergent beliefs found within Canada's disparate regions. For example, a prominent disagreement with regards to youth crime exists between English Canada and French Canada.

Anglophone and francophone societies within Canada have differing approaches to youth crime, with French Canada having a greater emphasis on community and rehabilitation (Faucher, 2009, p. 447). However, this is not to suggest that English Canada has a united opinion on youth crime, as the division between 'conservatives' and 'liberals' in English Canada rests on competing legal reasoning's of punitive justice vs restorative justice.

This division was so prominent, that the Progressive Conservative Party in Alberta commenced focus groups in the 1990's that were highly critical of publication bans for young offenders (Hartnagel, 2004, p. 359). As a result of these focus groups and pressure from the federal Reform party, a task force was established to look into revisions of the Young Offenders

Act which recommended several changes including allowing for the publication of violent offender's names (Hartnagel, 2004, p. 360). This pressure from a divided population has had a direct effect in how Canadian governments legislate youth crime.

Rather than being consistent in messaging and execution, the federal government in Canada took a different approach. Door and Sprott suggest that Canada's approach to youth crime is duplicitous in how it frames youth crime, with the Liberal government emphasizing a tough on crime narrative while enforcing legislation that favours more lenient provisions rather than punitive measures (2006, p. 224). Bala et al. point out that this "tougher" approach to the YCJA was in response to public discontent to the leniency found within the previous Young Offenders Act, a piece of legislation that was reformed and upheld by Progressive Conservative governments alike (2009, 133.). This change in approach suggests that the federal government may be attempting to placate those who have been affected by media discourses that emphasize the severity of the crime problem, while also adhering to a data driven approach that suggests that leniency within youth sentencing has had a positive effect on recidivism (Door & Sprott, 2006).

However, this approach was not followed by the Conservative government that replaced the Liberals in February 2006. Bala et al. state that the government of Stephen Harper campaigned on a pledge to strengthen the YCJA with principles of denunciation and deterrence, referring to it as an "unmitigated failure" despite the successes of the YCJA in crime reduction and removal of youth from a path of incarceration (2009, p.159-160). This approach was contested by competing political parties of all stripes, primarily due to the strategy's inability to reduce crime rates (Bala, Carrington, & Roberts, 2009, 160). The Supreme Court of Canada established during this period that youth did not possess the same level of culpability as adults,

should not be treated as such during sentencing, and required the protection of publication bans to remain in place except in the most exceptional circumstances (2008 SCC 25). However, the state of political and legal discourses are not the only factor in how members of society view youth crime.

Varma found that media depictions of the circumstances regarding conviction of youth in a criminal court increase the likelihood of support of punitive measures by the public when compared to individuals provided with a summary of the courts findings (2006, p. 178). This is particularly problematic due to the media's increased focus on youth violent crime found by Goidel, Freeman, & Procopio. This disproportionate focus on violent criminal acts reflects the media's obsession with violent crime within the adult arena.

When youth are presented in a similar manner to adults, consumers of media are more likely to support a more punitive sentence (Varma, 2006, p. 181). This finding by Varma is consistent with work done by Greer and Jewkes (2005), who found that "othering" within crime media led to increased bias against those accused of criminal activity, and of Tamang (2009) who found that factors other than the nature of a crime are often disregarded leaving marginalized populations vulnerable to misconceptions. However, the real failing of the media in contributing to the public discourse is perhaps the amount of information provided to the public, rather than the information being presented in a manner consistent with adult coverage. Varma found that the more information provided to the public regarding a young offender, the less support for punitive action exists (2006, p. 178). However, with the backlash against rehabilitative systems in favour of punitive ones found by Bala, Carrington, & Roberts (2009), there is a question as to whether the media is doing a sufficient job in providing context for

Canadian citizens to have an informed understanding regarding the state of youth crime within Canada.

## **2.2 Effects of Crime Coverage**

Most people form their perception of crime within society by consuming media sources, rather than through personal experience or first-hand accounts (Callanan, 2012, p. 93-94). While this situation could be tenable in a society where news was reported in the absence of the need for advertising revenue, this is not the case. As a result of this revenue requirement, when covering events print and televised media seeks to enthrall and entertain rather than strictly to inform (Welch, Price, & Yankey, 2014, p. 38; Callanan, 2012, p.94).

To accomplish this, mass media sources employ several strategies. Cheliotis suggests that media misrepresent the frequency and severity of violent crime within society (2010, p. 170). A common phrase in media circles is “if it bleeds it leads”, this focus results on an overemphasis on the most severe varieties of crime within both the adult and youth realms. Additionally, youth crime is often depicted as either a natural or biological disaster of ever increasing proportions (Faucher, 2009, p. 441). This can be seen in the dehumanizing term “wildling” that became popular within print media during the search for, and prosecution of, the ‘Central Park 5’, a group of five African-American males that were falsely accused and convicted of the brutal assault of a Caucasian female, as documented by Welch, Price, & Yankey (2004). President Donald Trump, who in 1989 was still a prominent businessman, capitalized on this dehumanizing sentiment and used his considerable assets to procure advertising promoting the need for the ‘Central Park 5’ to be subject to the death penalty (Welch, Price & Yankey, 2004). This act consisted of taking out full page ads in four papers, including the New York Times, prior to the trial commencing at a cost of approximately \$85,000 (Laughland, 2016). These ads

framed the individuals through a lens declaring them guilty, a perception that continues to exist despite all members of the ‘Central Park 5’ being fully exonerated. Relating to crime as a disaster is not limited to when youth are seen as perpetrators, as Kohm found that youth-related crime is also framed as an ‘epidemic’ (2009).

Callanan found that this framing can have unintended side effects, as the manner in which television portrays criminal acts, by stripping away elements that provide contexts, creates an environment where consumers develop perceptions that may not line up with reality (2012, p. 97). This is further complicated by the manner in which individuals process this information: individual’s perceptions of the accused are filtered through their own constructed understanding of what it means to commit a crime, or be labelled a criminal (Faucher, 2009, p. 449).

Traditional media sources have a role in assisting to form this understanding, as mass media sources do not rely solely on traditional descriptors of crime, instead crafting new mythologies through the creation of descriptors that exist outside of the realm of the law (Welch, Price, & Yankey, 2014, p. 39). These labels used in coverage can be created solely by reporters for a particular story, fundamentally altering the way that we would interpret a given sign - be it verbal or visual - to create a new second level signifier (Welch, Price, & Yankey, 2014, p. 41). Once created, this new signifier can take on an expanded significance within society – including defining circumstances or populations that were not necessarily intended to be serviced by the new sign. Subverting the idea that women are victims of sexual violence by men, by suggesting that an illicit relationship was initiated and used as a means of control by a woman, can lead to a greater distrust of all sexual assault victims for example. The inclusion of new meanings for socially accepted behaviour, terminology, verbiage, or imagery is key for the formation of second level signification.

However, coverage of criminal events relies on mythological constructs surrounding individuals and locations. (Welch, Price, & Yankey, 2014, p. 39). The adoption of mythological narratives assists in the dissemination of information to the public in a controlled manner (Faucher, 2009, p. 443). This control of information does not necessarily have a positive effect on society, as its primary purpose is to facilitate the message favoured by the media conglomerate rather than the information society requires to make an informed decision.

Reporting via legalistic terminology can be no less problematic than the cultivation of a new mythos. Faucher found that print media sources coverage of young offenders reflects the current legal discourse surrounding youth crime (2009, p. 449). While this coverage may be less dependent on interpretation of signs created by news networks, it does not necessarily result in a more balanced reaction by readers. The use of “offence-related vocabulary”, such as “assailant”, to describe young offenders can dehumanize the accused, making them less sympathetic to an audience (Faucher, 2009, p. 451). As such, the problem may not reside with whether the discourse is manufactured or not, but rather the content of the discourse that is put forth rather than whether the discourse reflects legal jargon.

Exposure to media sources presenting criminal stories can lead to increased bias, and support for more punitive measures within the criminal justice system (Goidel, Freeman, & Procopio, 2006). Additionally, the amount of media coverage surrounding an instance of criminal activity is directly related to how prosecutors approach a given case, with the amount of coverage provided correlating with the willingness of the prosecution to participate in plea bargaining (Lowry, Nio, & Leitner, 2003, p. 64-65). The news coverage that a trial gets, and the manner in which it is covered, can lead to greater pressure for a conviction that includes a long term punitive sentence; such pressure can preclude plea bargaining, as the prosecution may be

unwilling to face the backlash that a reduced sentence could create.

Lowry, Nio, & Leitner found that heavy consumers of televised media are less likely to give individuals accused of crimes the benefit of the doubt, instead favouring a view where members of society cannot be trusted (2003, p. 65). This is supported by Faucher's finding that the cynical view cultivated by this approach can affect the economics, as well as the opinions of society on the state of crime: increased fear caused by media attention facilitates the increase of spending on internal security measures by a state, its provinces/states, and its individual journalists (2009, p. 442). If a society does not respond to these forces, more problems can potentially be created due to the creation of cynicism that may deteriorate relations between members of societal groups. This phenomenon may lead to a cycle in which individuals become more afraid, becoming more likely to give up their freedoms in the name of the creation of a safer society.

The media cultivate an increased fear of crime and assists in decreasing societies views on the effectiveness of the judicial system (Cheliotis, 2010, p. 178). This increased sense of fear, in combination with a lack of faith in the justice system, can result in an emergent vengeful ideology amongst viewers, leading to the possibility of citizens taking 'justice' into their own hands (Cheliotis, 2010, p. 175).

This is not to say that media conglomerates are clandestine organizations intentionally spreading fear and disinformation, rather they are caught in their own semiotic cycle in which they are unable to discern the very mythology that supports their behaviour as being mythological in nature (Cheliotis, 2010, p. 180). The need to provide accurate information has become almost inseparable from the need to create advertising revenue, as in order to perform the former function the latter must be completed successfully.

### **2.3 Consequences of Identification**

Cobb suggests that the abstention of prohibiting the publication a youth's identity was designed to prevent long term damage to young offenders by preventing them from being permanently stigmatized (2007, p. 362). However, the naming of those accused of a crime can be seen as a legitimate tool to deter members of society from breaching their societal obligations (Cobb, 2007, p. 361). The government, judiciary, and press must attempt to balance these competing concerns in order to facilitate the creation of an informed public necessary for a functioning democracy.

Choice of language in representing a state within society can have significant effects, as it shapes the way we view and interact with society (Altheide & Devriese, 2007, p. 383). This is particularly important when considering coverage from trusted media sources such as print media. This is due to the transition that descriptors undertake from institutional functions into common knowledge through the facilitation of the media (Altheide & Devriese, 2007, p. 388). Additionally, mass media provides information regarding not only the correct perception of reality surrounding crime, but also the correct emotional response (Kohm, 2009, p. 190).

This has resulted in an apparent shift in the focus of the justice system within the public's mind, from one that values the presumption of innocence to one that favours 'justice', or vengeance, for those victimized by the criminal world (Kohm, 2009, p. 193). Media coverage of crime is designed to facilitate an adversarial dynamic separating the 'ordinary' law abiding citizen from the inherently 'deviant' criminal (Greer & Jewkes, 2005, p. 20). The presentation of those accused of serious crimes inherently biases individuals by preventing empathy, or consideration of innocence, by emphasizing their indisputable status as 'deviant' members of society (Greer & Jewkes, 2005, p. 21).

Journalists have become proficient at demonizing individuals, tapping into the societal constructs that they helped to create to foster a sense of division between those that are deemed ‘moral’ and those that are deemed ‘immoral’ (Greer & Jewkes, 2005, p. 29). This distinction can cause alienation between those accused of crimes, and the society that is supposed to hold the presumption of innocence as one of its greatest legal principles. This has assisted in creating a society in which one can be found not guilty in court, yet be forever convicted in the court of public opinion. The ‘Central Park 5’ present a perfect example of this effect, with Donald Trump publicly stating that they were guilty despite being exonerated in court (Burns, 2016). This ‘othering’ that occurs between those accused of a crime and those that have either been victimized, or self-identify as a potential victim, help to cement this distinction (Kohm, 2009). As crime is over represented in the media as opposed to reality, it is easy to envision a scenario in which a large portion of society views themselves as potential victims of crime.

These ‘myths’ are only reinforced through the continued consumption of mass media sources, with both online and televised sources having this effect (Kohm, 2009, p. 197). This reinforcement can have a negative effect on the functioning of a liberal-democratic society, if individuals are falsely accused of a crime that is publicized by a major media outlet such as CBC, CTV, Post Media, the Toronto Star, or the Globe and Mail. This type of coverage facilitates a situation in which members of society simultaneously occupy the roles of victim and victimized.

This is only the case should information be available for publication, which is not generally the case for young offenders within the Canadian context. However, the inability to publish the identity of the perpetrator does not mean that the public is not susceptible to semiotic forces, or that identification of a young offender as they age will be impossible for their fellow

citizens. As such, it is important to examine the effect that publication bans have on representation within Canadian mass media sources. Examining how this provision affects coverage of youth crimes can assist in determining whether such a clause fulfills the goals of the provision.

## **2.4 The Canadian Approach**

Canadian media sources assist in shaping the way in which Canadians view adolescence. In the 1990's Canada suffered a fundamental change, in which youth were seen as a threat rather than an asset (Schissel, 1997, p. 166). This was assisted by the medias focus on criminal activity within this cohort.

Schissel found that coverage of youth crime in Canada uses race as a focal point, with the violent acts of minority youth sensationalized (1997, p. 176). The focus on procuring a larger audience in order to obtain advertising revenue is one such cause of this, and this pressure is not unique to Canada as demonstrated. The Canadian media maintains the same approach as the United States in focusing on a combination of ethnicity and socio-economic class in order to facilitate similar narratives. While this is not as severe as "Jim Crow" style laws - laws that are designed to specifically target African-Americans with the goal of suppression, and oppression of black communities to maintain the racial status quo (Alexander, 2011) – it has a similar effect of creating division and fear amongst populations.

One such way these narratives are created are through the selection of headlines. Adorjan examine headlines in relation to stories in print media, and found that titles are a significant factor in how newspaper articles are interpreted, due to their ability to facilitate emotion amongst readers (2011, p. 174). The ability to elicit this response is a powerful tool used to garner societal attention that may not be present should the headline more readily reflect a neutral take on stories

within the realm of crime. However, the use of emotionally manipulative terminology and formatting is not unique to Canadian newspapers (Adorjan, 2011, p. 190).

American news media also focuses on sensationalized headlines. This is not a surprise, as the United States lacks a public news source like the Canadian Broadcasting Corporation, which in addition to its television broadcast services a website where journalists publish news and facilitates the sharing of information via social media. This lack of public broadcaster necessitates further drive for ratings, as all major news networks are private corporations that require the pursuit of increased profits for their shareholders. However, there are also important differences in the way Canadian outlets portray crime.

Dowler found that compared to American sources, Canadian media sources are more likely to report on non-regional homicides, dedicating a greater amount of time and space on examining them (2004, p. 583). This focus on events outside of local jurisdictions is not the only difference, as the way in which these events are covered are also different. Two of the most prominent differences are how they present information within crime stories, and the types of sources that are utilized to get this information across.

Canadian journalists are more likely than their American counterparts to mobilize sources within law enforcement and politics (Dowler, 2004, p. 589). While on the surface this may appear to be a more efficient way to quickly distribute facts, it also opens up the avenue for bias to take control of the narrative. Law enforcement agencies have a vested interest in maintaining the fear of crime in order to justify increases to their budget each year. Politicians can gain prominence by taking strong anti-crime positions, however these positions are only effective if the public is unaware of trends that run counter to the narrative of increased crime.

This becomes particularly problematic when the way in which these sources are presented are examined. Canadian news media place factual information and expert opinions adjacent to personal conjecture, placing both on an even field to illicit the preferred response (Adorjan, 2011, p. 185). This can cause confusion amongst viewers and readers alike, as the appearance of news organizations ‘impartiality’ provides the illusion that opinions are just as valuable as data-based information.

The most important difference between Canada and the United States, at least as it pertains to youth crime reporting, are regulations around the publication of information of adolescents. Unlike the protections provided by the YCJA in Canada, there is no obligation for the names of youth accused of a crime to be withheld by either police or the media in the United States (Welch, Price, & Yankey, 2004, p. 40). While some police forces and news outlets do refrain from providing and publishing this information, they are not legally restricted from doing so.

This makes the protection of young offender’s information a matter of ethics in law enforcement and journalism, rather than a matter of legal standards such as it is in Canada. When a story is sensational enough, media sources do not show restraint in the publication of identities as was the case with the Central Park 5 (Welch, Price, & Yankey, 2004, p. 40). However, there is an argument that can be made that the public being informed of this information is for the public good.

The possibility of this argument fronted as a reason for outing young offenders is why the effectiveness of publication bans needs to be examined and measured in a way that controls for the known negative variables of race and socio-economic status where possible. As such I have

chosen a case study involving both a female youth, where the victim and suspects can both be considered to be middle class, Caucasian individuals.

## **Chapter 3: Theory**

### **3.1 Semiotics**

Berger describes semiotics as “the science of signs, a sign being anything that can be used to stand for something else” (2014, 22). The way that we interpret signs needs to be continually examined, as the meaning of signs change as societies evolve (Berger, 2014, p. 22). As societies are undergoing constant change, the way in which we communicate is not static.

The recognition and interpretation of signs is a product of the cultural environment in which we exist (Berger, 2014, p. 26). While primary signifiers may change readily, as demonstrated by the change of St. Peter’s cross from a sign of piety to one that is anti-Christian, this is not necessarily the case with secondary signification where relationships and interpretations are more complex. Second level signification allows for the creation of “metanarratives”, that provide an overarching meaning that encompasses a variety of other symbols (Reed, 2015, p. 71). These “metanarratives” are not necessarily a reflection of the reality of a given situation. An example of this disconnect can be found in the narrative of justice, where the phrase “justice is blind” has penetrated society so successfully that members of society assume that the justice system acts independently of visual cues such as race; however, as Alexander points out this is not the case as several laws have been put into place that disproportionately target members of the African American community (2011).

Signs can be used to deceive members of the public, though the severity of the deception may vary (Berger, 2014, p. 23). While some levels of deception may be of a minor nature, others

can have a much larger effect on society. The most powerful of these deceptions involve second level symbols.

The creation of these second level symbols was the primary focus of Roland Barthes. The creation of these metanarratives, and their ability to facilitate strong emotional reactions, says something about the values that our society maintains as opposed to the values that society claims to maintain. Second level symbols, or ‘mythologies’, crafted by a society provide value judgements for relationships rather than merely for what a symbol openly means. They assist in determining how we view concepts like justice, or equality. On the surface such concepts may appear to be valued, however the way that we depict these values within society can provide those examining our society with a window into whether equality really means everyone being equal, or whether some segments of society are more equal than others; whether, as is the case in the U.S., justice has a different meaning based on your race and/or demographics (Alexander, 2011).

### **3.2 Mythologies**

Barthes used semiotics to examine cultural artefacts in an attempt to separate what is believed to be the truth from what actually occurred (Berger, 2014, p. 24). This examination primarily focused on cultural myths that are created and propagated within society. Myths exist within the realm of second level signification, in which a symbol takes on greater meaning within the cultural context (Brunger, 2014, p. 124).

Barthes suggested that the cultural power of the creation of myth lay within the subtlety in which symbols are connected and transformed (Reed, 2015, p. 70). The appearance of neutrality is essential in this process, as a connection that appears on the surface to be political might be rejected by members of society. Mythologies are created in such a way to make them

seem a natural, bipartisan notion rather than as a product of societal interpretation (Brunger, 2014, p. 122-123).

Mass media sources provide an outlet for the creation, maintenance, and propagation of common belief systems (Brunger, 2014, p. 130). Print media, and televised news media are still primary sources of information for society. This makes them an efficient tool to disseminate information to the masses, particularly information that serves a narrative purpose.

Public institutions, including elements of the justice system, justify their existence through the broadcast of idealized renditions of their necessity (Brunger, 2014, p. 124). For example: law enforcement officials use a combination of representation of the services they provide society in order to provide a “safe environment”, and the utilization of media networks to facilitate a feeling of participatory consent from the public, to define both their place in society and the place of those whom they are investigating (Brunger, 2014, p. 124). This manipulation of media sources to aid in the creation of the myth of the police as an infallible public good, however due to the nature of mythos it also defines all those members of society who interact with them.

Emphasis on public structures provides a sense of duality, with moral weight distributed to those actors that are perceived as being for, or against, the public interest (Brunger, 2014, p. 131). This is because the creation of mythological symbols allows members of society to orientate themselves in relation to what appears to be a structural facet of society (Brunger, 2014, p. 130). Those members who are seen to be in line with an institution that is considered a benevolent, even necessary, element of society find themselves in a position of praise; alternatively, those members of society who find themselves in opposition, even if that opposition is not a matter of historical fact, will find themselves negatively affected.

History is full of examples of peoples who are negatively affected based solely on current cultural perception, rather than as a matter of historical fact. Malcolm X is often remembered as a radical militant leader, which ignores his advocating of peace after his conversion to Islam. Islam itself is often depicted as being an oppressive ideology, while the contributions of Muslim scholars to science, medicine, and the unparalleled gender parity in STEM fields within Iran are largely ignored. This effect works both ways, with individuals like Rosa Parks becoming historical icons and moral giants based on mythologies that society has concocted: we forget that she was a hardened activist, not a tired old woman, and ignore the reality that individuals who took the same stand earlier like Claudette Colvin were ignored because they didn't fit the mythos of the perfect victim.

### **3.3 Moral Panics**

Moral panics are created through the vilification of members of society, and are characterized by “concern, hostility, consensus, disproportion, and volatility” (Reed, 2015, p. 66-67). As the creation of mythologies provides moral standing as noted above, this system of signification allows for the formation of moral panics within society. While there are three kinds of moral panic as described by Reed, only two of them are relevant in the examination of the portrayal of the justice system, and those who find themselves caught within it: “grassroots panics”, and “elite engineered panics”.

Reed describes a “grassroots panic” as being “one in which the panic articulates and amplifies collective emotions that ... are widespread in the population” (Reed, 2015, p. 67). This variety of panic plays off sentiments that are already established within society. In news stories involving the justice system this sentiment is particularly easy to tap into, as the fear of crime has been increasing in society despite a declining crime rate that has fallen from over 10,000

incidents per 100,000 people in 1993 to under 6,000 incidents per 100,000 people by 2013 (Statistics Canada, 2017). However, that is not to say that a “grassroots panic” is the only applicable moral panic when it comes to the publication of crime stories.

“An elite-engineered panic is characterized by (1) action by elites to fan the flames of panic, and (2) benefits that accrue to elites as a result of the panic” (Reed 2015, p. 67). While the fear of crime has long been an issue within society, the public outlook on youth crime has evolved from attitudes regarding rehabilitation as found in the Young Offenders Act, to a more punitive attitude as seen in the implementation of the YCJA. This change in attitude toward youth offenders appears to be a result of top-down information dissemination, rather than the exploitation of an ongoing “grassroots panic”.

Moral panics do serve a social function beyond an expression of power dynamics. Moral panics provide an avenue for society to rally. However, this expression of solidarity comes at the cost of dividing society along majority lines – with “deviant” members of society providing the cause for members of society to rally against (Reed, 2015, p. 68). This allows for further repression of groups, such as students, whose repression would otherwise result in a public outcry against their treatment (Reed, 2015, p. 69).

### **3.4 Cultural Control**

Moral panics within society can serve as a controlling mechanism for its members. Garland points out that their presence within public discourse reinforces moral codes that are inherent within society, and points to the behaviour as being a symptom of greater societal ills (2008, p. 11). This reinforcement provides motivation for members of society to avoid taboo behavior by mobilizing the fear of becoming an outcast due to failure to adhere to these norms.

Additionally, demonizing individuals who engage in prohibited activities can serve to alleviate internal stressors surrounding behaviours that members of society cultivate that may correlate with these activities (Garland, 2008, p. 15). This is assisted by the medias insistence on presenting a ‘balanced’ perspective. As such, crime coverage allows for a sense of duality, as if a fictional construction of the forces of good and evil were occurring where parties can be cleanly defined (Cavender, 2004, p. 338-339).

Garland instructs that mass media sources are often the primary sources of moral panic, as their business model necessitates driving interest to garner attention (2008, p. 15). While mass media does not produce narratives, they enhance frames that are already prominent in the public sphere resulting in narratives outlasting the circumstances that created the initial public interest (Cavender, 2004, p. 346). This suggests that moral panics can be flexible, transitioning between types to allow for “grassroots panic” to become “elite-engineered panic”.

This is reinforced through the tendency of media not to update their coverage of story types when new information becomes salient. Media sources do not always cover changing factors within a story, such as the recantation of the “nothing works” mantra from Martinson with regards to crime, instead favouring an approach that highlighted what they believe to be a more compelling narrative (Cavender, 2004, p. 343). This style of cultural control, with the media acting as a primary facilitator, provides a different level of analysis to examine the discourse of the “Richardson Family Murders” as the case moved along through the justice system.

### **3.5 Journalism Ethics**

Ethics in journalism is of vital importance in relation to the effectiveness of publication bans. While the law dictates that bans be respected by journalists, this does not mean that they will necessarily adhere strictly to the bans. It is possible that a journalist, or publication, could

attempt to find ways to circumvent the publication ban. However, this may be mitigated by ethical standards adhered to by Canadian journalists. The Canadian Association of Journalists is a not for profit organization that “exists to promote excellence in journalism”, providing “a national voice for Canadian journalists”, and defending the right of the citizenry to be informed (<http://caj.ca/Bylaws>). The Canadian Association of Journalists list 10 ethical obligations of those involved in the profession, with three of them being particularly pertinent to youth crime stories involving publication bans: accuracy, fairness, and conflict of interest (<http://caj.ca/content.php?page=ethics-guidelines>).

Accuracy is the provision that attempts to prevent misrepresentation within media sources, particularly intentional misrepresentation. Of particular note is the following statement regarding context:

We make sure to retain the original context of all quotations or clips, striving to convey the original tone. Our reporting and editing will not change the meaning of a statement or exclude important qualifiers.

(<http://caj.ca/content.php?page=ethics-guidelines>)

Due to this stipulation, any quote that is taken out of context or misrepresented within the coverage of this case could be considered a breach of journalism ethics.

Fairness is the concept that a story must be covered free of bias from journalists. There are three provisions listed under the concept of fairness that are of particular interest within a prominent criminal case involving a youth suspect:

- We avoid stereotypes of race, gender, age, religion, ethnicity, geography, sexual orientation, disability, physical appearance or social status. And we take particular care in crime stories.

- Likewise, we take special care when using any material posted to social media by minors, as they may not understand the public nature of their postings.
- We do not allow our own biases to impede fair and accurate reporting.

(<http://caj.ca/content.php?page=ethics-guidelines>)

As this case involved the posting of material on a website, the second stipulation is particularly significant. However, the first and third can easily reflect the way in which an individual is portrayed resulting in a skewed view of the offender by the public. The concept of fairness signifies that the facts are the important matter, not merely the opinion of journalists working on the particular case.

The final important ethical concept for journalists in relation to this case is that of conflict of interest. The Society of Professional Journalists states that these must be avoided whether “real or perceived” (<https://www.spj.org/ethicscode.asp>). The Canadian Association of Journalists notes that conflicts can be perceived when journalists opt to write pieces that include opinion on a subject in which they have also covered in news sources (<http://caj.ca/content.php?page=ethics-guidelines>). These actions can damage the public's trust in journalism, as they may come to believe that the way things are covered are tied to ulterior financial motivations of those covering a story.

## **Chapter 4: Methodology**

### **4.1 Research Question**

The primary research questions that will attempt to be answered through this analysis are as follows:

1) How do competing mythological narratives affect how youth crime is covered throughout the duration of a trial?

2) Are publication bans, within their current incarnation, sufficient to protect the identity of young offenders during a highly publicized trial?

#### **4.2 Design**

The design of this study is a longitudinal semiotic analysis of print news coverage regarding a specific case regarding a young offender that garnered national attention due to its nature. Longitudinal studies examine a particular subject matter over several time periods in order to determine how relationships between variables may change over time (Bouma, Ling, & Wilkinson, 2016, p. 122). As I will be examining the evolution of the coverage of a legal case over time, this will allow me to examine whether mythological narratives shift over time as new facts are presented before the courts, verdicts are presented to the public, and sentences are served.

While there is both an adult offender and a young offender involved, the primary focus of this research is how the young offender is portrayed in media sources. Due to the fact that the primary focus is on the young offender, the adult offender shall only be examined in how their relationship with the young offender is articulated. As both individuals went on to be convicted of their offences, and other researchers have covered how media portray adult offenders' post-conviction, it is prudent to examine how the unique circumstances afforded young offenders via publication bans affect coverage in the trial and post-trial periods. The trial period is defined as the period between which charges were laid and a verdict was come to, including all articles from April 25, 2006 to July 10, 2007. The post-trial period is defined as the period between which a verdict was announced and full release from the sentence, including articles from July 11, 2007 to May 7, 2016.

Berger identifies semiotics as the following; “Semiotics is the science of signs, as sign being anything that can be used to stand for something else” (2013, p. 22). Of particular relevance to this undertaking is the variety of semiotics promoted by Barthes, where cultural impact is used to decipher the meaning and impact of second level signifiers on society (Berger, 2013, 24-25). It is with this understanding in mind that print media is examined to help determine whether the stated goals of society via the YCJA, being the rehabilitation and reintegration of young offenders, function in reality, or as a smokescreen for a population that is more favourable to punitive justice measures.

Each period of time will be coded to examine the presented relationships between the parties involved, including narratives surrounding victimization, justice, the legal system, and deviant offender. Each article will be coded along these lines and examined to see how the accused are presented in relation to each identity. It is in relation to these identities that mythologies are formed, as such the positioning of actors within print media will assist in understanding the underlying priorities within Canadian culture in relation to youth crime.

Examination over a longitudinal period will also assist when examining the articles for moral panic discourses. Whether these discourses are present, and whether they reflect either “grassroots panic” or “elite-engineered panic” can be inferred based on the way in which mythological constructs are mobilized over the duration. Did media coverage evolve over time to reflect societal outrage, or was the production of outrage evident from the initial construction of events within the realm of print media? Presence of the former can be a strong indicator of a bottom-up phenomenon, whereas if the latter is the case the situation may be top-down in nature.

Finally, the amount of information released regarding the young offender will be examined as well as at what point this information is released. The type of information will be

examined to assist in determining whether the presence of a publication ban is actually sufficient to protect the identities of young offenders. While the chosen case may be an outlier due to its highly publicized nature, combined with the fact the act was committed in a smaller media market in Medicine Hat, Alberta, it is useful to examine cases on the fringes to assist in determining what faults may lay within provided protections.

#### **4.3 Sampling**

Print media articles were selected from the Canada's two national newspapers: the Globe and Mail, and the National Post. These publishers have been chosen due to the combination of possessing different ownership, and their status as the two of the three largest papers by readership in Canada according to a poll by Vividata in 2015 (<https://beta.theglobeandmail.com/report-on-business/globe-now-reaches-almost-8-million-readers-study-shows/article29628530/?ref=http://theglobeandmail.com&>). Additionally, both papers covered the trial extensively.

A total of 74 articles have been selected for examination and coding. These articles include all non-briefs that were published by both papers during the specified periods. The breakdown of articles is as follows: 34 articles from the National Post, and 40 articles published in the Globe and Mail. Briefs were excluded, as the nature of the briefs did not allow for the presence of signs.

#### **4.4 Case Overview**

The “Richardson Family Murders” occurred in Medicine Hat, Alberta in April of 2006, with conviction of the young offender, pseudonym “J.R.”, on the 9<sup>th</sup> of June 2007 (2008 ABQB 201). “J.R.” put forth a defence that she was a victim of exploitation by her accomplice, Jeremy Steinke, as she was 12 years of age and he was 23 years of age at the time of their relationship as

well as the murders (2008 ABQB 201). This defence was rejected by the jury, leading to her conviction on three counts of first degree murder (2008 ABQB 201).

At trial, the defence and prosecution both agreed that Steinke, who was later found guilty of three counts of first degree murder, had committed the acts; the distinction between the defence and crown attorney was whether “J.R.” had aided and counselled him (2008 ABQB 201). This particular case is representative of many of the possible narratives that can be placed between individuals and institutions to create or reinforce both myths and moral panics. The defence attorneys position would seem to be a reasonable one, in which a twelve year old was being exploited by an adult sexual predator. The crown attorneys position, being that though young ‘J.R.’ was still the primary motivating force in the act, reflects the panic regarding youth crime found by Adorjan, Fauscher, and Kohm.

## **Chapter 5: Analysis**

### **5.1 Publication Ban Effectiveness**

The effectiveness of a publication ban depends on information that can be used to identify a youth suspect is either not published at all, or not published after it is clear charges are being laid. Frequency of publication is another important element, as something that is printed in a single article might allow dedicated individuals to determine identity; whereas something that is repeatedly published draws the attention of readership through repetition making it more likely for an identity to be exposed.

#### ***5.11 The Right to Know***

Two main columnists for the National Post and Globe and Mail, Zickefoose and Blatchford, chafed at the reality of publication bans in the YCJA, instead favouring the view that the public had the right to know the identity of the accused. Blatchford promoted this view in

both the National Post and the Globe and Mail during her coverage for each respective paper stating: “But the public? Hah. What need have they to see her?” in the Globe and Mail (June 14, 2007), before following up in the National Post with a description of the youth “disappearing altogether, an unknown quantity, from the public’s consciousness” (2016). This view encourages identification, generally due to the horror of the crime committed, however it is not in line with the fundamental principles of justice as laid out in the YCJA.

The inclusion of information regarding the identity of J.R. was common amongst Zickefoose’s articles, that continually flaunted YCJA provisions regarding publication of identifying information. However, while Blatchford never directly indicated the identity of J.R. or her family, instead advising that she was unable to do so due to the YCJA, she railed against the fact that the public was unable to identify her. She described J.R. as “invisible” to the public, mockingly questioned why journalists would ever need to see her, questioned why the public was prevented from seeing her at trial, and stated that it was not in the public’s best interest to mask her identity (Blatchford, June 14, 2007).

The idea that J.R. was being “kept secret” (Zickefoose, 2011), “shielded from the public”, that she was “forbidden” to be identified, and that she would “disappear” from public view appeared to be offensive to both writers (Blatchford, June 14, 2007). The manner in which this was described pushes home how serious this lack of identification is, and attempts to gain public support for the idea that we should identify youth regardless of age when serious crimes are present. However, it ignores the fact that J.R. was barely old enough to be charged with an offence, having just turned 12 prior to the incident, and that she was in a sexually exploitative relationship with an adult that would have been considered illicit even before the age of consent was raised to 16.

### ***5.12 National Post***

The National Post published 36 total articles during the trial and post-trial periods, of which 25 articles contained some piece of information that was likely to draw attention to the true identity of the youth whom the court has dubbed J.R.. In the initial article on April 25, 2006 by the National Post it was declared by the primary journalist covering the case, Sherry Zickefoose, stated that the youths name, as well as the name of the family, could not be identified due to provisions of the YCJA. However, in a separate article on the same date Zickefoose identified the parents of J.R. as being Marc and Debra Richardson. While the first article identified J.R. as the daughter of the murdered family, subsequent articles during the trial period did not specify relations. Instead opting to identify both of her parents, their respective ages, her brother, and the city in which they lived.

In the post-trial period the National Post began to identify J.R. as the daughter of the deceased family, while continuing to identify the deceased members of the family. Additionally, the National Post publicized the youths usernames on websites [www.vampirefreaks.com](http://www.vampirefreaks.com) and [www.nexopia.com](http://www.nexopia.com), as well as reporting on titles of posts made by the youth on these sites. Additionally, the adult accomplice was named in full as were several witnesses, and their relationship to the youth, during the trial period. The combination of these factors severely reduces the effect of publication bans as their frequency and detail would draw attention to her possible identity, allowing a sufficiently motivated individual to expose it.

### ***5.13 Globe and Mail***

The Globe and Mail published a total of 40 articles during the trial and post-trial periods regarding J.R., however five of these articles contained information that could be used to identify the young offender. Of those five articles, two identified her deceased family members; however,

both of these articles were published at the beginning of the news cycle: April 25, 2006 and April 27, 2006 respectively. In all other articles, the Globe and Mail stated that the name of the youth and her family were unable to be published due to provisions of the YCJA. In the post-trial period, the Globe and Mail interviewed a Professor Nicholas Bala, a law professor from Queens University in Ontario, who confirmed that this was the case.

The information present in the other three articles that could be used to identify the youth were often sufficiently broad to mask the youths identity: the city in which she was enrolled in a post-secondary institution, the name of a neighbour, and the fact that she attended a Catholic school prior to the incident. However, while this information was on its own insufficient to assist in identifying the youth, combined with the names from the initial articles and National Post information it is sufficient to make determining her identity significantly easier. While this is not necessarily a concern due to the lack of attention drawn to the information in the Globe and Mail, it becomes problematic when one considers that one of the primary journalists on the case, Christie Blatchford, switched newspapers and wrote a post-trial column in the National Post. If her dedicated readership followed her to her new platform, the combination of information between the platforms would be problematic for the effectiveness of publication bans.

## **5.2 Mythologies**

When examining both the National Post and Globe and Mail's coverage of J.R.'s trial and post-trial incarceration/rehabilitation, I discovered some common myths that were promoted by both papers. In the trial period, and post-trial period the following myths were examined or promoted: J.R. as the mastermind, and the state of the justice system; while in the trial period myths surrounding the expected behavior of a victim were promoted.

### ***5.21 Justice System***

The justice system is mythologized in two different ways within the National Post and Globe and Mail: the National Post promotes the flaws in the system, particularly regarding the YCJA's effect on the safety of society; while the Globe and Mail addresses that myth, while also promoting the justice system as being a fair and unbiased system designed to rehabilitate youth. For example, in the National Post Zickefoose emphasizes that any rehabilitation progress is being hidden from the public, except during the hearings, quotes the defence council as stating there are concerns that the youth is not emotionally ready, rather than the treatment report, and states that the public would no longer be updated on her mental stability once her sentence is complete (2011). In contrast, Graveland emphasizes the progress in which the youth made while in treatment, while also invoking the horror of the crime which preceeded the treatment (2015). Foucault points out that criminal deviance is emphasized to invoke fear, increasing public outrage at criminal acts and facilitated by journalists (2009, p. 21). However, this only explains the presence of the myth that the system is flawed, and not the idea that rehabilitation is possible.

However, Foucault also describes that the act of imposing restrictions on a person acts as a means of control, which can be accomplished through surveillance outside of the traditional penal environment (2009, p. 17). As such, alternative punishments are not necessarily a negative activity amongst society. However, when combined with a publication ban, as occurs with youth crime in Canada, this idea makes a certain level of discomfort with the idea of rehabilitation inevitable.

#### *5.211 Punishment*

Foucault describes the role of the justice system not as a means to punish individuals, but instead to establish a hierarchy of crime in which members of society are reassured as to what kinds of crime are less acceptable than others (2009, p. 19). While homicide is already

considered one of society's most vile acts, it is compounded in this case by the fact that the victims belonged to J.R.'s family unit. As such, it is not surprising that the Globe and Mail and National Post both questioned the integrity of a justice system that treated an individual who participated in such an act as a child.

The Globe and Mail criticized the leniency of the decision, even though J.R. was provided with the strongest sentence available under the circumstances and questioned the restriction on adult sentences that dictates that youth under 14 years of age cannot be convicted as an adult (SC 2002). Blatchford, writing for the Globe and Mail, also opines that the justice system taught J.R. to be a victim (July 5, 2007), and states that girls whom find themselves part of violent conspiracies should not be considered victims (2008).

Blatchford restates these sentiments when writing for the National Post. However, Remington also calls into question the efficacy of the justice system in dealing with J.R. by questioning the determination that evidence, including an apology letter admitting culpability, was inadmissible despite connection to other evidence without revealing the reason for the inadmissibility (2007). Finally, in perhaps the greatest condemnation of the justice system Blatchford calls into question the judges assertion that J.R.'s family would be proud of her progress, by pointing out that she and Steinke had 'slaughtered' her family (2016).

### *5.212 Rehabilitation*

Foucault posits that rehabilitation is only possible when the individuals accepts their role in the wrong doing, and repents for their participation (Foucault, 2009, p. 16). This concept may help explain the disparate positions on rehabilitation between the Globe and Mail and National Post in relation to this case: the National Post focusing on the cost of rehabilitation as well as the youth's flaws shown in the process, while the Globe and Mail concentrated on the success of the

process with regard to the young offender. Another factor is the role of the family within the case: belonging to, and adhering to the rules dictated by, a family structure is at the core of the preventing, or correcting, criminal activity (Foucault, 2009, p. 16).

The National Post's coverage portrayed the rehabilitative process in a negative light, frequently focusing on the stated cost of the mental health program J.R. had been admitted into. Coverage during the post-trial period focused on the mental state of the young offender, particularly early within this period where a primary focus was her failure to adopt practices being taught to her, a failure to accept responsibility, as well as the fact that her initial primary physician both left her case and failed to participate in writing the initial assessment for the court.

While the National Post did state that J.R. had been excelling at school, and was seen to be a great success story, this positive coverage was tempered with the cost and uniqueness of the program. The ideological differences between psychologists and law makers was also emphasized in relation to the program. Finally, the cost of the program was always stated as being \$100,000 a year, however, there was some dispute as to whether this was an accurate reflection when the coverage of both papers is examined.

The Globe and Mail neglected to publicize a cost for the program, though it did state that the \$100,000 figure was regarding additional therapy that would be made available to J.R. in addition to the program. However, the presence of this mental health funding is not a guarantee that these assets were used. Rather than focusing on the cost, the Globe and Mail focused on the potential for success of the rehabilitation process when combined with a young offender due to their age.

As the post-trial period continued, the *Globe and Mail* increasingly focused on reports that the youth was exceptional in her progress in the rehabilitation process. Not only was she considered a low risk to reoffend, but she had successfully entered into a post-secondary program and appeared to be an example of how successful the program could be. The focus on the positive aspects of rehabilitation may be a result of another phenomenon: they reported that the youth had not only the forgiveness of her extended family, but also their support. The presence of support from the extended family within this narrative positively reflects Foucault's idea that the presence of family was an essential element of rehabilitation.

### ***5.22 J.R. as Mastermind***

Of the three journalists providing primary coverage of the trial for the *Globe and Mail* and *National Post*, two of them promoted the idea of the young girl as the mastermind of the crime. The third journalist, Walton of the *Globe and Mail*, identified the idea as having been put forth by the Crown but also put forward the competing idea promoted by the defence that J.R. was herself a victim of an exploitative relationship. This potential victim identity was summarily rejected by both Zickefoose and Blatchford.

During the trial Zickefoose promoted the idea that a 12 year old girl in a relationship with a 23 year old man was in fact in control of the situation from the beginning. This was in agreement with the Crown Prosecutor's case, that proposed that J.R. planned the deaths of her family and coerced Steinke into committing the act by alternately threatening to leave him and promising him sexual favours. This theory posits that J.R. was a sexual being, noting her choice of dress (including short skirts, fishnets, and a collar), describing her as a 'catholic school girl', and noting that after the murders Steinke and J.R. were publicly displaying their desire for each other.

In the post-trial period this narrative continued to be built, with one added caveat: Steinke was portrayed as the victim in the relationship, a subversion of the popular narrative that an adult in a sexual relationship with a minor is the abusive party. This narrative is actively rejected as a myth the conventional answer that cannot satisfactorily explain the behaviour of younger females in relationships with older men (Blatchford, 2008). Steinke's identity as a victim was established due to a combination of J.R.'s stated sophistication, the justice systems desire to see her as the victim, Steinke's abusive upbringing (including the suggestion that he may be on the Fetal Alcohol Syndrome spectrum without evidence), and J.R.'s ability to wield her "adolescent sexuality like a pro" (Blatchford, 2016).

Blatchford also promoted that the youth used sex as a weapon against Steinke, and used their relationship status as a tool of control. Additionally, she attacked the 'myth of exploitation' and described the youth as Steinke's intellectual superior. However, Blatchford went farther than simply attaching this ideology to J.R. – she actively questioned the status of women as victims in sensational crimes involving violence where an older male is involved.

The implication of this is that women are intentionally deceitful, using men as tools to carry out violent acts in order to insulate themselves within gender norms as victims. In this narrative, women are exploitative of men: using their sexuality as a weapon to gain what they want, only to turn to a combination act of fear and crying to display their victimhood after the fact. This point becomes particularly prevalent due to the high-profile comparison that is offered by Blatchford: Karla Homolka. While Homolka was not a minor, she betrayed familial trust to provide her sister as a victim of rape for her husband resulting in their death (Blatchford, 2008). Homolka is not the only comparison Blatchford makes, as she provides other examples of "evil" young females who control their adult boyfriends in order to have them commit horrific acts

(2008). This comparison is particularly effective in garnering an emotional impact due to the propagation of another popular legal myth: that J.R. did not behave like a victim, and as such must be culpable.

### **5.23 *Victim Myth***

A prominent myth that was propagated in the coverage of both national newspapers was that the youths behavior did not match the stereotypical image of a victim of abuse. Adhering to stereotypes regarding emotional reactions to trauma increase the probability that an individual's victimization is believed to be legitimate (Sleath & Bull, 2017, p. 108). As a result, coverage in the Globe and Mail went as far as to declare that J.R. was 'pretending' to be a victim.

The youth's inability to behave in the expected manner led to declarations that her behavior was inconsistent with victimhood, and that she did not behave as if she had experienced trauma despite having witnessed the murder of her family. The very idea that the youth had been traumatized was considered ludicrous, as she neither asked for help nor tried to assist her family during, or after, the incident.

Additionally, J.R. was described as calm when discussing the murders, and was stated to have been engaging in both sexual activity and partying in the aftermath of the incident. Both national papers opined that her only concern was her relationship, showing neither outrage nor emotion regarding the death of her parents or brother (whom she admitted to participating in his death, though claimed she did this out of fear of Steinke). The Globe and Mail emphasized this point by describing attempts by J.R. to provide an alibi for Steinke to prevent him from being arrested for rape. This description of events plays into the emphasis on moral panic that was present in coverage of the trial.

### **5.3 Moral Panic**

Moral panic was a primary motivator in both the Globe and Mail and National Post during the trial period. This focus continued in the post-trial period in the National Post; however, the Globe and Mail significantly reduced the focus on this element during this period – instead opting to focus on the rehabilitation and treatment of the youth. While moral panic generation was still an element in 6 of 11 post-trial Globe and Mail features, it was present in 9 of 12 National Post features with 5 of the 6 Zickefoose articles heavily focusing on the horrific events that constituted the guilty verdict.

The trial period where moral panic was most prevalent, demonstrated a “grass-roots panic” as described by Reed. Both papers emphasized the horrific nature of the crime, particularly with regards to the younger brother, and appeared to tap into the shock that had organically formed in a town that had only had 3 homicide investigations since 2001. Both papers repeatedly used emotionally loaded terms like ‘slaughtered’, ‘gruesome’, and ‘slayed’. Additionally, both national papers emphasized the idyllic situation in which the crime had occurred, with a high achieving youth and family that lived in a ‘well-manicured’ neighbourhood in a ‘tidy’ home in Medicine Hat (Brethour, 2006; Zickefoose, 2006).

Both papers drove home how badly all those involved were affected, with police officers and jurors described as getting emotional in the court room when giving testimony or hearing evidence from the prosecution. The flaws of witnesses, who were themselves criminals or used illicit substances, were glossed over in favour of emphasizing the surreal circumstances. That it was a child, a friend of the younger brother, who found the bodies initially was published to further drive the emotional resonance of the readership.

Additionally, moral panic was also emphasized in relation to the actions of the deceased father. Both the Globe and Mail and National Post painted him in a heroic light, stating that he

fought as hard as he could to attempt to stop the attack by Steinke. However, this narrative was circumvented by the medical examiner who stated that the father's positioning was not necessarily an indication of the father's action. Blatchford countered this commentary with a powerful emotional plea, stating that she had to (and thus that the readership should) refuse to believe this, instead stating that his actions and positioning were purposeful – implying that the father fought until the very end (June 19, 2007).

However, in the post-trial period the synchronous relationship between the papers ceased to exist with regard to moral panic. The type of moral panic also shifted, with an “elite-driven” model becoming the norm in the National Post. This may be due to the much greater time frames between publications, however, there is another possible explanation: the primary writer covering the trial for the National Post would go on to publish a book regarding the trial in 2009, a national best seller titled “Runaway Devil”. Four of Zickefoose’s six post-trial articles were published in or after 2009, and five of the six articles emphasized the horrific details of the crime at the end as if to remind the public why this individual had been convicted.

While horrific elements that had previously been driving the moral panic in the Globe and Mail continued to be mentioned during this period, they were no longer emphasized within the narrative. The nature of the crime lends itself to moral outrage when mentioned, however the details were no longer the focus and thus what was insufficient to create further panic in those who had moved on from the story. Instead, the Globe and Mail focused on the successful rehabilitation of the young offender – and while this approach may not have pleased everyone it’s focus promoted increased confidence in a judicial system to rehabilitate young offenders rather than concentrating on what the youth had done previously.

#### **5.4 Ethics**

The presence of potential ethical violations is of great concern regarding the coverage of such a prominent trial. Of the three types of violations found within the coverage of the trial, the most minor violation would be considered a violation of the accuracy principle. The National Post's Remington violated this principle by taking short parts of quotations from J.R.'s defence attorney, removing the context to make it appear as if they questioned the veracity of their clients claims such as when he quotes Foster as stating: "I think I am safe in summarizing the report as not being as positive" (2008). However, the Globe and Mail's Walton published a summary of these statements demonstrating that within context her attorney was showing support for their client, finishing this summary with a different quotation regarding the same subject: "the psychiatric report wasn't as positive as the rest of it" (2008). This change in the presence of context surrounding the description of the report calls the journalist's ethics into question.

More troubling is the violation of the principle of fairness, particularly because this violation can be found in both the National Post and Globe and Mail. Both papers violated this principle by supporting stereotypes regarding the use of sex as a weapon by women, and how a victim is supposed to respond to traumatic events. As this coverage was in relation to a crime story, the violation is of a higher degree as the Canadian Association of Journalists promotes that greater attention should be placed on fairness in relation to crime stories.

Additional violations of this principle can be found in the National Post's publication of online posts made by the 12 year old accused during the trial period, and Blatchford's appearance of bias in relation to her reporting on the conduct and culpability of women within the context of violent crime. However, neither of these violations are as serious as either the previously mentioned breach by both papers or the breach of the conflict of interest principle by Zickefoose and Remington.

Zickefoose and Remington, both journalists who covered the story for the National Post, violated ethical standards by providing the appearance of a conflict of interest regarding the case. While still covering the case for the National Post, Zickefoose and Remington co-authored the book “Runaway Devil: How Forbidden Love Drove a 12-Year-Old to Murder Her Family”. While the book is published under the true-crime genre, and was a finalist for the Arthur Ellis reward for best non-fiction crime book, it was published in the post-trial period when Zickefoose was still an active reporter on the case.

Additionally, the forward for the book acknowledges that Remington had a mutual friend with the victims causing a legitimate conflict of interest (Remington & Zickefoose, 2009, xii). While the authors state that he was not aware of the connection at the time, this connection still results in the appearance of a conflict as it is impossible to determine whether or not he was actually aware at the time of his coverage.

Further, Remington and Zickefoose utilize a different standard of identity protection regarding their book than they did in their coverage. While covering the trial for the National Post both authors identified the brother, and parents, by their full names and ages whereas in the book they identify the family members utilizing their first names only. This leads to a question as to whether they were aware of potential violations of the YCJA by identifying the victims in their reporting. While there is no definitive answer to this question, the implication of the questions existence fosters the appearance of further violations of the ethical standards of journalists in Canada.

## **Chapter 6: Discussion**

Coverage during the trial period and post-trial period of the trial of J.R. were not significantly different, however there was significant differences found between the Globe and

Mail and National Post when it comes to how some mythological constructs were established.

The most interesting results from this analysis are not what myths are put forward during coverage, but rather a prominent myth that was rejected outright by two of the primary journalists as well as the different approaches to complying with the YCJA provisions banning publication of the identities of youth accused of criminal activity.

### **6.1 Identity Protection**

The effectiveness of publication bans relies on the ability of the legislation to accomplish its stated goal of providing for a second chance for youth. This goal is to be accomplished via the prevention of the public from obtaining the identity of a young offender, an outcome that is particularly important in sensationalized trials like that of J.R.. However, there are questions as to whether this goal is undermined by naming conventions of youth trials. Remington and Zickefoose note in the preface to their book that the youth in question was identified in court by her first and last initials, which were published by both the National Post and Globe and Mail as the official moniker of the young offender (2009, XI).

Additionally, there seems to be a lack of clarity as to what can or cannot be published – as I was unable to find sanctions against the National Post for publishing the victim's names despite the prohibition of such actions being specified in the YCJA. If such provisions are not enforced, then there becomes a question as to whether any news outlet should respect the provision due to the lack of consequences. Without enforcement, the success of publication bans is completely dependent on journalism ethics. While the courts currently have enforcement mechanisms, there needs to be a more concrete mandate to enforce them. Walton noted that the Justice in this case refused to prosecute a publication ban violation that occurred (2007), such refusals to prosecute undermine the potency of the bans.

Dependence on these principles can be unreliable in sensationalized cases such as J.R.'s, as has been examined in this case study. When combined with the way suspects are portrayed, both during and after a trial, the protection of identity becomes even more important as stigma can easily be attached to societies vulnerable adolescent community. Adherence to the principles of justice, as advocated by John Rawls and other liberal democratic theorists, requires that the most vulnerable members of society be protected – and since adolescent's lack both economic and political power they would qualify as belonging to the least advantaged members of society.

## **6.2 Mythology**

The narrative of J.R. as the victim of sexual exploitation was never seriously explored within the coverage of her trial, in either the trial or post-trial period. While the narrative was floated by one of the primary authors as a theory proposed by the defence, it was soundly rejected as part of the coverage of the trial. This rejection is particularly significant due to the age difference of the pair involved, and age difference that was frequently cited by both the Globe and Mail and National Post in both the trial and post-trial periods.

The age of consent in Canada at the time of the trial was 14, which would make the relationship statutory rape at the least, a fact identified by J.R. in her concern for the possibility of Steinke being charged with rape. However, Steinke was neither charged with rape nor accused of sexual exploitation within the media coverage of the trial. This lack is particularly concerning when one considers that J.R. was only recently 12 years old at the time of the murders, yet was described as using her sexual power to control an adult.

Combined with myths that were covered regarding the behavior of victims, J.R. was never provided the opportunity to be viewed as the child she was at the time. The significance of this cannot be overstated, particularly due to the emphasis on catching adult pedophiles

exploiting young girls within popular North American culture as seen in programs like “To Catch a Predator”. Despite this emphasis, national print media focused on the sexual nature of the girl in comparison to the naivety of the adult who was ‘seduced’ by someone who was little more than a child.

### **Chapter 7: Conclusion**

Coverage of the “Richardson Family Murders” by the national print media within Canada demonstrates that the current system of publication bans is insufficient to accomplish the stated goals of the YCJA. While such bans work in principle, when the idea is translated into practice there are three primary flaws that limit their effectiveness: a lack of enforcement when publication bans are breached, a dependence on the adherence to journalistic ethics, and the lack of definitive language that would prevent publications from attempting to circumvent publication bans by attempting to adopt language that technically avoids direct exposure of identity, but that provides sufficient information for identification in practice. Combined with the use of second order signifiers in the form of crime mythology, this lack of effectiveness can significantly hinder the ability of young offenders from being able to effectively rehabilitate and reintegrate into society. While J.R. is seen as a model for the rehabilitation of youth (Blatchford, 2016), her story could easily have become a tragic one due to the amount of identifying information that was published.

### **Chapter 8: Limitations**

This examination suffers from several limitations due to the scope of the case study. The nature of publication bans makes it difficult to obtain primary information regarding the trial, as youth trials that are judged through the use of a jury commonly do not publish written decisions. Articles were not examined related to Steinke’s trial, which occurred after the youths trial – as

the primary focus was on how J.R. was depicted only in articles that pertained directly to the young offender in the post-trial period.

Articles from non-national print media were not examined, neither was coverage from national televised media such as CBC, CTV, and Global. The scope of this project also was limited to Canadian media, leading to foreign media not being examined despite this media form being seen as a primary risk factor for the failure of publication bans in a world where international media coverage is readily available both online and on broadcast television.

Finally, the effect of social media on publication bans was not examined. The prevalence of social media should theoretically make the implementation of a publication ban to protect the identities of young offenders more difficult, however the truth of this will need to be examined at a future date.

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Zickefoose, S. (2011, January 26). Family killer gets 'glowing' rehabilitation report; Girl was 12 at time. *The National Post*.

## **Appendix A: List of National Post Trial Stories by Date**

Zickefoose, S. (2006, April 25). Girl charged in murders: 12-year-old accused of killing her family. *The National Post*.

Zickefoose, S. (2006, April 25). Parents, son found slain: 23-year-old man also arrested in Alberta deaths. *The National Post*.

Poole, E. & Myers, S. (2006, April 26). The two accused had Internet in common. *The National Post*.

Remington, R. & Zickefoose, S. (2006, April 26). Triple murder suspects make court appearances. *The National Post*.

Zickefoose, S. (2007, June 5). Judge issues ban in murder trial; It is believed no other child this young has ever been accused of three homicides in Canada; 13-year old accused. *The National Post*.

Remington, R. (2007, June 12). Crown lays out triple murder for jurors; Girl 13, On Trial. *The National Post*.

Remington, R. & Zickefoose, S. (2007, June 13). Bedroom soaked in blood, court told; Girl 13, man 24, standing trial in triple murder. *The National Post*.

Remington, R. & Zickefoose, S. (2007, June 13). Triple-murder trial hears grim evidence. *The National Post*.

Zickefoose, S. (2007, June 14). Expert links prints to girl's size 6 runners; Murder Accused 13; Two knives found in Medicine Hat home, jury told. *The National Post*.

Zickefoose, S. (2007, June 15). Drawings of people burning found in girl's locker, jury told; Images shown at 13-year-old's murder trial . *The National Post*.

Zickefoose, S. (2007, June 19). Family died trying to resist, court told; Girl, 13, On Trial;

Murder victims lost massive amounts of blood. *The National Post*.

Zickefoose, S. (2007, June 20). Photos take jury on tour of murder scene; Medicine Hat images show blood smeared on walls. *The National Post*.

Zickefoose, S. (2007, June 21). Teens say they did not believe death threats; Girl, 13, Accused Killer; Court heard girl hated victims and wanted them dead. *The National Post*.

Zickefoose, S. (2007, June 23). Teen accused of murder may face ex-boyfriend; Family Of Three Slain; Co-accused in killings may be witness in trial. *The National Post*.

Zickefoose, S. (2007, June 27). Fear of losing girlfriend, 12, led to murder, court told. *The National Post*.

Zickefoose, S. (2007, June 30). Alberta girl hatched plot online month before killings, court hears. *The National Post*.

Remington, R. & Zickefoose, S. (2007, July 4). 'I'm Too Young To Die,' Boy Said; Accused killer, 13, testifies about stabbing child. *The National Post*.

Zickefoose, S. (2007, July 5). Girl called for a cab after triple murders; Medicine Hat Trial; 'Too spaced out' to check on victims, accused testifies. *The National Post*.

Owens, A.M. (2007, July 7). Little devils; The Case Of A 13-Year-Old Girl Accused In A Triple Murder In Medicine Hat Raises The Question. *The National Post*.

Zickefoose, S. (2007, July 7). Jury hears two sides of slaying; Medicine Hat Trial. *The National Post*.

Zickefoose, S. (2007, July 10). Alberta girl, 13, guilty of murders; Four-Hour Deliberation. *The National Post*.

Zickefoose, S. (2007, July 10). Jurors never saw videotaped confession; Medicine Hat Trial; Police Interview One Of Several Pieces Of Evidence Ruled Inadmissible.

*The National Post.*

## **Appendix B: List of National Post Post-Trial Stories by Date**

Cowan, J. (2007, July 11). Reforming killer likely to take years; Intense Therapy. *The National Post.*

Remington, R. (2007, July 11). Girl's notes reveal both terror and tenderness; 'Flame Of All Hell'. *The National Post.*

Zickefoose, S. (2007, October 22). Killer's term could include medical stay; Medicine Hat Case; Jail time mixed with psychiatric hospital treatment. *The National Post.*

Zickefoose, S. (2007, October 23). Three years sought for girl who killed family; 14 year-old has personality disorder, court told. *The National Post.*

Owens, A.M. (2007, November 8). Age of the not-so-innocent; Judge to sentence today girl who killed a family. *The National Post.*

Girl killer sentenced to rehab custody; 8 1/2-year term for killing couple and their son (2007, November 9). *The National Post.*

Remington, R. (2008, October 28). Teen killer has 'failure to internalize'; Murdered Parents. *The National Post.*

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Zickefoose, S. (2009, November 3). Murderer, 16, allowed escorted leave. *The National Post.*

Zickefoose, S. (2011, January 26). Family killer gets 'glowing' rehabilitation report; Girl was 12 at time. *The National Post.*

Zickefoose, S. (2012, March 31). Teen multiple killer has her curfew extended; Sentencing review. *The National Post.*

Blatchford, C. (2016, May 7). Convicted at 12, killer freed 10 years later. *The National Post.*\

## **Appendix C: List of Globe and Mail Trial Stories by Date**

Brethour, P. (2006, April 25). Man 32, Girl 12, charged in slayings; Homocides 'devastating; to Medicine Hat. *The Globe and Mail.*

Walton, D. (2006, April 26). Net holds dark hints on slayings: Pair accused of deaths of Albert Family posted messages on notorious websites; Sites named in previous tragedies. *The Globe and Mail.*

Wente, M. (2006, April 27). Sugar and spice and everything not nice. *The Globe and Mail.*

Walton, D. (2007, June 4). Alberta girds for trial of girl accused of killing kin. *The Globe and Mail.*

Walton, D. (2007, June 5). Alberta girl, 13, pleads not guilty in triple homicide. *The Globe and Mail.*

Blatchford, C. (2007, June 12). A modest family home on a leafy street -- and bloody mayhem. *The Globe and Mail.*

Walton, D. (2007, June 12). 'I hate them so I have this plan'. *The Globe and Mail.*

Blatchford, C. (2007, June 13). Inside the boy's bedroom everything was covered with blood. *The Globe and Mail.*

Walton, D. (2007, June 13). Police witness chokes back tears at girl's trial. *The Globe and Mail.*

Blatchford, C. (2007, June 14). Protecting an accused killer's identity v. the public's right to see her. *The Globe and Mail.*

Walton, D. (2007, June 14). Floors 'overly clean,' court hears. *The Globe and Mail.*

Blatchford, C. (2007, June 15). The counsellor, the curfews and a girl transformed. *The Globe and Mail.*

Walton, D. (2007, June 15). Disturbing sketch found in girl's locker shown to jury. *The Globe and Mail.*

Blatchford, C. (2007, June 16). Accused's DNA found in speck of blood on knife. *The Globe and Mail.*

Blatchford, C. (2007, June 19). A grim version of the Goldilocks fairy tale. *The Globe and Mail.*

Blatchford, C. (2007, June 20). Blood stains imply 'direct contact,' analyst testifies. *The Globe and Mail.*

Blatchford, C. (2007, June 21). Eyeshadow, eyeliner and eye-opening details. *The Globe and Mail.*

Blatchford, C. (2007, June 26). How a teen's tough talk prefaced tragic reality. *The Globe and Mail.*

Walton, D. (2007, June 26). Court hears of deadly plan. *The Globe and Mail.*

Blatchford, C. (2007, June 27). In a trial attuned to sadness on young witness casts a heavy Pall; 'He asked me how far I'd go for love and then just popped the question'. *The Globe and Mail.*

Walton, D. (2007, June 27). Man admitted to killing girlfriend's family, court told . *The Globe and Mail.*

Blatchford, C. (2007, June 28). 'He said he had gutted them like fish': Grisly words delivered in mellow tone. *The Globe and Mail.*

Walton, D. (2007, June 29). Girl made up alibi for her boyfriend, witness says. *The Globe and Mail.*

Blatchford, C. (2007, June 30). Couple's love notes a mix of the banal and the murderous. *The Globe and Mail.*

Blatchford, C. (2007, July 4). Tearful confession evokes Homolka's grisly deed. *The*

*Globe and Mail.*

Blatchford, C. (2007, July 5). 'I just wanted him to go to sleep'. *The Globe and Mail*.

Walton, D. (2007, July 7). Opposing views of girl presented. *The Globe and Mail*.

Walton, D. (2007, July 10). Jury quickly decides girl, 13, murdered her family. *The Globe and Mail*.

Walton, D. (2007, July 10). Police denied girl her Charter Rights, judge says: Lead investigator repeatedly denied J.R.'s request for a lawyer, jurist presiding over case says. *The Globe and Mail*.

## **Appendix D: List of Globe and Mail Post-Trial Stories by Date**

Dueck, L. (2007, July 11). Challenging the hunger for violence. *The Globe and Mail*.

Smith, J. & Walton, D. (2007, July 11). A glimpse of the future for convicted 13-year-old. *The Globe and Mail*.

Smith, J. & Walton, D. (2007, July 11). ‘A terrible thing happened, something I feel was all my fault’; Family support cited as key to teen’s rehabilitation. *The Globe and Mail*.

Stevenson, J. (2007, October 22). Rare youth sentence possible for girl who killed family. *The Globe and Mail*.

Walton, D. (2007, October 23). Girl who killed family ‘seriously disturbed,’ court told. *The Globe and Mail*.

Walton, D. (2007, November 9). Teen gets 10 years for killing family: Alberta judge hands out maximum sentence under Youth Criminal Justice Act. *The Globe and Mail*.

Blatchford, C. (2008, January 4). Why are we still surprised when the accused is a girl?. *The Globe and Mail*.

Walton, D. (2008, October 28). Defence urges more freedom for jailed teen. *The Globe and Mail*.

Woman who killed family as child must follow curfew (2013, December 2010). *The Globe and Mail*.

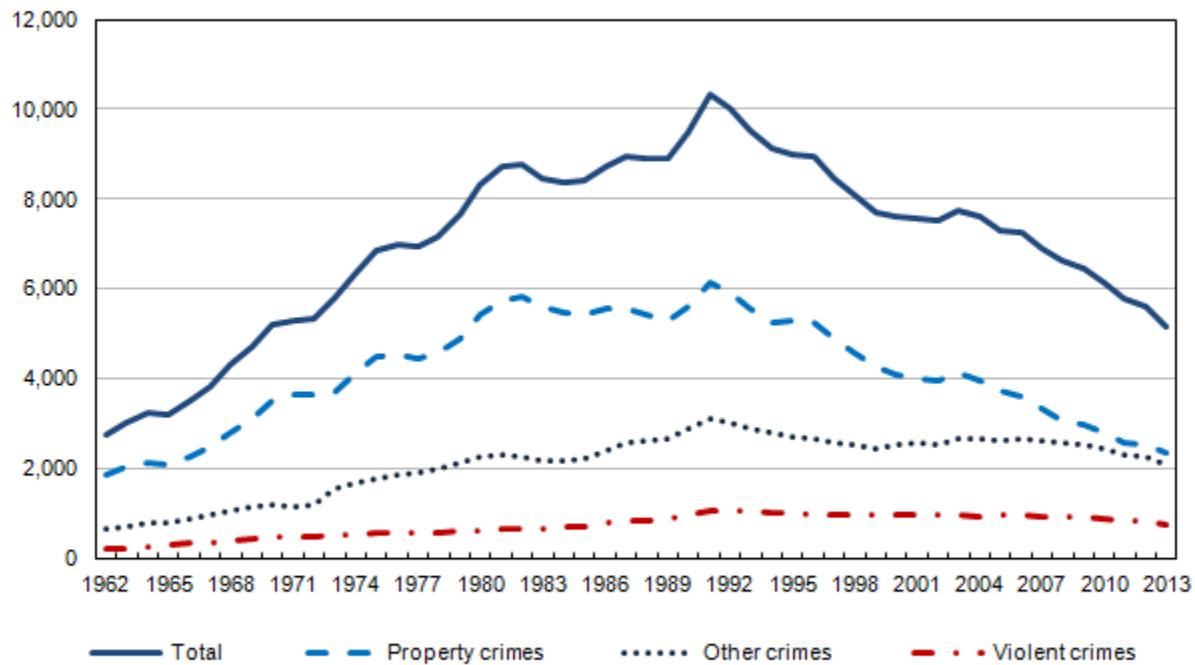
Graveland, B. (2015, August 21). Curfew lifted for woman convicted of killing family. *The Globe and Mail*.

Graveland, B. (2016, May 7). Woman involved in family's murder finishes sentence. *The Globe and Mail*.

## Appendix E: Canadian Crime Rate 1963-2013

**Chart 1**  
**Police-reported crime rate, Canada, 1962 to 2013**

rate per 100,000 population



**Note:** Information presented in this chart represents data from the aggregate Uniform Crime Reporting Survey, and permits historical comparisons back to 1962. New definitions of crime categories were introduced in 2009 and are only available in the new format back to 1998. As a result, numbers in this chart will not match data released in the new format.

**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Uniform Crime Reporting Survey.

(Statistics Canada, 2017)