

Innovation Brief

Media Relations: Transforming a Crisis into an Opportunity for Reform

The Luzerne County, Pennsylvania, “kids-for-cash” tragedy provided many opportunities for education regarding juvenile justice in the United States. The publicity, shaped by thoughtful media relations, generated a groundswell of interest and outrage, made juvenile justice a topic of national discussion, and greatly accelerated reform efforts in Pennsylvania. Ultimately, the state’s Supreme Court adopted important juvenile court rules changes, and the Governor signed several new pieces of legislation protecting the rights and well-being of youths. But the path from crisis to reform didn’t happen automatically. It was crafted through media-relations expertise, careful planning, and constant attention.

From the beginning, Juvenile Law Center, a public interest law firm overseeing the Models for Change initiative in Pennsylvania, saw opportunities to promote reform in the midst of the crisis. Working with a communications consultant hired with Models for Change support, they developed and carried out a strategic communications initiative aimed at educating press, public, and key stakeholders about juvenile justice. In doing so, they worked with other stakeholders to create opportunities for reform and established a crisis-management blueprint for colleagues and reform advocates across the nation.

The Issue

Rumors of corruption in the Luzerne County juvenile courts had simmered for years, occasionally bubbling to the surface and capturing the attention of local press. But it wasn’t until outraged parents reached outside the county and called on Juvenile Law Center for help that the full “kids-for-cash” story came to light.

A 2009 federal investigation revealed a \$2.8 million kickback conspiracy between two Luzerne County judges and the owner of a private juvenile detention center.

Thousands of youths were unjustly adjudicated delinquent, keeping the detention center filled to the brim, while public defenders, district attorneys, probation officers, and other court personnel stood by in a conspiracy of silence. The two judges are now serving lengthy prison sentences.

But the scandal brought with it a silver lining. It thrust the topic of juvenile justice into the national dialogue, creating an unparalleled opportunity for public education and reform.

Number of youth adjudicated delinquent by ex-judge Mark Ciavarella in the “kids-for-cash” scandal whose records were expunged by Special Master Judge Grim: 2,251

The Response

Juvenile Law Center acted quickly. Even before the conspiracy became public, they moved to protect the children’s legal rights by filing a rarely used King’s Bench petition with the Pennsylvania Supreme Court, pleading for intervention. A few months later, when the federal investigation broke into the headlines, they were well positioned to implement what was to become a three-year journey on two parallel tracks: one to protect the rights of the children in Luzerne County; another to educate, create momentum through media relations, and push for reform.

A team from Juvenile Law Center and the communications firm developed a strategic plan designed to create pressure for reform. They implemented a protocol for handling press calls coming into the organization, and made sure the media relations point person was available for press calls 24/7. They also selected a primary spokesperson, who was available for interviews at nearly every hour of the day.

During a public crisis, the stories of the victims are in great demand. Every reporter wanted to talk to a youth who was affected by this scandal. After discussions with victims, the team concluded that the best way to right the wrongs was to pull aside the veil of silence and shine a light on what had happened. Many of the families volunteered to share their stories—but only with reporters who had been approved by the team through the established protocols. This provided a layer of protection for the youths and their families, who were carefully screened and meticulously prepared before any interviews were arranged. Reporters learned that if they wanted to interview a family, the quickest and most reliable source was Juvenile Law Center.

Results

Strategic efforts to work closely with reporters and focus attention on juvenile justice caused the story to go viral. National and international coverage created a powerful outcry for answers and accountability. The public was outraged, and demanded reform.

In the process, countless reporters, editors, and producers became educated on the topic of juvenile justice. State

legislators suddenly viewed it as an important issue; they called press conferences to vow action and introduced new legislation. The Governor, Chief Justice, and legislative leaders appointed members to an Interbranch Commission on Juvenile Justice to investigate and make recommendations for improvements. The Juvenile Court Procedural Rules Committee proposed changes in the rules for juvenile court. And juvenile justice/Models for Change leadership across the state convened meetings to propose and endorse necessary reforms. Notably, this was all done without the usual resistance to change.

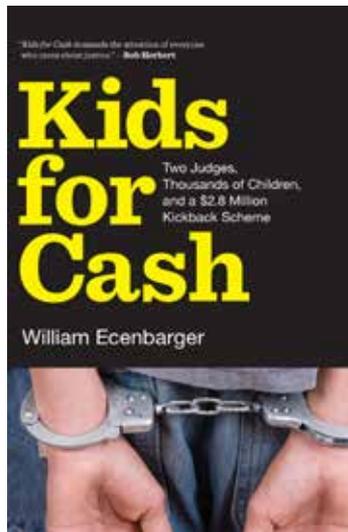
By the middle of 2012, the Governor had signed into law four bills to better protect the rights of court-involved children. The Rules Committee adopted new juvenile court rules in 2011 and 2012. Taken together, the laws and rules ensure that:

- Juveniles will not be shackled in court unless they are a flight risk or are a threat to themselves or others.
- All juveniles will be deemed indigent for the purpose of appointing counsel.
- Judges must provide an on-the-record explanation of their dispositions and reasoning, and before ordering any youth into an out-of-home placement the judge must explain why there are no less-restrictive alternatives available.
- *Ex-parte* communications with the judge are prohibited.
- Juveniles must have someone to advocate for their educational rights.
- Under certain circumstances, juveniles will be able to appeal their cases even if the time for appeal has passed. There will also be a speedier appellate process.

Many of the reforms aligned directly with Models for Change efforts, and their influence extended far beyond the borders of Pennsylvania:

- The education and awareness created by hundreds of Luzerne stories across the nation validated the importance of this work and generated support for other Models for Change initiatives.

- In the book *Kids for Cash*, William Ecenbarger chronicled the policy problems that permitted the travesty to take place.
- Award-winning producer Robert May of SenArt Films created a documentary film, *Zero Tolerance*, chronicling the perils of harmful juvenile justice practices and their long-term effects on youths and families. This documentary, expected to premier in 2013, will be an important national educational tool.



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Lessons

During a crisis, a bright spotlight is placed on an issue, usually by the news media. When advocates are prepared, they can use that spotlight to accelerate reform.

A crisis is a very uncomfortable time for everyone connected to the incident, and for the systems involved. They want the discomfort to stop, and they never want to be in this position again. Public officials who were once resistant to change now seek advice and become open to solutions that can prevent a recurrence.

At the same time, people who normally don't pay much attention to the issue are suddenly aware and attentive. Parents, reporters, elected officials, and organizations all want to know how this could happen...who or what is to blame...and how to prevent it from happening again. And reporters recognize the potential ratings boost created when a crisis captures the public's attention.

Juvenile justice reform advocates who watch for and recognize these limited-time opportunities can effect greater change in much less time. But they need to be prepared to act quickly and be trained to work effectively with the media. These are some of the most important lessons:

Frame the story. Every crisis playing out in the media has three roles to be filled: villains, victims, and vindicators. The first two are inherent in the situation, leaving the role of vindicator open for casting. Reformers can fill that role.

Juvenile Law Center immediately established itself as vindicator, alerting statewide press to the story and clearly communicating the severity of the scandal. The outreach to media in those early hours proved to be invaluable. In-depth conversations were conducted with reporters and editors all over the state, eventually spreading to national and international news outlets.

Explain it clearly. Most reporters know little about juvenile justice, so the crisis created an ideal opportunity to educate—not just for the current story, but for future stories involving youths and justice. Reporters were open to learning and needed someone to explain both what created the crisis and what could be done to prevent a reoccurrence.

Reform advocates who are prepared and willing to play this role can create a tidal wave of momentum for reform. Increased pressure and discomfort with the status quo mean increased opportunity for education and change.

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Make yourself available. This is always important when working with the press, but especially so in a crisis. It is in the first hours of a crisis that opportunities peak and issues are defined. If you are unwilling or unable to accommodate reporters both during and after work hours, don't bother. In the early days of this breaking story, emails and phone calls would begin at 7 a.m. and often continue until 10 p.m., requiring a team effort.

Be responsive and authoritative. It is imperative to understand the deadlines under which reporters work. When they call with a request for information, they need it immediately, not tomorrow or even two hours from now. Being prepared to respond at a moment's notice is critical.

When the scandal broke, the communications point person had access to all public documents, as well as contact information for families and spokespersons. Everyone on the team was kept up to speed on breaking developments, and in many instances the communications point person immediately and proactively provided the information to reporters, eliminating their need to call. The result was positive relationships with reporters who knew they could count on Juvenile Law Center and its communications consultant to be responsive and provide credible information.

Be aware of your many audiences. It is not only individuals at home who read news during a crisis. Most government agencies and organizations collect news on relevant topics and distribute articles to leadership. Other reform advocates read these articles and develop ideas for their own work. But one important audience is often overlooked: other reporters. News outlets are highly competitive and closely watch what others are doing. By reading other reporters' work, they identify the players in a crisis: the victims, the villains, and who is stepping up to be the vindicator. And they will call.

Know how news spreads, and seize the opportunity. Recognizing the importance of every news story is often the most critical and *missed* opportunity during a crisis. You don't have to start with the *New York Times*; most national stories begin as small, local pieces that go viral. Every story validates the importance of the issue and encourages other reporters to do more stories, and early quotes and facts are frequently repeated.

Looking Forward

A great deal of juvenile justice reform work remains to be done, and future crises are inevitable. Learning to harness the power of the media during a crisis can provide opportunities to educate and change the opinions of the public, key leaders, and policymakers. These opportunities also have the potential to provide lasting educational tools like the *Kids for Cash* book and the upcoming documentary, whose stories will endure long after the crisis is over.

Resources

Kids for Cash: Two Judges, Thousands of Children, and a \$2.6 Million Kickback Scheme, by William Eckenbarger (The New Press, 2012)

Juvenile Law Center pages on the Luzerne scandal: <http://www.jlc.org/current-initiatives/promoting-fairness-courts/luzerne-kids-cash-scandal>

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This brief is one in a series describing new knowledge and innovations emerging from Models for Change, a multi-state juvenile justice initiative. Models for Change is accelerating movement toward a more effective, fair, and developmentally sound juvenile justice system by creating replicable models that protect community safety, use resources wisely, and improve outcomes for youths. The briefs are intended to inform professionals in juvenile justice and related fields, and to contribute to a new national wave of juvenile justice reform.