

# Creating the Youthful Offender in Connecticut

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## **Abstract**

*In 1971 Connecticut passed legislation creating the category of Youthful Offender that excluded 16 and 17 year olds from the jurisdiction of its juvenile justice system. The policy decision was made at a time when other states were extending the jurisdiction of their juvenile justice systems and so provides an interesting case study to help more fully understand the criminal justice policy creation process. Using Ismaili's (2006) concept of policy community this paper identifies the factors most significant in Connecticut's policy change and in so doing, discusses how the policy community functions to bring about policy change.*

### **About the authors**

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## **Creating the Youthful Offender in Connecticut**

### **Introduction**

In 1971 the state of Connecticut passed Public Act 72, An Act Concerning Youthful Offenders (PA 72), which ended the jurisdiction of its juvenile justice system at age 16 by creating a Youthful Offender classification for 16 and 17 year olds, making them ineligible to be tried as juveniles. Instead, 16 and 17 year olds who were first time offenders not charged with the most serious felonies could be evaluated for Youthful Offender status in the adult court (those with prior records and/or charged with a serious felony were processed through the adult system and ineligible for this status). Youthful Offender status allowed for some protections afforded in juvenile court (such as confidentiality and expungement of records) but 16 and 17 year olds would be subject to adult sentences including commitment to secure confinement in any correctional facility authorized to receive individuals over the age of 16 (PA 72). PA 72 meant that, regardless of offense, only those under 16 years of age could be processed as juveniles and thus given access to the range of rehabilitative efforts of the juvenile justice system. Prior to the passage of PA 72, such first time offenders charged with less serious offenses could be adjudicated delinquent and received services in the juvenile system.

PA 72 is especially interesting as it occurred at a time when the general trend in juvenile justice was to extend rather than restrict the jurisdiction of the juvenile court (Commission to Study Juvenile Court Procedures, 1969), and in neighboring Massachusetts a much more progressive trend toward deinstitutionalization was under way (Miller, 1998). Recently Connecticut passed legislation to increase the jurisdiction of juvenile court to include 16 and 17 year olds and examination of events and discussion leading to the restriction of juvenile court jurisdiction in Connecticut arising from PA 72 provides a valuable case study to gain greater

understanding of the criminal justice policy creation process. We believe the unique local context within which policy decisions were made led Connecticut to develop a policy seemingly at odds with policies in other jurisdictions. We further believe the 1971 decision in Connecticut to reduce its juvenile court jurisdiction by excluding 16 and 17 year olds foreshadows the general trend during the 1990s to get tough on juvenile offenders; greater understanding of the policy change in Connecticut can also shed light on the get tough movement.

The main thrust of criminal justice policies over the past few decades has been to “get tough” on crime (Beckett, 1997; Beckett & Sasson, 2004; Callanan, 2005) and in the juvenile justice field it has become easier to process juveniles as adults – all states now allow juveniles to be tried as adults in certain circumstances (Sickmund, 2003) – and to decrease the confidentiality of juvenile court proceedings and actions, a hallmark of juvenile justice systems since their inception (Kappeler & Potter, 2004; Krisberg & Austin, 1978). While these practices are popular amongst a general public that believes courts are too lenient and that violent juvenile offenders should receive the same sanctions as their adult counterparts (Maguire & Pastore, 2002), scholars have highlighted significant negative consequences of these policies for youths, the majority of whom are non-violent offenders (Bortner & Williams, 1997; Bishop & Frazier, 2000).

Nationally, juvenile court jurisdiction varies by age (Sickmund, 2003). Because of age differences in juvenile court jurisdiction a person may be tried and sentenced as an adult in one location while, for exactly the same behavior, another may be tried and sentenced as a juvenile; thus youths in different jurisdictions are dealt with very differently for exactly the same behavior (Corriero, 2006).

Conviction and sentencing in criminal court versus adjudication and disposition in juvenile court results in significant consequences — some life-long. Evidence suggests that youths (under the age of majority) sentenced as adults may receive *more* severe sentences than young adults (aged 18-24) *for the same offenses* (Kurlychek & Johnson, 2004). The “collateral consequences” of a criminal court conviction may (depending on state law) include the loss of many rights and privileges (possibly permanently), such as employment restrictions, felony disenfranchisement, or loss of parental rights. Unlike adjudication in juvenile court, a criminal court conviction is public record, must be reported on employment applications, and may be considered in sentencing for future convictions and sanctions under “three strikes” laws (Redding, 1999; Corriero, 2006). Moreover, several studies have found that juveniles sentenced as adults may be more likely to re-offend than juveniles dealt with in juvenile court (Allard & Young, 2002; Bishop, 2004; Ryan & Ziedenberg, 2007; Winner et al., 1997).

Strong evidence of an “aging out” effect exists with respect to criminal behavior (e.g. Gottfredson & Hirschi, 1990). That is, by age 18 people begin to offend less, and while the reasons for this behavioral change are disputed (Sampson & Laub, 1995), lowering the age of majority ensures that many juveniles who would age out of crime are classified and treated as adults, increasing the likelihood of recidivism (Kurlychek & Johnson, 2004). Moreover, there is growing evidence that individuals do not reach full cognitive development during their teenage years; ending juvenile court jurisdiction at age 16 means juveniles absent full cognitive development are dealt with in the same way as fully developed adults (Grisso & Schwartz, 2000; Steinberg & Scott, 2003). Reducing the age of majority also means the state loses the opportunity to provide assistance to those who are most vulnerable and best suited to modifying their behavior as a result of participation in rehabilitation programs (Corriero, 2006).

Given the adverse consequences of limiting juvenile court jurisdiction and denying youth access to programs and policies available through juvenile court we believe it is important to understand how such policies are developed and what factors are of greatest influence in their creation. In this paper, we utilize Connecticut as a case study; by examining the legislative history of the juvenile justice system in Connecticut with specific focus on passage of PA 72 we identify the most influential factors that contributed to changes in policy and better understand how (until January 2010<sup>3</sup>) the state became one of only three with an upper age limit of 15 years.

### **A Framework for Examining Policy Creation**

Crime control and prevention policies have significant implications for individuals and community safety, and so should be informed by empirical evidence and input from experts representing multiple perspectives in order to, as fully as possible, maximize effectiveness and anticipate consequences (Barlow & Decker, 2010). However, recent policy decisions such as the treatment of juvenile offenders (e.g. Bishop, 2004) and recidivists (e.g., Kovandzic, Sloan, & Vieraitis, 2002) have been developed and implemented with little empirical guidance and been widely criticized by researchers.

Ismaili (2006) states that, despite its far-reaching implications, we still know very little about how criminal justice policy is developed. He notes that traditional efforts to understand the policy creation process have failed to adequately consider the context in which policy is created and that context is a vital component in understanding policy creation:

It would appear that the development and application of a broadly based policy approach is essential to consider for any analyst attempting to understand or develop public policy.

Those who subscribe to this perspective contend that policy research must move beyond

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<sup>3</sup> Public Act 07-4 requires Connecticut's 16 and 17 year olds to be treated as juveniles and 16 year olds were introduced to juvenile court jurisdiction on January 1, 2010 (Connecticut Juvenile Justice Alliance, 2007).

a one-dimensional reliance on analytical or rational logic and toward the principle of contextuality in the study of public policy. That principle reminds us that the meaning of anything is seen to be dependent on its linkages with the context of which it is a part. (p. 258)

Similarly Jenness (2007) emphasizes that “lawmaking transcends the moment at which a statute is adopted: instead, it is best understood as a larger process of policy domain formation...in which ideas, politics, and public policy are intimately infused” (2007, p. 143).

Ismaili argues we must consider the “criminal justice policy community” (2006, p. 262) if we are to improve understanding of the criminal justice policy making process. The policy community consists of “all actors or potential actors with a direct interest in the particular policy field, along with those who attempt to influence it – government agencies, pressure groups, media people, and individuals including academics, consultants, and other experts” (2006, p. 262). The ultimate goal in criminal justice policy analysis, Ismaili reasons, is to “accumulate knowledge both *of* and *in* the policy process” (2006, p. 267).

The social constructionist perspective is consistent with Ismaili’s concept of criminal justice policy community and is especially useful for understanding the context from which criminal justice policy develops. The social constructionist perspective recognizes most of what we know comes not from direct experience but through our interactions and media. From this perspective, then, much of what we believe reflects our assessment of information already filtered through media processes and those we encounter (Berger & Luckmann, 1966).

Research from a social constructionist perspective has revealed crime control and prevention policies are often quickly developed and implemented as the result of how things are perceived rather than *their objective properties* (Blumer, 1971; Potter & Kappeler, 1998); such

crime control and prevention policies include Rockefeller drug laws, three strikes legislation, and federal sentencing guidelines, which are the end products of action stemming from collective beliefs rather than objective analysis of relevant facts and data. While popular, such policies often are developed and implemented without theoretical or empirical guidance and, as a result, their consequences are largely unanticipated and often disastrous (Coughlin, 1993; Free, 1997; King & Mauer, 2001; Kovandzic, Sloan, & Vieraitis, 2002). While it is naïve to believe theoretical or empirical evidence can be the sole determinants of public policy (Laub, 2004), analysis of policy creation can help us understand the extent to which empirical evidence influences policy decisions.

Applied to analysis of public policy, the social constructionist perspective encourages examination of both the social context in which policies are created and how a range of actors influence policy decisions. Of particular relevance from this perspective is the role of interest groups in framing a social problem such that their construction of the issue becomes dominant and has the greatest impact upon popular beliefs and the policies emerging from them. We believe Ismaili's concept of policy community reflects the social constructionist approach to understanding policy creation and is especially useful in understanding Connecticut's change in juvenile court jurisdiction.

Ismaili's analysis of policy creation identifies two central segments of the policy community: the subgovernment and the attentive public. The subgovernment is comprised of government agencies and closely connected groups central to policy creation in a given domain. The attentive public is a looser body external to the policy community but with considerable potential to impact subgovernmental decisions and the context within which policy decisions are made. Composition of the attentive public varies but includes media, motivated individuals and

pressure groups (2006, p. 263). Ismaili notes the operation of policy communities differs by policy field as will the relationships between policy community actors. We believe the relationships between members of the policy community to be especially important to the criminal justice policy field where dominant members of both segments of the policy community may be clearly identified and legitimized by tradition. The relationships between members of the policy community comprise a policy network and “refers to the relationships that emerge among both organizations and individuals who are in frequent contact with one another around issues of importance to the policy community” (Ismaili, 2006, p. 263). From this perspective we believe the relationship between law enforcement – part of the subgovernment – and media – part of the attentive public – to be especially significant to the criminal justice policy decision process. The law enforcement-media relationship connects the subgovernment and attentive public in a unique way. While law enforcement officials have considerable influence over subgovernment decisions they also have considerable ability to influence the attentive public through their media relations and can be classified as an interest group that has “something to gain or lose, not just as everyone else would be affected, but over and above the way everyone in a society would be affected by a given change in law or policy” (Kitsuse and Spector, 1973, p. 415). Law enforcement has a considerable amount to gain when their framing of an issue becomes dominant such that their perspective influences both the decisions of subgovernment and the attentive public; to this end the law enforcement-media relationship is crucial as it serves to establish the legitimacy of law enforcement claims over those by others. Research has shown that law enforcement agencies are well suited to play a dominant influencing role in a crime policy community because they have a reciprocal relationship with media – media rely on police for a steady and popular source of material while police agencies rely on media to get their

perspective disseminated; from this process “crime news is really police news” (Fishman, 1978, p. 538). The interaction of law enforcement and media thus plays a very influential role in the policy community and so deserves close scrutiny.

The media are key to establishing generally accepted narratives and serve several important functions in the policy creation process. Some researchers have found media influence so great as to generate public concern over relatively minor, rare, and even non-existent events (e.g., Alcabes, 2009; Goode & Ben-Yehuda, 2006; Fishman, 1978; Best & Horiuchi, 1985). Much evidence points to the importance of established relations between organizations (such as law enforcement or other agencies) and media outlets seeking stories (Gans, 1979; McCorkle & Miethe, 2002; Sacco, 2006). Surette (2007) notes that media coverage tends to grant “ownership” of a given issue to certain groups and individuals by giving their perspective greater public prominence and in turn legitimizing them as *the* authority on the topic. In the crime arena the relationship between law enforcement and media is reciprocal; each serves a valuable function for the other. This relationship is especially influential and generally results in the narrative that crime is increasing, becoming more violent, targeting the innocent, and partially resulting from a “soft on crime” criminal justice system in which law enforcement efforts are hampered by inadequate resources and disproportionate emphasis on due process guarantees for criminal suspects (Surette, 2007). In a study of serial homicide, for example, Jenkins (1994) describes how, as a result of its relationship with media, the FBI Behavioral Science Unit gained ownership of the “serial killer problem” during the 1980s and became regarded as *the* experts on the subject even though many of their claims were inaccurate and exaggerated. From the constructionist perspective, as the recognized experts on crime, the actions and claims of law enforcement disseminated through media organizations influence opinions in the subgovernment

and attentive public in important ways. Heinz observes that media coverage plays an important agenda setting role by suggesting to consumers what is “the right thing to do.” Heinz states:

The content of news coverage of urban conditions is likely to be an important source for shaping the policy content of lobbying interests as well as urban based politicians. In this fashion news coverage may directly affect legislative attentiveness by functioning as a major information source for state legislators. (1985, p. 89)

Media coverage is also important in identifying and sustaining crime themes (e.g. Fishman, 1978). Consequently, examination of media role is especially important to understand the context within which policies are created and, consistent with Ismaili’s emphasis on contextualizing understanding of policy creation, will help identify how major sources of influence in the policy creation process emerge. Thus, we closely examine media coverage of events surrounding the change in jurisdiction of the Connecticut Juvenile Court to determine any themes significant to the policy creation process that emerge from law enforcement and media interaction.

The present study contributes to understanding the policy creation process through case study analysis of major policy change in the Connecticut juvenile justice system. Using the social constructionist perspective and the concept of policy community we examine the context in which policy change was made and identify the factors of greatest influence upon the decision to limit jurisdiction of the Connecticut Juvenile Court. In understanding criminal justice policy creation Garland notes the importance of examining the claims of actors within the arena of interest because it is these actions that constitute “the real human stuff of disposition, choice and action – the stuff of which society and history are actually made” (2001, p. 25). Thus while we attend to the national context within which policy is created, in our analysis we pay particular

attention to local context and the claimsmakers that influence policy concerning juvenile court jurisdiction in Connecticut.

## **Methodology**

Consistent with policy analysis research (e.g. Becker, 1999; Galliher & Basilick, 1979) we use a number of secondary data sources to understand the policy creation process, and following Garland (2001) we examine influence at both the national and local levels. Data sources consist of the FBI Uniform Crime Reports (UCR); documents such as legislative records and committee reports housed in the State Archives section of the Connecticut State Library; and newspaper archives.

The role of media is of particular interest in this study. To examine media coverage that may have influenced the debate over changes to juvenile court jurisdiction, we utilized ProQuest Historical Newspapers electronic archives of the Hartford Courant (1923-1984)<sup>4</sup>, which include full page and article images with searchable text. Our search parameters were January 1, 1965-December 31, 1971, thus including coverage prior to the landmark US Supreme Court decisions Kent v. United States (1966) and In re Gault (1967) and the publication of The Challenge of Crime in a Free Society (President's Commission on Law Enforcement and the Administration of Justice, 1967), and after PA 72 was passed in 1971. We supplemented our search of the Hartford Courant electronic archive with data from the clippings archive of the Connecticut State Library. The clippings archive consists of newspaper articles identified by library staff and placed under broad headings and contains clippings from the Hartford Advocate, Hartford Times, and New York Times covering major events and issues affecting both the nation and the state of Connecticut. Utilizing grounded theory (Glaser & Strauss, 1967), we identify themes contained

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<sup>4</sup> *The Hartford Courant* is the oldest and most widely circulated newspaper in Connecticut (Audit Bureau of Circulations, 2010).

within documents to better understand the policy community that produced PA 72. Examination of state newspapers and a major national newspaper allows analysis at both the local and national level. Materials from these sources were supplemented by examination of scholarly texts describing changing social context during the period of our study.

## **Results**

### ***Changing the Age of Juvenile Court Jurisdiction in Connecticut***

Passage of PA 72 must be understood in light of the broader national social context in which the policy community operated as this context shapes the attitudes and beliefs of those involved in the policy creation process. Our analysis reveals that general social change during the 1960s combined with landmark U.S. Supreme Court decisions, a shift in political ideology on crime, and a much publicized rising crime rate created a larger social context that shaped the content of PA 72.

### ***National Level***

#### ***Changing Youth Status***

The United States during the 1960s was characterized by substantial growth and change — economic, political, social, and cultural. Great civil unrest emerged amidst the Vietnam War, race riots, student protests, and the “generation gap” between youths and adults became more pronounced than ever (O'Neill, 1971). It was also during this period that the Baby Boomers reached adolescence and young adulthood. Membership in this greatly enlarged youth cohort had significant implications, according to Cross and Kleinhesselink (1985), such as increased role conflict as larger families and overcrowded classrooms required adolescents to take on more adult responsibility than they had during the previous generation. However, Cross and Kleinhesselink also contend that peer groups had greater influence than in the past and developed

norms that defied adult authority (such as friendship loyalty and status based on anti-parental values and behaviors). Attitudes about drug use and sexuality (Cross & Kleinhesselink, 1985) as well as race relations and gender roles (O'Neill, 1971) contributed to widening disparity in attitudes between adolescents and older adults and growing skepticism about youth was expressed succinctly by Porter: "Doubt, anxiety, cynicism, and indifference still permeate much of our thinking about adolescents" (1965, p. 139). Thus it is clear youth status underwent significant change during the 1960s and that youths and youth culture were being viewed with increasing cynicism during a time of widespread social unrest.

### *Political Ideology and Crime*

A general shift in thinking about the causes of crime reveals important ideological change our analysis finds influential in the passage of PA 72. In their discussion of the shift in political and cultural thinking on crime from its causes being rooted in social factors, as exemplified by policies of the Great Society of the 1960s, Beckett and Sasson (2004) note a number of significant shifts resulting from unanticipated results of policies. Important to our discussion of the context within which PA 72 was passed is how discourse about the effect of social problems shifted and helped to frame the crime problem as one of rational choice. Indeed Beckett and Sasson argue that perceived failure of Great Society policies were exploited by conservative politicians to highlight individual calculation and rational efforts to exploit these policies:

By contrast, conservatives argued that social pressures such as racism, inadequate employment, lack of housing, low wages, and poor education do not cause crime.

Instead, people are poor, criminal or addicted to drugs because they made irresponsible or bad choices. Ironically, social programs aimed at helping the poor only encourage them to make these choices by fostering a culture of dependency and predation. (2004, p. 51)

Beckett and Sasson (2004) also highlight how the due process revolution of the 1960s was framed by conservatives as exemplifying a permissiveness that was responsible for widespread social unrest occurring during this period. They note several landmark cases of the 1960s extending due process rights to criminal defendants (Mapp v. Ohio, 1961; Gideon v. Wainwright, 1963; Escobedo v. Illinois, 1964; Miranda v. Arizona, 1966) and efforts of the Nixon administration to undermine these rights, concluding that “[a]ll of these efforts to undermine criminal defendants’ rights were rooted in the notion that the excessive lenience of the criminal justice system was an important cause of crime” (2004, p. 57).

Concern about youths was also echoed in broader discussions about crime and delinquency as well as strategies for addressing a generally growing crime problem. Tenney underscores the contrasting views of young people — particularly those with problem behaviors — in his essay about the changing nature of juvenile court as he examines the law’s treatment of wayward youth: “Our commitment to helping children in trouble is erratic, isolated, marginal, and ambivalent” (1969, p. 116). Landmark US Supreme Court decisions of that decade – such as Kent v. United States (1966) and In re Gault (1967) – extending due process guarantees to juveniles contributed to debate about society’s handling of young offenders and the appropriate goals of a separate juvenile justice system. In addition, the work of The President’s Commission on Law Enforcement and Administration of Justice (1967) and the publication of its report, The Challenge of Crime in a Free Society, helped legitimize concern over crime, including that committed by the young; called for action to fight crime; and demanded “a revolution in the way America thinks about crime” (1967, p. v).

### *Crime Rate*

Unease about crime was not unfounded. Nationally, UCR figures reveal a 143.9% increase in the overall index crime rate for 1960 vs. 1970; in Connecticut, increases were even more pronounced, as UCR figures reveal a 163.8% overall increase during the same period (Federal Bureau of Investigation, 1970). Table 1 shows the considerable increase in crimes against persons from 1960-1970, which, while the least common, are most likely to garner public attention and influence policy (Surette, 2007; Kappeler & Potter, 2004).

**Table 1. Violent Index Crime Rate Change for 1960 vs. 1970.**

<b>Offense</b>	<b>National</b>	<b>Connecticut</b>
	Percentage change in rate per 100,000	Percentage change in rate per 100,000
Murder	+56	+118.7
Forcible rape	+94.7	+122
Robbery	+186.3	+657
Aggravated Assault	+91.7	+304.6

At a national level then a variety of factors coalesced to generate a context that highlighted justice system lenience and individual rational choice exploitation of this leniency and contributed prominently to the context in which PA 72 was passed by generating willingness to accept change in strategies to deal with juvenile crime and offenders. These issues were also amplified by a rising crime rate in Connecticut and the framing of the juvenile crime issue in the state through media and law enforcement interaction, which we discuss below.

## *Local Level*

Our analysis indicates the local context within which the policy community operated reflected the greater national context of which it was part, but also reveals distinctive local characteristics that shaped discussions and influenced the passage of PA 72. In the following analysis we identify where national context is influential in local discussions and highlight the unique local characteristics influencing the policy community.

### *Legislative Predecessors*

Germane to the local context in which PA 72 was created was the 1967 passage of Public Act 630, An Act Concerning the Juvenile Court (PA 630) as this act created a particular set of circumstances (described below) surrounding the treatment of youthful offenders, which helped shape public discourse about youth crime in Connecticut.

### *Public Act 630*

One of the most significant factors in the decision to remove 16 and 17 year olds from the juvenile court in Connecticut and establish the separate category of Youthful Offender was the 1967 passage of Public Act 630 (PA 630). The primary concerns of PA 630 were to enact the elements of due process and fair treatment extended to juveniles as a result of the *Gault* decision and to clarify the definition of a child (Commission to Study the Juvenile Court System and Procedures, 1969). As a result, the act re-affirmed that only those under 16 years of age automatically fell within the jurisdiction of the juvenile court. Most importantly, for our analysis, PA 630 *removed discretion from the juvenile court* regarding cases of offenders aged 16 and 17; following PA 630 the juvenile court was *required* to accept *all* cases transferred from criminal court except those in which the child had previously committed a crime or been

adjudicated delinquent, though the juvenile court had limited options for disposing 16 and 17 year olds.

Prior to PA 630 the philosophy of the juvenile court reflected its traditional emphasis on individualized justice aimed “to bring together the proper system of justice, procedure and institutions which will attend to the child’s needs, prevent behavioral conduct that might harm the community, will rehabilitate and redirect the child” (Commission to Study the Juvenile Court System and Procedures, 1969, p. 2). From the Connecticut Juvenile Court’s inception in 1921, 16 and 17 year olds were treated first as adults but could be transferred to juvenile court if a decision was made to do so in Circuit Court. The juvenile court had the right to accept or reject cases transferred from the circuit court using the following rationale: a.) The offense must not be a serious one; b.) The juvenile must have admitted “involvement”; c.) The child must have no prior record in the juvenile or criminal courts; d.) The child must either be in school or working; and e.) The child must be living with his parents or a responsible adult (Commission to Study the Juvenile Court System and Procedures, 1967). Fraunhofer et al. (1967) reported about 20% of the referrals in juvenile court were 16 and 17 year olds transferred from circuit court. Discretion on whether to accept 16 and 17 year olds lay with the juvenile court prior to passage of PA 630 in 1967. However, passage of PA 630 created the following problem: the juvenile court had to accept cases involving 16 and 17 year olds transferred from Circuit Court but had no power to commit those aged 16 or 17 to a secure facility because the age limit on its juvenile detention facilities was 16, and since these juveniles could not legally be placed in adult facilities (which could only accept individuals convicted of a crime, not a delinquent offense), probation was the only available supervised disposition.

PA 630 reveals growing concern with juvenile crime and how to deal with offenders in Connecticut while effectively limiting the power of the state over 16 and 17 year olds. This outcome led to a demand for change in the treatment of Connecticut juveniles and the nature of that change reveals factors most influential in shaping the policy response. Clearly, a number of measures could have been adopted in response to the ambiguous status of 16 and 17 year olds arising from passage of PA 630; that is, no single reaction to the effects of this legislation was inevitable. Thus, this response provides an opportunity to identify factors most significantly influencing the policy community.

#### *Coles Commission*

Following passage of PA 630, Special Act 376 (1967) established The Commission to Study Juvenile Court System and Procedures, generally referred to as the Coles Commission after Chairman Albert L. Coles. The Coles Commission was primarily concerned with how to deal with 16 and 17 year olds. The Coles Commission published its final report in February 1969, in which it recommended the passage of a Youthful Offender Act excluding 16 and 17 year olds from the jurisdiction of the juvenile court and treating them as Youthful Offenders. According to its report, “Although this commission had been advised that Connecticut ought to follow the lead of other states and increase the jurisdiction of our juvenile court up to the eighteenth birthday, we heard no convincing, logical reason for doing so.” (Commission to Study Juvenile Court Procedures, 1969, p. 9). Instead, the Coles Commission cites testimony from juvenile justice officials that placing 16 and 17 year olds in with juveniles would be detrimental to the younger juveniles. Notably, no such concern was voiced regarding exposure of 16 and 17 year olds to adult offenders. In fact, the Coles Commission concluded, “Apparently, many sixteen year olds are sophisticated, experienced criminals, while many offenders up to twenty-

five years of age are inexperienced neophytes” (Commission to Study the Juvenile Court System and Procedures, 1967, p. 8).

In passing PA 72 the General Assembly followed the recommendations of the Coles Commission. Because of the significant impact of the Coles Commission we have examined legislative documents to determine what factors most influenced its recommendations. The transcript of a Public Hearing held in May 1968 has been particularly useful and reveals dominant themes and actors representing members of the policy community that directed discussion of how to deal with 16 and 17 year olds in Connecticut (Commission to Study Juvenile Court System and Procedures, 1968).

A major theme that emerged during the Public Hearing centered on the *lack of options* available for dealing with 16 and 17 year olds transferred to the juvenile justice system; this voices both a rehabilitative concern and a concern over community protection. However, as discussed below, our analysis of media coverage reveals that only concern over community protection became a dominant part of the media framing of juvenile crime.

While recent empirical evidence questions the cognitive development of 16 and 17 year olds (Beckman, 2004), no such evidence existed in the 1960s but maturity was still central to discourse on how to deal with juveniles and at this time local discussion mirrored the national debate on lowering the voting age. Nationally, the sentiment was that the voting age be lowered from 21 to 18 years, and so there was a general belief that 18 year olds had reached sufficient maturity for such responsibility. This sentiment clearly played into the rationale of the Coles Commission. At the 1968 public hearing the age of majority was a prominent theme. Testimony from the public hearing concerning the move to lower the age of voting is used to support excluding 16 and 17 year olds from the category of juvenile. In the public hearing Judge

Armentano states in response to testimony that all 16 and 17 year olds should be dealt with first in the juvenile court, that it should not be the case that the day before a person is eligible to vote they are also eligible to be treated as juveniles if they commit offenses.

Well, if the Legislature...reduces the voting age to 18, and the talk recently is that it is a probability according to one of the Senators, would that change your opinion as to the 16-18 year old group? If they are old enough to vote at 18, one day before they're 18 they can go to juvenile court." (Commission to Study the Juvenile Court System and Procedures, 1968, p. 5)

Clearly the judge is demonstrating awareness of development and arguing that if adulthood begins at 18 years the developmental process mandates that someone approaching the age of adulthood is more adult than child.

Another significant theme to the Coles Commission is that juvenile crime is due in large part to a soft on crime approach to dealing with offenders that fails to hold them accountable for their actions and allows rational offenders to exploit this lenient system. A "*tough on crime*" solution was offered by some committee members, such as Representative Bernard Avcollie who clearly felt treating 16 and 17 year olds as juveniles was soft on crime:

Do you think that it might just be possible that we might be helping society if we cut off the age of self-indulgence at some point before 17? We indulge the 17 year old and the 16 year old and we continue to say that he's a juvenile until he's 17, and perhaps we'll continue to say he's a juvenile until 20 or 21 in a few years because we continue to indulge him, but do you think if we cut off and say that when he reaches 16 in the eyes of the court, he is no longer a juvenile. *Don't you think that it's possible that this age bracket will discontinue taking advantage of what we're offering by way of liberal*

*redress, and perhaps at that point they will realize that when they hit 16 they are going to have to, in effect, toe the line or meet the rest of us as adults?* [italics added].

(Commission to Study Juvenile Court System and Procedures, 1968, p. 9)

### ***Newspaper Coverage***

*Local newspaper* coverage of youth crime in the latter part of the 1960s and into the early 1970s reflected growing national anxiety over escalating crime rates, particularly offenses committed by young people, and contained stories concerning youth crime and the juvenile justice system's response both locally and across the country. The Hartford Courant's coverage of national concern over youth crime was conveyed in Associated Press (AP) and United Press International (UPI) pieces focusing on three themes: a) specific examples of violent youth crime from around the country and references to increasing national crime rates, b) government efforts to curb the growing crime problem, and c) scholarly research concerning delinquency.

Between January 1, 1965 and December 31, 1972, The Hartford Courant included sporadic articles from both the AP and UPI substantively focused on juvenile crime issues nationally. In 1965, President Lyndon B. Johnson declared an "all-out crime fight" which included a promise to "banish" crime and delinquency ("LBJ Vows," 1965); his successor, President Richard Nixon, would call for a new national strategy a few years later ("New Attack," 1971). Juvenile crime was described as so pervasive by one police chief that "It's becoming a criminal's world...If this sort of thing continues, it won't be safe to walk the streets anywhere in this country" ("Chiefs Urge," 1966). While President Johnson conceded that juvenile delinquency was a problem not just limited to the poor urban areas, he would later describe delinquents as products of "slums, bad schools, and despair" ("LBJ Signs," 1968). Additional causes of juvenile crime were asserted by various claimsmakers; from a sociologist: boredom

and despair (“Boy Gangs,” 1965), a psychologist: minor brain damage (“Delinquency Laid,” 1971), and a policewoman: broken homes or welfare families...dilapidated schools “where teachers expect you to be delinquent” and...very strong peer influence (“Police, Social Workers,” 1972). Proposed responses to juvenile crime varied, from a liberal focus on rehabilitation and prevention (“Need to,” 1966; “LBJ Signs, 1968) and criticism of a system that “reinforces the juvenile’s unlawful impulses” (“Presidential Commission,” 1967) to conservative “get tough” approaches, such as publishing names of juvenile delinquents (“Chiefs Urge,” 1966) and calls to redirect the government’s “war on crime among 11-to-17 year olds” (“Justice Department,” 1971). Overall, the AP and UPI articles often focused on vows by high ranking politicians (e.g., The President) to resolve an out of control youth crime problem. In these articles, law enforcement officials (e.g., police chiefs) were the most frequently cited claimsmakers, offering vivid examples of violent crimes committed by juveniles and frustration over the juvenile justice system’s ineffective response.

On the state and local level, articles could be categorized into three themes: a) alarming increases in juvenile crime in Connecticut, often paired with examples of violent offenses committed by recidivists and/or “ghetto” youth; b) frustration over the lack of appropriate services and secure facilities for hard core juvenile offenders; and c) problems at the Meriden School for Boys.

As previously noted, juvenile crime in Connecticut was on the rise and The Hartford Courant framed this as a rapidly increasing serious threat. For example, the Courant reported that in Hartford legislators recommended creation of a special City Council committee to investigate the city’s “entire juvenile crime problem in all aspects” because “juvenile criminal activity in the city...has increased alarmingly over the past three years” (“Council Readies,”

1970), among other articles detailing increases in juvenile offenses (e.g., “Detective Report,” 1969). The nature and prevalence of juvenile crime, however, was at times distorted in a manner that grossly misrepresented the problem. For example, one article suggested the futility of trying to prevent juvenile crime because, “With some 75% of all crimes committed *by those under age 25* [italics added]...it would take millions of dollars in Connecticut to win the fight against juvenile delinquency” (“Costs Seen,” 1969). The Courant also contributed to concern over juvenile crime by reporting very different offense-types as part of a singular ongoing problem of youth crime. Stories focused on examples of youth crime ranging from relatively minor offenses such as a boy who was arrested for making for an “indecent” phone call and female runaways in “manifest danger of falling into the habits of vice” (“Cleric Says,” 1969), property damage, and bomb hoaxes in two small towns (“Five Juveniles,” 1970; “Bomb Hoax,” 1971), to four juveniles charged with “brutal attacks and robbery of five elderly persons in separate incidents” (Driscoll, 1971). In addition to the latter incident, several other stories highlighted violent offending, with headlines such as, “No Purse is Safe Today” (Cockerham, 1970, November 15) and “Gun Deaths of Youths Spur Talks” (1971, March 16). Furthermore, much emphasis was on crime committed by urban youth. In August 1970, Courant reporter William Cockerham published a five part series entitled, “Juvenile Delinquency” in which “ghetto” conditions were frequently mentioned by law enforcement sources as contributing to the escalating juvenile crime problem. Specifically, the focus was on the influence of ghetto “lifestyles”—single parents, illegitimacy, and alcohol and substance abuse—rather than social conditions such as poverty or rundown neighborhoods, and the black nationalist movement was also cited as contributing to the rising crime rates (Cockerham, 1970, August 18). In general, urban youth were depicted by police as beyond saving, thus lending support to treating them more like adults.

We believe The Hartford Courant's framing of the “youth crime problem” helped generate fear of youths (particularly in urban areas) and support for limiting the jurisdiction of the juvenile court as its coverage was consistent with a “get tough” approach to dealing with crime by focusing on individual behavior rather than social factors that might affect it such as poverty or unemployment. For example, the solution to increasing juvenile crime appeared to be a community-wide effort, with politicians, parents, educators, clergy, law enforcement, and others concerned about youth joining the fight with the blame directed at failures in individual responsibility and family rather than more general societal conditions beyond immediate individual or family control. Thus, great emphasis was placed on the role of the family and parental responsibility. A bad home life (“Bad Home,” 1966), parental divorce and “parental delinquency” (“Teen, Adult,” 1965), and “indulgence” of youth (Vecchiolla, 1965; “Council Readies,” 1970) were cited as the major causes of juvenile delinquency. Parents were urged to “come out of retirement and start talking with their children again” (Shea, 1968) and officials in several towns vowed to hold parents accountable for their children’s misconduct. While some called for publishing the names and addresses of parents whose children were adjudicated delinquent (“Cleric Says,” 1969), others sought to enforce a state statute (or pass new ones) enabling police to arrest parents for failing to control their children (Southergill, 1968; “New Town,” 1971), as demonstrated by a front-page article entitled, “War on Delinquency: Parents to Face Arrest” (Driscoll, 1968).

Persistent themes we believe had the greatest influence on the debate about juvenile court jurisdiction included dissatisfaction with the current system, and in particular the lack of options available in the state for dealing with hardcore juvenile offenders. As the following examples indicate, media coverage portrayed the existing system as “soft on crime” and failing to hold

violent and repeat offenders accountable for their actions. One local event in particular was used to illustrate increasing frustration over juvenile crime. A Hartford Courant article entitled, “Youths Nabbed in 5 Assaults” opens with:

Four juveniles, charged with brutal attacks and robbery of five elderly persons in separate incidents in Charter Oak Terrace last weekend, were picked up by police Friday...But Police Chief Thomas J. Vaughn told about 50 of the elderly residents of the public housing project that the four youths would probably be loose again today...Police are frustrated in controlling juvenile crime because criminals under 16 are not kept in custody.” (Driscoll, 1971)

Several articles dealt with juveniles who were repeat offenders previously referred to the juvenile court, and the language of the articles suggest that these offenders were receiving absolutely no consequences as a result of their referral. For example, in one incident involving a shooting suspect, City of Hartford Chief of Police Thomas J. Vaughn stated “here is a situation where a kid is referred (to Juvenile Court) 15 times and has never been taken off the streets...these kids are back on the street the following day” (La Magdeleine, 1971). Frequent newspaper coverage of assertions by government and police officials such as Governor Thomas J. Meskill and Hartford Police Chief Thomas J. Vaughn gave credibility to state representatives as the only legitimate perspective and whose framing of the youth crime problem was the correct one.

Indeed, Courant reporter William Cockerham published a weeklong special series entitled, “Children in Trouble” to focus on the dearth of services and facilities in Connecticut for delinquent and incorrigible youth that opened with, “Connecticut is spending more than \$11, 000 per year to turn a juvenile delinquent into an adult criminal” (“Children,” 1971). One front page article with the headline, “State Held Delinquent on Youths” proclaimed, “The juvenile courts

are letting hundreds of delinquent youngsters loose because treatment facilities in Connecticut are practically non-existent” (Cockerham, 1971, March 16). The series was replete with examples of an overburdened and impotent system; frustrated professionals such as juvenile court judges, corrections officials, and law enforcement; and systematic failure to fund programs or provide adequate services.

Newspaper coverage gave considerable attention to the lack of sufficient facilities, the absence of rehabilitation programs for chronic and hardcore juvenile offenders and abusive conditions at a secure facility for boys. Reports specifically targeting the Meriden School for Boys, the primary facility for housing delinquents, were a fixture in The Hartford Courant. Historically, the Meriden facility had an “open door” policy, which became problematic when the juvenile court began sending more serious offenders there. In general, the Meriden stories highlighted three themes: the lack of rehabilitation programs at the facility, ongoing staff problems, and its inability to protect the public. The *Hartford Courant* reported:

(t)here are no bars or fences at the school and it is quite easy for an inmate to walk off the grounds unnoticed. There were more than 300 reported run-aways from the school last year, three times the inmate population. Many fugitive youths have committed serious crimes while on the loose.” (Cockerham, 1970, September 5)

and “14 and 15 year olds now commit criminals acts because they do not fear being sent to Meriden School for Boys for four years, for crimes ranging to murder” (Cockerham, 1971, March 18). Indeed, stories featuring escapes and violent crimes committed by fugitives were commonplace. In addition to the portrayal of the Meriden facility as unsafe newspaper coverage also reports violent assaults on juveniles by staff at the Meriden facility. An exposé entitled, “School for Boys: Campus Trees Can’t Hide Trouble” (Cockerham, 1970, May 10) opened with,

“The Meriden School for Boys looks like a New England preparatory school from the outside. Inside, it’s a powder keg ready to explode.” A subsequent series went on to describe at length the harm potential of being placed there: “Kids are virtually being condemned to a life of crime the minute they are sent to Meriden” (Cockerham, 1970, August 20). Thus, this facility is characterized as non-secure, abusive, and ineffective.

Examination of the ongoing discourse about the Meriden School for Boys reflects the broader national debate about how best to respond to increasing juvenile crime: rehabilitation or get tough. Perhaps this was best illustrated by descriptions of the ongoing philosophical differences between the corrections staff—who favored a more custodial and adult-like response—and the “professionals” (e.g., social workers, psychiatrists, and other treatment providers) who supported more “liberal” rehabilitation, with the boys at the facility getting caught in the middle. This dichotomy between get tough and rehabilitation was also depicted more subtly in portrayals of the primary officials working to contain the problem—law enforcement and the Meriden school’s administration. Stories including the newly-appointed commissioner of State Youth Service, Wayne Mucci, frequently referred to him as the “29 year old sociologist” (e.g., Cockerham, 1970, May 10) and the school’s director, Dr. Charles Dean, was also frequently described as “young”; no such references were made to law enforcement officials. The school officials were portrayed as too young and naïve to control the perceived dangerous new class of young criminals.

### **Discussion**

Juvenile courts were developed reflecting the philosophy of *parens patriae* and recognizing the developmental nature of childhood (Krisberg & Austin, 1978; Sanborn & Salerno, 2005). The *parens patriae* philosophy subsequently guided development of all juvenile

courts; it is safe to conclude that treatment rather than punishment was universally the original goal of juvenile justice systems. From the beginning, juvenile courts sought to achieve this mission in a way that was both procedurally and substantively different from adult criminal court.

Juvenile courts retained their rehabilitative focus until the 1960s and 1970s when a series of landmark U.S. Supreme Court decisions made juvenile proceedings “increasingly legalized and adversarial” (Bishop, Frazier, Lanza-Kaduce, & Winner, 1996, p. 172) and in effect questioned *parens patriae* as the guiding philosophy in juvenile justice (Bilchik, 1999). Due process changes coincided, however, with escalating crime rates and criticism of rehabilitative ideals, fostering a new “get tough” philosophy and expanding efforts to treat juvenile offenders more like adults (Bishop et al, 1996).

The passage of PA 72 in Connecticut coincided with a changing political ideology on crime in general, including that committed by juveniles, and discourse consistent with Porter’s assertion that societal attitudes toward adolescents were characterized by “doubt, anxiety, cynicism” (1965, p. 139). By utilizing Ismaili’s (2006) concept of policy community in our analysis we are able to gain greater understanding of the policy creation process. It is clear from the debate leading to PA 72 that the policy was not driven by empirical or objective evidence, but rather by a number of readily accepted themes emphasized by various members of the two components Ismaili identifies as comprising the policy community - the subgovernment and the attentive public. These themes were that 16 and 17 year olds would be “coddled” i.e., the system would be “too soft” and that juveniles would be calculating and exploit a soft system. PA 72 reflected the popular media frame of the violent juvenile, thus it was frequently emphasized that any offender who committed a non-class A felony could be transferred to the juvenile court and

that this would mean manslaughterers, bank robbers, and rapists—rather than the more typical non-violent first time offender—would be subject to an impotent juvenile justice system. Media coverage emphasized the themes of violent juvenile crime against the innocent and vulnerable, specifically the elderly, and a system that couldn't contain offenders – that is, juvenile offenders were able to just walk out of facilities – so what hope did the juvenile justice system have of controlling seemingly inherently more dangerous 16 and 17 year olds. Our analysis reveals that newspaper coverage of these issues became more frequent and detailed in the months leading up to passage of PA 72, and we believe this helped influence policymakers to adopt a tougher approach. The discourse was also shaped by concern over voting age with the logic that if you were an adult at 18, then you were far more equivalent to an adult than a juvenile in the immediately preceding months and years. Thus the age of majority linked to juvenile court jurisdiction reflected the changing socially constructed definition of “adult.”

The process of changing the focus of juvenile justice reflects the objectives of interest groups that influence the policy community by having themes in their frame of an issue dominate; owning the dominant frame gives groups great influence in the policy community and greatly increases the likelihood that the resulting law or policy will best meet their interests. In our instance, members of the policy community, while their actual benefits differ, all had a mutual interest in framing the crime problem similarly. Thus, while politicians promoted an ideological agenda, police furthered their reputation as credible voices on the crime issue and the resultant benefits (e.g. support for budgets, policies), and media solidified relationships with law enforcement agencies (a quick and easy steady source of information attractive to consumers), a discourse was established emphasizing generally accepted themes concerning the “youth crime problem,” the causes of “the youth crime problem” and offering a common solution reflecting

the collective benefits to the policy community rather than, perhaps, best strategies for addressing the social problem.

The local debate about youth crime took place within a national context reflecting multiple perspectives but which were collectively critical of existing juvenile justice practices. Our analysis of local and national documents reveals little objectivity in the discussion but rather a set of assertions and examples unrepresentative of youthful offending and uninformed by empirical evidence, which collectively framed the “youth crime problem” in a particular manner and identified the need to get tough on juveniles as the only viable solution. This policy from the early 1970s is informative as we believe it illustrates the “get tough” movement (Kappeler & Potter, 2004): one uninformed by empirical insight and which has ultimately resulted in overwhelmingly ineffective and destructive approaches to young offenders while supported by the general public.

Given evidence on the established reciprocal relationships between media and other members of the policy community we believe media portrayal is especially significant in shaping the product of criminal justice policy communities. Media coverage serves to establish the legitimacy of some policy community members and their claims, and may discredit others. Members of the policy community that can easily and regularly provide information to media sources have greater potential to shape policy community thinking; our analysis leads us to support the position that media coverage is most likely to endorse law enforcement perspectives and so lend disproportional weight to the influence of police interests in policy development.

Finally, our analysis leads us to conclude that the policy community can function to narrow the range of possible policy options. That is, by thinking in terms of “policy community” we begin to consider what it takes to “live” or “work” within a community and how one becomes

a recognized community member. By thinking in terms of community we come to understand only certain groups and individuals are recognized as credible members and that the influence of various members differs. Further we understand that community membership is not static – community members must take steps to maintain their membership and their credibility. The more diverse a community the greater the range of interests that are going to be presented. Analysis of PA 72 indicates that the policy community can operate as a *gated community* by effectively limiting membership and, in turn, the ideas considered by the community. We believe, then, that the tendency for criminal justice policies to reinforce the same themes results, in large part, from a narrow or non-diverse policy community; because decisions continue to be made by parties representing the same groups we get sustained support for similar types of policy (e.g., non-empirically based) over extended periods. Greater diversity in membership of the policy community is necessary in order to achieve significant change in the types of criminal justice policies developed (e.g., to move away from the “get tough” movement). For social science to have greater impact upon the policy creation process it is necessary for social scientists to establish and maintain a credible position within the policy community. The movement toward “evidence based” programming (Chemers & Reed, 2005) provides an opportunity for researchers to move into the policy community; we must strive to ensure that we become established and credible members.

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