



# 'Like a Holiday Camp':

Mapping the Gaps on Criminal Justice Reform in England and Wales

**NOVEMBER 2014**

Michael Baran

Nathaniel Kendall-Taylor

Eric Lindland

Abigail Haydon



# Table of Contents

Introduction .....	3
Executive Summary .....	5
An Emerging Framing Strategy .....	7
Methods.....	9
I. Expert Interviews .....	9
II. Cultural Models Interviews.....	10
Findings.....	12
I. Expert Interviews.....	12
II. Cultural Models Interviews.....	17
Mapping the Gaps and Overlaps in Understanding .....	39
Overlaps in Understanding.....	39
Gaps in Understanding.....	41
Conclusion: Of Two Minds .....	43
About the Institute .....	46
Endnotes .....	47

# Introduction

*‘Committing a crime is always a choice. That’s why the primary, proper response to crime is not explanations or excuses, it is punishment — proportionate, meaningful punishment. And when a crime is serious enough, the only thinkable punishment is a long prison sentence. This is what victims — and society — deserve.’*

– David Cameron

Criminal justice reform communicators in England and Wales frequently come up against deeply held assumptions about why people commit crime, what the purpose of the criminal justice system is and should be, and how this system should be changed. Frames embedded in statements like the one above are powerful cues that activate these shared ways of understanding — what anthropologists call cultural models.<sup>1</sup> For example, the emphasis on ‘choice’ in Cameron’s statement cues the implicit assumption that crime is the result of logical decisions that individuals make after rationally weighing the costs and benefits of an action. This way of thinking powerfully shapes people’s reasoning about how to address crime — in this case, cuing the understanding that harsher sentences and harder conditions in prison would deter individuals from making the ‘choice’ to commit crime. This rational-actor understanding of human behaviour, and the corresponding punitive perspective on how best to address crime, makes it hard for people to appreciate systems-level causes and support progressive criminal justice reforms.

In this report, we map the similarities and differences between the messages that criminal justice experts and advocates wish to communicate, and the ways that members of the general public in England and Wales think about these issues.

This research suggests that people in England and Wales have the potential to think in two very different ways about criminal justice reform issues. This is both the central finding of the research and the basis for a new communications strategy that can be used to more successfully frame the public conversation around these issues. At times, people are able to think in ways that align with expert perspectives — for example, arguing for the need to address poverty in order to prevent crime, or focusing on the need for better rehabilitation services so that offenders can more successfully re-enter society. However, these productive ways of thinking are often overshadowed by understandings that lead members of the public towards dramatically different perspectives on crime and criminal justice —

including highly punitive strategies on crime reduction, and a powerful sense that little can be done to improve public safety. **These seemingly conflicting cultural models highlight the importance of strategic communication on this issue. Frames can serve as powerful tools to improve public understanding of the causes of crime and increase public support for effective strategies to improve public safety.**

The first step in effectively framing this issue is for communicators to know what they are up against in public understanding, and to recognise how various ways of framing the issue shape this understanding and the public's support for reforms. This report provides this integral first step by **documenting what experts working on criminal justice reform want to be able to communicate, and how members of the public understand criminal justice issues. The report also details the communication challenges that emerge from comparing these expert and public perspectives, and presents initial strategies to use in addressing communication challenges.**

The research reported here was conducted by the FrameWorks Institute in collaboration with Transform Justice, the Standing Committee for Youth Justice and the Criminal Justice Alliance. The research is sponsored by the Paul Hamlyn Foundation. It is part of a larger, collaborative project called *Reframing Crime and Justice*. The project aims to design and test communication strategies that can be used to generate broader public support for actions that would prevent offending and reoffending, and increase public safety in England and Wales. By investigating how experts, advocates, policymakers, the media and members of the public think and talk about criminal justice, the project will develop practical, evidence-based communication recommendations. Communicators can use these tools and strategies to foster a deeper public understanding of, and more productive discussion about, crime and criminal justice.

# Executive Summary

Analysis of data from interviews with criminal justice experts revealed the following common ideas. These ideas constitute the core of what it is that experts want to be able to communicate to members of the general public about crime and criminal justice reform.

- There are three main purposes of the criminal justice system: (1) prevent offending and reoffending, (2) repair harm to individuals, families and communities, and (3) make society safer.
- The bulk of the problems with the criminal justice system stem from the fact that the system is too punitive, with not enough attention focused on rehabilitation and prevention. Because of this, short prison sentences are often given for minor crimes, which in turn causes more offending.
- Rehabilitation services are vital to improving outcomes for society and those involved with the criminal justice system. However, these services are poorly conceptualised and underfunded. Evidence-based approaches to prevention and rehabilitation exist, but they are under-utilised due to political pressure to be ‘tough on crime’.
- To improve the criminal justice system, resources should be redirected to rehabilitation and therapeutic services rather than punitive measures.
- The main goals of the criminal justice system can often be accomplished without prison, by directing more resources to preventative services, focusing more attention on rehabilitation, and utilising alternatives such as community sentences and restorative justice. These reforms should follow evidence-based best practices rather than political whim.
- In addition to direct efforts to improve the criminal justice system, it is important to recognise that many of the problems attributed to failures of the criminal justice system are due to the failures of *other* social systems, such as education, housing and mental health.

In thinking about crime, criminal justice and criminal justice reform, members of the public in England and Wales draw on a complex set of shared and implicit understandings. The following are key features of public thinking on criminal justice issues:

- At a deep level, people define crime as a violation against property or personhood, with violations of personhood understood as being more serious than those of property. The most ‘top of mind’ type of crime is that of petty theft perpetrated by young and reckless people, who are normally assumed to be in gangs.
- The public think about multiple reasons why people become involved with the criminal justice system, many of which take into account the context of the offender. For example, people acknowledge a role for poverty in causing crime and understand deeply that an individual’s social environment shapes their behaviour and can be a factor in explaining why crimes are committed. Even as they are able to reason with these contextual models, however, people also use powerful individualistic models to explain the cause of crime and to think about the best ways of improving the criminal justice system. Chief among these individualistic models is the assumption that behaviour is the narrow and insulated result of individuals making logical and rational decisions by weighing the costs and benefits of a given behaviour. When in play, this individual-level model blinds people to the role of context — a role that they may be able to recognise if employing one of their more contextual ways of thinking.
- Underlying the way that people think about the purposes of the criminal justice system are a set of deep cultural models of *Deterrence*, *Retribution*, *Segregation*, *Rehabilitation* and two contrasting versions of *Fairness*. Our research shows that, depending on which of these models is triggered, members of the public focus on widely varying potential reforms.

**In short, this research finds that understanding is truly frame-dependent: Informational cues prime certain ways of thinking about an issue, which, in turn, have powerful effects on the ways in which people are able to consider, engage with and support solutions.**

Comparing these expert and public perspectives reveals several areas of overlap that communicators can leverage to expand public understanding and create effective messages. For example, both experts and members of the public place importance on prevention and rehabilitation, and consider contextual factors in explaining why people come into contact with the criminal justice system.

At the same time, there are notable gaps between expert and public understandings that impede the public's ability to access expert perspectives on criminal justice. These gaps are targets for reframing strategies. The most critical of these gaps is the difference between how experts and members of the public view the main function of the criminal justice system. Experts focus on the system's role in improving public safety, reducing harm and preventing crime, while members of the public focus on retribution and deterrence as the system's primary functions. A second notable gap stretches between how experts and members of the public view the chances of improving the system and its outcomes. Experts have a relatively pragmatic view of reform; they understand that steps can be taken to improve outcomes for society and those involved in the system. Members of the public, on the other hand, have a heavily fatalistic view of the possibility of changing the system, and an equally fatalistic estimation that changes to the system will actually lead to improved social outcomes.

## An Emerging Framing Strategy

Deep cultural models of humans as rational actors, and of punishment and deterrence as the criminal justice system's primary purpose, constitute the most serious challenges for those communicating about criminal justice reform. Despite this toxic mix of cultural models, there is an alternative set of understandings that suggest a more optimistic view of the task facing communicators. When applied to thinking about criminal justice, these alternative understandings help people to productively consider reform proposals. Those cultural models that are most productive include contextual understandings of reasons why people come to be involved in the criminal justice system, as well as a focus on rehabilitation as a major function of the criminal justice system.

To be successful, communicators will have to employ strategies that *push* unproductive models to the cognitive background, and activate, or *pull*, more productive perspectives to the forefront and build on these understandings. This is the essence of a strategy for reframing criminal justice issues in England and Wales.

As a set of initial reframing recommendations, FrameWorks suggests the following:

- Cue people's existing understanding that poverty and crime are linked, and build a more concrete understanding of the connections between these concepts — particularly of *how* socio-economic status shapes the likelihood that certain groups of people will become involved in the justice system.
- Talk about the role of context in shaping behaviour.

- Invoke people’s understanding of the importance of social networks. Leverage this understanding to explain how improving environments and contexts improves outcomes.
- Avoid triggering fatalistic understandings by steering clear of themes of moral decline and human nature.
- Do not explicitly argue against the validity of a rational-actor perspective. Such arguments will unintentionally invoke the *Rational Actor* model, and obscure the role and importance of context in understanding crime.
- Be careful when invoking *Fairness*, as this value can slide in very unproductive directions.
- Don’t assume that the public share expert perspectives on the goals of the criminal justice system. Instead, explain reforms in reference to specific goals, such as increasing public safety, repairing harm, and preventing offending and reoffending.
- When discussing the goals for the system, focus on rehabilitation and improving outcomes, rather than retribution and deterrence.
- Talk about how providing support and resources aids crime prevention efforts.
- Talk about the power of effective rehabilitation services to improve outcomes.
- Talk about how developing and using alternatives to prison improves the public’s safety and the lives of all of its citizens.
- Talk about how directing resources and programs to children and young people improves long-term outcomes.
- Expand on people’s thinking about the importance of supporting children through activities and programs, to discuss more broadly the importance of support for *all* people — through access to services such as family and community supports, mental health services, and high-quality addiction treatment programs.



# Methods

## I. Expert Interviews

To document and distil expert messages on crime, the criminal justice system and criminal justice reform, FrameWorks researchers conducted 14 one-on-one, one-hour interviews with criminal justice researchers and policy experts. These one-hour interviews were conducted in May and June 2014 and, with each interviewee's permission, were recorded and transcribed for analysis. The final list was designed to reflect the diversity of disciplines and perspectives of those working on criminal justice research and reform in England and Wales.

Expert interviews consisted of a series of questions designed to capture expert understandings about why crime happens, the ways in which the criminal justice system currently works, and the ways in which the criminal justice and other public systems might be changed to improve outcomes. Interviews also included a series of prompts designed to challenge experts to explain their research, experience and perspectives, and to break down complicated concepts and findings.

Analysis employed a basic grounded theory approach,<sup>2</sup> in which common themes were pulled from each interview and categorised, resulting in a refined set of themes that synthesised the substance of the interview data. The analysis of this set of interviews resulted in the drafting of an initial summary of expert perspectives on the field of criminal justice and criminal justice reform.

Data were also gathered in a 'feedback session' conducted in September 2014. During this session, a group of experts working on criminal justice issues in England and Wales were assembled to provide additional input and feedback on results emerging from analysis of one-on-one interviews with experts. Session participants were asked to identify important concepts not reflected in the results, winnow emerging results that were not of central importance, and refine those points that had emerged from analysis of interview data.

The result of this multi-method process is the untranslated expert story of criminal justice reform presented below.

## II. Cultural Models Interviews

The cultural models findings presented below are based on 20 in-depth interviews conducted in London, England; Birmingham, England; and Cardiff, Wales, by two researchers in July and August 2014. A sizeable amount of talk, taken from each research participant, allows us to capture the broad sets of assumptions participants use to make sense and meaning of information. Recruiting a wide range of people and capturing a large amount of data from each participant ensures that the cultural models we identify represent shared patterns of thinking. And, although we are not concerned with the particular nuances in the cultural models across different groups at this level of the analysis (an inappropriate use of this method and its sampling frame), we recognise and take up this interest in subsequent research phases.

Participants were recruited by a professional marketing firm to represent variation along the domains of race/ethnicity, gender, age, educational background, geography, residential location (urban, suburban, rural), political ideology (as self-reported during the screening process), religious involvement, and family situation (married, single, with or without children, ages of children).

The sample included 10 men and 10 women. Of the 20 participants, 15 self-identified as white and five as non-white. Eight participants described their political views as ‘middle of the road’, six as left and six as right. The mean age of the sample was 44 years old, with an age range from 21 to 70. Six participants had an A-level education, five had General Certificate of Secondary Education, six had university degrees and the remaining three had some post-graduate education. Eight participants were married, and 10 had at least one child under the age of 18.

Each participant was interviewed in one-on-one, semi-structured ‘cultural models interviews’ lasting approximately two hours. Cultural models interviews are designed to elicit ways of thinking and talking about issues — in this case, what crime is, what causes crime, how the criminal justice system works, and how the system should be reformed. As the goal of these interviews was to examine the cultural models participants use to make sense of and understand these issues, it was important to give participants the freedom to follow topics in the directions they deemed relevant. Therefore, the interviewers approached each interview with a set of areas to be covered, but largely left the order in which they were covered to the participant. All interviews were recorded and transcribed.

Analytical techniques employed in cognitive and linguistic anthropology were adapted to examine how participants understood issues related to criminal justice and the criminal

justice system.<sup>3</sup> First, patterns of discourses, or common, standardised ways of talking, were identified across the sample. These discourses were analysed to reveal tacit organisational assumptions, relationships, logical steps and connections that were commonly made, but taken for granted, throughout an individual's transcript and across the sample. In short, our analysis looked at patterns both in what was said (how things were related, explained and understood) as well as what was not said (assumptions). In many cases, analysis revealed conflicting models that people brought to bear on the same issue. This is a normal feature of cognition, though frequently one of the conflicting models is given more weight than the other. FrameWorks' researchers use the concept of dominant and recessive models to capture the differences in the cognitive weight given to these conflicting models. Dominant models are those used frequently, and in a top-of-mind and automatic way. They are the ways of thinking that people default to most immediately, and fall back on most readily, when asked to reason about a topic. Recessive models can be thought of as ways that are available to the public to think about an issue, but that are not as readily or immediately employed. These recessive models require specific cuing to become active in mind. Recessive models are less top-of-mind, and frequently displaced in thinking by more dominant and practiced ways of understanding the issue.

# Findings

## I. Expert Interviews

Below, we present a distillation of the themes that emerged from the analysis of expert interviews. These themes respond to four foundational questions:

1. What is the purpose of the criminal justice system?
2. What are the problems with the criminal justice system?
3. What are the causes of the problems with the criminal justice system?
4. How should the criminal justice system be reformed to address these problems?

### 1. What Is The Purpose Of The Criminal Justice System?

Underlying expert discussions of the particularities of the criminal justice system were three implicit ways of thinking about the purpose of the system.<sup>4</sup>

- **The criminal justice system should prevent offending and reoffending.** Experts focused attention on two primary ways this should happen. First, the system should work to prevent people from committing crimes in the first place. To accomplish this goal, experts noted that it is critical to strengthen systems outside of the criminal justice system — for example, social and community supports and mental health services. Second, experts explained that the criminal justice system should be set up so as to prevent reoffending. This is accomplished by providing alternatives to prison, rehabilitation opportunities, services to aid in the transition out of prison, etc.
- **The criminal justice system must repair harm.** Experts emphasised that the criminal justice system should focus on repairing the harm that crime causes for individuals, families and communities. They noted that, while punishing an offender can represent one element of reparation, such punishment often does a poor job of repairing harm. Instead, experts explained that things like community sentencing, restorative justice and rehabilitation more directly repair different types of harm caused by crime.
- **The criminal justice system should make society safer.** Experts emphasised that the principle of *protecting public safety* should guide decisions about how the system operates. They explained that, when decision-making is guided first and foremost by public safety, the result is often dramatically different than if decision-making is

guided by other goals — such as retribution or punishment. Experts also pointed out that promoting public safety requires using the best available evidence to shape policing and sentencing decisions so that limited public resources are used to maximum effect.

## 2. What Are The Problems With The Criminal Justice System?

While experts reported some positive trends in recent years — with declines in the overall crime and youth custody rates — they also noted a number of serious challenges facing the criminal justice system.

- **Many current approaches to reducing crime are ineffective, especially in regards to reoffending and recidivism.** Experts asserted that the criminal justice system's most serious challenge centres on reducing reoffending and recidivism. They attributed problems with high rates of recidivism to the failure of rehabilitation efforts, citing the poor quality of rehabilitative services both in and out of prisons. Experts also argued that there is little consensus on what rehabilitation means, how it actually works, or how to measure it. Several experts mentioned, in particular, that the system of incentives for prison governors is poorly suited to reducing recidivism. That is, prison governors are paid to make sure no one escapes from their institution — but are not incentivised to make sure that no one returns once they are officially released, and therefore have little reason to direct resources or attention to rehabilitation services.
- **Representation of individuals in custody is demographically uneven.** Experts argued that certain demographic groups are disproportionately involved in the criminal justice system. They explained that individuals who are socially disadvantaged (whether by poverty, educational status, etc.) are more likely to end up in the prison system for crimes than those with greater financial, educational and vocational resources. Experts also argued that black people and ethnic minorities are overrepresented in the prison system and attributed this to bias in policing practices (such as 'stop and search' programs).
- **The system is too punitive, leading to over-use of prison.** Experts asserted that the current system is overly focused on punishment. They argued that the myopic focus on retribution leads to the overuse of imprisonment — even when other goals of the criminal justice system (public safety, repairing harm and preventing reoffending) would be better served by other approaches.

### 3. What Are The Causes Of The Problems With The Criminal Justice System?

- **There is not enough focus on prevention.** Experts argued that important social services such as education, mental health, community services, etc., are inadequately funded and implemented. As a result, many people end up entering the criminal justice system instead of one of those more-appropriate systems.
- **The system does not focus enough on repairing harm to individuals, families and communities.** As explained above, experts suggested that one of the primary purposes of the criminal justice system should be to repair harm. However, they maintained that the system focuses too much on retribution and not enough on reparation. They suggested that harm can be repaired in direct ways — such as when the offender makes amends with victims or communities that were harmed — or in indirect ways — such as when the state acts as an intermediary, making sure that victims are compensated for losses and get necessary treatment, for example.
- **Funding for the system is inadequate and inconsistent.** Experts often pointed to recent budget cuts as the underlying cause of the challenges facing the criminal justice system. They talked especially about cuts to probation and legal aid services, explaining that reducing legal aid, in particular, undermines the fairness of the system for disadvantaged segments of society that are overrepresented in the criminal justice system.
- **There is not enough attention placed on rehabilitation.** Experts argued that the problems with reoffending and recidivism are largely caused by lack of attention to rehabilitation efforts. Experts most often cited the overall design of the system as the cause of this problem, explaining that there is no individual or group tasked with overseeing the criminal justice system and directing resources and attention towards rehabilitation efforts.
- **Decisions are driven by politics rather than evidence.** Experts asserted that decision-making and oversight regarding the criminal justice system is subject to political whim, and advocated instead for an evidence-based approach. Experts cited the availability of research linking particular criminal justice approaches to improved public safety outcomes, arguing that criminal justice activities should be guided by that evidence rather than politicians' desire to appear 'tough on crime'.

- **The over-reliance on imprisonment drives continued challenges with recidivism.** Experts explained that time spent in prison, especially short sentences, can actually *increase* the likelihood that a person will continue to commit crime. This is particularly true for children. In short, experts argued that the *actual* effect of imprisonment is the opposite of its *intended* effect. Experts attributed this paradox to a number of factors, including the way in which time in prison increases networking with other offenders in prison, weakens social bonds outside prison, establishes an identity as an offender, and limits employment opportunities once released. They noted that this negative effect of prison was most pronounced in the case of short sentences for minor crimes, and *especially* important to consider in relation to children.

#### 4. How Should The Criminal Justice System Be Reformed To Address These Challenges?

- **More resources should be directed to rehabilitation.** Experts argued that rehabilitation is critically important to public safety (to keep reoffending down) and to system efficiency (reducing recidivism). As explained above, experts claimed that the current services within and outside the prison system are inadequate, and both the quality and quantity of those services should be improved.
- **There should be more of a focus on therapeutic and rehabilitative services rather than punishment.** Experts argued that many individuals in prison have experienced victimisation in their lives. Experts described a number of forms that this victimisation might take — abuse or neglect by parents, spouses or others; discrimination in the workplace or elsewhere; general social disadvantage, etc. In keeping with this perspective, experts stressed the need for more therapeutic and rehabilitative services to provide people with the tools to lead a life free from crime.
- **The formal criminal justice system (especially prison) should only be used in serious cases.** Overwhelmingly, experts talked about the need to reduce the criminal justice system’s reliance on imprisonment, particularly with respect to non-violent crimes, drug crimes, and women and young offenders. Instead of imprisonment, experts advocated for prioritising prevention, diversion and alternatives to prison such as community sentences and restorative justice.

- **Disclose criminal justice records only if relevant.** Experts argued that having a criminal record has debilitating effects on future employment prospects. They suggested that criminal records should be disclosed only in specific cases, and only when relevant, and advocated for more precise guidelines regarding the release of such records. In the case of children, experts argued that criminal records should be wiped clean at some predetermined point (e.g., at 21 years of age).
- **Increase diversity of those working in the criminal justice system.** Experts argued that those working in the criminal justice system (police, judges and prison officials) should reflect the racial and socioeconomic diversity of the general population. In the case of police, they argued that a more diverse police force would lead to better community policing efforts and better relationships between police officers and the neighbourhoods within which they work. In the case of courts and prison officials, experts suggested that a more diverse workforce would lead to fairer treatment and sentencing.
- **Prioritise evidence and data.** Experts cited the problematic way that politicians must appear ‘tough on crime’ or else face serious political consequences. They argued that, in order to put in place evidence-based changes, those making decisions must be insulated from political whim. Only then will the focus of the criminal justice system shift to practices that are actually effective, rather than those that look ‘tough’ but do little to improve public safety.
- **Increase the transparency of the process and assure respect for all those involved with the criminal justice system.** Experts made this point from various angles. They argued that both victims of crime *and* offenders must be treated with more dignity and respect in court proceedings, and that, in the case of convicted offenders, conditions in prisons should be improved.



Below is a summary of this expert account.

## **Untranslated Expert Story of Criminal Justice Reform**

### **What is the purpose of the criminal justice system?**

- Prevent offending and reoffending
- Repair harm
- Make society safer

### **What are the problems with the system?**

- Many current approaches to reducing crime are ineffective, especially in regards to reoffending and recidivism
- Policing, sentencing and imprisonment are demographically uneven
- System is too punitive, leading to over-use of prison

### **What are the causes of these problems?**

- Not enough focus on prevention; CJ system used as a stand-in when other social services systems fail
- Not enough focus on repairing harm done to individuals, families and communities
- Inadequate and inconsistent funding, especially regarding probation and legal aid
- Not enough attention to rehabilitation; effective approaches under-used and improperly implemented
- Decisions driven by politics, not evidence
- Time in prison, especially short sentences, increases likelihood of subsequent offenses, particularly in the case of children
- Overrepresentation of Black and Ethnic Minorities in CJ system

### **How should the system be reformed?**

- Direct resources toward rehabilitation
- Increase understanding of offenders as victims, especially women and children, by focusing on therapeutic and rehabilitative services rather than punishment
- Ensure formal justice system (especially prison) is used only to address serious and violent crime
- Increase use of prevention, diversion and alternatives such as community sentences and restorative justice
- Disclose criminal justice records only if relevant
- Increase diversity of those working in CJ system
- Prioritise use of evidence and data
- Increase transparency of process and assure respect for all those involved with the CJ system

## II. Cultural Models Interviews

With the goal of helping people approach this body of expert knowledge, we describe the assumptions and beliefs that the public use to think about crime and the criminal justice system. We organise this section of the report around four primary questions that shape public thinking:

1. What is crime?
2. What causes crime?
3. What is the criminal justice system and what does it do?
4. How can the criminal justice system be improved?

### 1. What Is Crime?

Our analysis begins with two definitional cultural models that members of the public use to think about *what crime is*. In the following section, we present these two definitional cultural models and discuss their implications for those communicating about criminal justice reform.

**A. The *Violation* model.** Crime is understood, at a deep level, as a ***violation*** — a failure to respect either the property or personhood of another individual. An important part of this cultural model is the distinction that people make based on *what* has been violated, with understandings of violations of personhood and property carrying different deep meanings. Examples of violations of property include petty theft, phone stealing and burglary, as well as vandalism. Violations of personhood include physical and sexual assault as well as murder. It is important to note that violations of property were the most top-of-mind examples of crime, suggesting that people’s prototype of ‘crime’ tended to be petty theft.<sup>5</sup> In addition, these property violations were understood to be less serious than violations of personhood.

**Interviewer:** You hear some people say sentencing in the UK is too harsh, and other people say it’s too light.

**Participant:** I think sometimes it’s a bit too harsh for financial crimes. That does cause hardship to people, but at the same time, nobody’s died or been physically attacked. And there are also some very violent crimes, and you think, ‘Well what’s more important? Somebody’s life or physical safety?’

—

**Participant:** Because it’s not as removed from you as an object, like a phone; it’s very personal or it feels personal if it happens to you. Somebody is

threatening your being. Somebody wants to destroy your being, not just take away what you have, but actually get to the core of you and destroy you or take your life away.

**B. The *Young And Reckless* model.** The second cultural model that structures people's definitional understandings of crime — that is, the dominant 'pictures in their heads' that arise when they are presented with information about crime — regards *who commits crimes*. According to this model, crime is most often the result of young people, usually boys, being 'young and reckless'. In many cases, the public consider this activity to be related to gang membership, which looms large in the way that the public think about the most common types of crimes in England and Wales.

**Participant:** I think about groups of young men gathered together. I think of broken glass and graffiti. That's how I think of crime. I think of sirens going off, and maybe some kind of fire or smoke, like riots and fighting. I think of crime as people acting a fool, being drunk and doing silly things like throwing a brick through a window, and things like that. So those are the things that come to my mind.

—

**Participant:** I think a lot of that type of crime is spontaneous. It's not planned. I think it's just they're young, they're fearless... They're just thinking it's a bit of a laugh. They won't get caught. They don't look at the long-term consequences. They just do it. And I'm thinking about an age group from about 10 up to about 16.

### *Implications:*

1. *Members of the public are likely to be receptive to calls for alternative ways of addressing drug use — both inside, but, more importantly, outside of the criminal justice system.* Drug use does not fit neatly into either violation of property or violation of personhood. As such, it is outside people's deep definitional understandings of crime. This was evidenced in the interviews by the fact that drug use was very infrequently mentioned in response to definitional questions about crime.<sup>6</sup> The finding that drug use is not included in the most accessible way that people define crime suggests that appeals for alternative strategies (decriminalisation or the use of other social services) may be particularly low-hanging fruit for reformers.

2. *Communicating the seriousness and costs of some crimes is difficult.* Because the public consider crimes against property to be fundamentally less serious than crimes against personhood, the severity of certain kinds of crimes which experts consider quite serious — such as white collar crime and fraud — may be difficult to communicate to the public. In addition, the public's top-of-mind way of thinking about *who* commits crime (young, reckless men) takes the focus away from other types of crimes that, according to experts, warrant serious attention. Experts, for example, stress the damage that organised crime causes and argue that more attention should be paid to these types of offences. Given these definitional models, communicators should not assume that members of the public understand or are focused on the same types of crimes as criminal justice experts.
  
3. *The Young And Reckless cultural model reinforces negative stereotypes about young people, which impede efforts to reform the youth justice system.* The public's assumption that criminal activity born out of boredom and 'stupidity' is a common part of young people's behaviour portrays a broad age group in a criminal light, and reinforces negative stereotypes of young people as 'other'. This cultural model is problematic for those working to improve the youth justice system. The application of cultural models in which young people are reckless vandals who need to be 'taught a lesson' makes it difficult for members of the public to support and get behind calls to create a youth justice system that supports skill and capacity development. Instead, this way of thinking about young people increases people's support for a heavily punitive way of dealing with young offenders.

## **2. What Causes Crime?**

Members of the public have multiple ways of thinking about and explaining the causes of crime. Some of these understandings take context into account, while others create a powerful sense that crime is the result of individual rational decisions, and thus create a blindness to the role of context. In the following section, we first discuss those causal models that focus people's attention on the role of context, followed by a presentation of the models that guide attention to more individualistic understandings about why people commit crime. This is followed by a discussion of the implications of these models for those communicating about issues of crime and justice.

## Contextual Models Of The Causes Of Crime

**A. The *Poverty = Theft* model.** When asked why people commit crime, participants frequently brought up the idea of poverty. They had two ways of thinking about how poverty and crime are connected. First, they explained that poverty makes people ‘desperate’, and pushes them into situations where they are forced to steal to provide for themselves and their families. In other cases, participants talked about how theft is driven by the desire for ‘nice things’ that are unattainable given a person’s lack of resources. In these latter types of discussions, participant discussions evidenced a contextual and social perspective in that they explained that ‘society’ is responsible for creating these desires and expectations for material goods. These explanations of poverty and crime were often accompanied by discussions of the challenges created by the UK’s current economic troubles — suggesting that the state of the economy, and the individual challenges that result, loomed large in participants’ minds.

Participants’ preoccupation with poverty and context when responding to questions about the causes of crime evidences a deep and shared assumption: *Lack of access to resources is a key cause of crime*. This was a dominant, and highly available, causal model throughout the interview data.<sup>7</sup>

**Participant:** Sometimes people are pushed to steal food.

---

**Participant:** A lot of people are just trying to survive, trying to live, trying to pay, trying to do this and trying to keep up with the neighbours because everyone wants everything. And they have to have everything.

**B. The *Social Proximity* model.** Participant discussions also revealed a shared assumption that individuals are strongly influenced by the behaviours of those around them. This deep understanding was evident in the way that participants explained that people commit crime because they are surrounded by other people who behave in these ways. On the other hand, participants asserted that people who abide by the law do so because the people who surround them model positive behaviour. The basic assumption that comprises this model has been elsewhere called a ‘container’ model — the deep understanding that people are ‘open to influence’ and directly adopt the behaviours of those physically around them.<sup>8</sup>

A secondary element of this model is the understanding that a person's openness to take on the behaviours of those around them changes over time. Across the interviews, it was clear participants shared and were working with the implicit understanding that the *younger* an individual is, the more open they are to absorbing the (criminal) behaviours of those around them.

This model was used to explain why children and young people can become criminally involved, and to identify the types of environments that are necessary for children to avoid such involvement. The model was also frequently invoked to explain why people *return* to a life of crime after being released from prison (that is, because they return to social contexts in which those around them are behaving criminally).

**Participant:** I think the more you keep [young people] out of that environment, and keep them active in sports or things like that, the better. I think they get dragged into it [crime]. And they're getting dragged into it younger and younger — even from age 10 or 11. Those children mix with older kids, who then pass on their bad habits to them.

—

**Participant:** I think it depends on what sort of area you live in and the people who are around you. People like to follow crowds and they might have bad friends that do crime.

—

**Participant:** It's the situation they've come out of and then been put back into. Just like a lot of addicts, all their friends are junkies, all the people they hang out with are all doing those kind of bad things. So you take them and put them in prison for six months. Then they come out of prison and what do they do? Go back to that environment again, so they're straight back into that same environment and that offending behaviour again.

The *Social Proximity* model was also applied to reason about how criminal behaviour on the part of parents can lead children to commit crimes as well.

**Participant:** It [crime] could be from growing up in the same environment with parents who are quite happy to go and steal.

**C. The *Moral Breakdown* model.** Participant discussions also showed a strong and shared sense that crime is caused by a general trend in society towards lower moral standards and less principled understandings of right and wrong. This model was particularly evident when participants explained their belief that crime rates are higher now than they were in years past. This model is structured by a strong sense of nostalgia — or the sense that, compared to a more rosy past, today’s morals have declined, neighbours don’t know each other and people don’t respect one another, parents can’t physically punish their children or teach them respect, and immigrants have weakened what was once a more unified set of principles and standards. Participants employed this understanding to reason that with lower morals come increases in crime.

**Participant:** There is a real problem with morality in the UK. I think morality is at an all-time low. People do terrible things all of the time and if they can get away with it they don’t care. Whereas I think before, I mean if you go way back to medieval men, I think the fear of God meant they wouldn’t do bad things because they thought they’d be punished or they wanted to live a good Judaeo-Christian life. But now I think people just don’t give a fuck. That sounds really crude, but I think that’s the attitude.

—

**Participant:** I’m not saying that you should beat your kids, but there is so much now on the TV that if your mum or your dad raises their hands or shouts at you, that’s child abuse. You can ring the police. That’s not child abuse. That’s bringing up your children. That’s parenting.

—

**Participant:** What’s actually happening is that England has gone on this gentleman’s agreement, this handshake, it means something. And I grew up that way. So instantly when I was growing up and I saw another black person, I gave them a nod, and they gave me a nod, and that was respect, and you had that respect for people. And now England is such a mixture of different cultures and nationalities that there isn’t that respect no more.

**D. The *Pressure Cooker* model.** Interview data also revealed a shared assumption that population density causes crime. According to the *Pressure Cooker* model, the mere fact of people living and working very closely together causes tensions and stress that lead to crime — particularly fights and physical conflicts. This is a highly spatial and metaphorical model: The more people you push into a finite space, the more pressure you create on

those individuals and the more likely it becomes for the pressure to 'ignite' criminal behaviour. This model also includes a racial component, as people explained that tensions are heightened even more when those 'in the pressure cooker' come from different races and ethnicities.

**Participant:** People get very agitated and they don't have a lot of patience, and I believe that when you actually squeeze people together and you force more and more people into smaller and smaller areas, people's tolerance is less. They're not as tolerable, and they're not as forgiving.

---

**Participant:** It's just something that's not very pleasant in the human psyche. So I think most of the time, most people rub along [but] if you've got too many people squashed together ...

## Individual Models Of The Causes Of Crime

**A. The *Rational Actor* model.** In contrast to the more contextual or social models described above, there was a dominant shared assumption that crime is the result of a rational and calculated process in which individuals weigh the costs and benefits of a behaviour and make a logical decision about whether to engage in criminal activity based on this calculation. This deep understanding of human behaviour powerfully structured how participants thought about and explained the causes of crime and, as will be discussed below, how they reasoned about improving the criminal justice system. This model was especially strong when participants were asked to reason about preventing crime and recidivism.<sup>9</sup>

**Participant:** If you suddenly passed a law that said you will no longer be in prison or whatever the commensurate thing is for stealing, a good percentage of people would start stealing because they know that nothing will happen to them as a result of them stealing, and there is nothing to put them off of that. People do factor being caught into their decision to commit crime, but if they see the need as, as very great, it overrides the consequences. Say fraud, you might know for example that a certain type of fraud will get you X amount of time in prison, now 10 million pounds might be worth a bit of time in prison, you know six-months, a year, whatever, so that might be worth that penalty.

---



**Participant:** I think people know what they can and can't get away with. They will push the boat out on the things they can get away with.

---

**Participant:** If they reoffend, I think on the second time they should really face the full wrath of the court system. Because the first time is more than enough to strike the fear of God into anyone. I mean most normal people don't go to court even once. So if you've already been once and that's not enough to make you straighten up and change your ways then I think after that, that's that.

As further evidence of the *Rational Actor* model, participants explained that many people who commit white collar crimes do so because they believe (whether rightly or not) that their money and power reduce the chances of getting caught or facing punishment. In other words, participants worked with the assumption that money and power increase the benefits of committing a crime, while simultaneously decreasing the costs, by limiting (or eliminating) the chances of being caught. For example, participants explained that wealthy individuals feel free to commit crimes because they know they can use their money and social networks to avoid punishment. In addition, as shown in the quote above, participants explained that wealthy individuals frequently stand to make greater gains from the types of crimes they commit (e.g., financial fraud, embezzlement). In other cases, participants suggested that the wealthy are, in fact, so powerful that they are able to shape laws and policy decisions to their own personal benefit.

**Participant:** If the police capture [a white-collar criminal] the Crown Prosecution Service decide if he needs to go to court and the lawyers negotiate and would find some angles that doesn't involve going to prison. That happens behind the scenes.

---

**Participant:** There is corruption and again, going back to corporations and bankers and politicians in this country — they're criminals, and they just get away with it, because they made the laws to suit themselves. It may sound extreme but it's a fact, really.

**B. The *Escalation* model.** Analysis of interview data also showed a shared understanding about how criminal behaviours change and progress over time. Reasoning from this model, participants explained that crime happens because small transgressions, if uncorrected,

lead over time to more severe criminal activities. There were frequent discussions about how small crimes, such as shoplifting, tend to ‘escalate’ into more and more serious crimes (e.g., burglary or assault). The crux of this model is the shared implicit assumption that, if uncorrected, people learn that they can get away with criminal activities and thus become emboldened to commit more and more severe offences. This model was often applied to thinking about children and young people, in particular. Participants explained the importance of responding severely and immediately to even seemingly small transgressions — or else, as participants explained, people will learn that they can ‘get away with it’ and will become emboldened to commit larger and larger crimes.

**Participant:** Before you know it, that person that was 15 hanging around the street corner is 25 and a drug dealer. It’s just that easy.

—

**Participant:** I think the smaller crimes need to be addressed more and right away. It may be something minor, but I think if that little crime isn’t punished — if you stole a bar of a chocolate, and no one did anything to you about it, you would then go back and you’d still have your bars of chocolate, and then you’d start selling those bars of chocolate and that would lead to who knows what else?

**C. The *Human Nature* model.** Participants also drew on the understanding that crime is the product of basic features of human nature — violence, jealousy and greed. Thinking with this model, participants became fatalistic about crime and crime prevention, explaining that crime has always existed and will always continue to exist because it is caused by impulses, emotions and behaviours that are deep and basic parts of being human.

**Participant:** I think [violence] has always been. You can look at the wars that were fought back in the time of the Bible. People have always been that way.

—

**Interviewer:** Do you think there would be less crime if you did those things?

**Participant:** I think there might be less crime, but I don’t think you can stop crime.

**Interviewer:** Why not?

**Participant:** You can’t take away jealousy from people, can you? You can’t take away hatred from people, can you? You will always have these things. It

comes down to basic things, jealousy. I really think it comes down to coveting what other people have — and that's been in people since time began.

### *Implications:*

1. *The Poverty = Theft model is promising but thin.* While 'poverty' was a frequent response to open-ended questions about the causes of crime, participants were largely unable to go further and explain their answers to these questions beyond the most basic idea that poverty limits an individual's ability to get the things that they need or want, and thus leads them to steal to obtain these things. *The Poverty = Theft* model does not facilitate understanding of the myriad other ways in which context and social factors shape trends in crime (for example, the idea that socio-economic status effects the likelihood that committing an offense will result in involvement with the criminal justice system). Therefore, while promising in its recognition of a role for context, this model is currently not sufficiently robust to structure and support understanding of the breadth of points that members of the expert community wish to communicate. Communicators must therefore develop strategies to not only cue this model and pull it forward, but also expand it in ways that help people think about a broader, more complicated set of ways in which context and social factors influence crime and criminal justice.
2. *The Social Proximity model presents an opening to talk about key components of the expert story.* Cuing and invoking this model in people's thinking serves two useful purposes. First, thinking through this model, people are likely to become productively critical of sending people (especially young people) to prison or detention, especially for minor offences. The public readily understands that being immersed in a social network of people involved in crime is only likely to increase individual criminal tendencies. This model, therefore, makes the expert point that prison leads to poor outcomes particularly 'thinkable' for members of the public. This model also helps members of the public appreciate the importance of providing people (especially children and young people) with environments imbued with positive influences, role models and supports. The understanding that people are 'open' to the influences that surround them can be invoked to help people realise and support the need for community supports, role models and mentoring programs in particular.
3. *The Moral Breakdown, Pressure Cooker and Human Nature models structure a strong and unproductive sense of fatalism.* These models create a sense that England and Wales are on an inevitable and unavoidable march towards ever-increasing levels of

violence and crime. Improving morality and redesigning urban residential patterns, not to mention changing human nature, are tall orders. When these causal models of crime are active, they depress the public's sense of efficacy and make it extremely difficult to engage them in serious thinking about ways to address and prevent crime — after all, how does one 'solve' human nature? For these reasons, communicators must be aware of these models and actively avoid cues that are likely to invoke them in people's thinking. This is particularly important when the communicator's goal is to engage members of the public in productive discussions about policy and programmatic changes that can be made to prevent crime and improve the criminal justice system.

4. *The Rational Actor model leads to solutions that are at odds with those advocated by criminal justice experts.* When people adopt a *Rational Actor* model of human behaviour, it becomes easy to think about how to prevent and reduce crime — just increase the costs of these behaviours. This model triggers the understanding that longer sentences, harsher treatment in prison, and more surveillance will increase the costs of criminal behaviour and, as a result, lead would-be offenders to conclude that crime 'isn't worth it'. In this way, the *Rational Actor* model is one of the most unproductive models documented in this research because of the way in which it leads to a strongly punitive orientation towards crime.
5. *The Escalation model is another way of thinking about crime that creates a strongly punitive perspective — especially towards children and young people.* When people invoke the *Escalation* model, their focus becomes trained on the importance of punishing harshly from the very first infraction. Thinking from the *Escalation* model, the idea of 'nipping it in the bud' appears to be the most reasonable and effective strategy in preventing crime. However, experts argue that this punitive approach can have the opposite effect in many cases — actually increasing the chances that a subsequent crime will be committed. Communicators should therefore be wary of language that invokes the *Escalation* model.

### **3. What Is The Criminal Justice System And What Does It Do?**

When members of the public think about the criminal justice system, they primarily think about police, courts and prisons. Underlying thinking about each of these systems are deep cultural models about *what those systems are for*. These models are important to understand because they structure thinking about how the system should be reformed. Below, we present these models and discuss their implications for those communicating about crime and criminal justice reform.

**A. The *Retribution* model.** The most top-of-mind way that members of the public understand the purpose of the criminal justice system is through a *Retribution* model. According to this model, while the system may have secondary goals such as rehabilitation and fairness, its primary objective is to ensure that people who commit crimes are punished and get what they deserve.

**Participant:** The criminal justice system is really there ... it's in place really to actually punish criminals.

**Interviewer:** So, that's its main purpose?

**Participant:** Yeah, to punish criminals.

---

**Interviewer:** When you say 'justice' what do you mean?

**Participant:** Um, well, he's caused the crime, and justice is that he deserves to pay ... he deserves to pay the penalty.

**B. The *Deterrence* model.** Participants also reasoned that the criminal justice system functions to deter people from offending and reoffending. For example, participants argued that long sentences and harsh conditions in prison are critical because they reduce the likelihood of reoffending. This *Deterrence* model is grounded in the basic *Rational Actor* model of human behaviour described above. It is important to note that, implicit in this model, is the assumption that current sentences and prison treatment are not harsh enough. In fact, participants often characterised prison as a 'holiday camp', with luxuries that many people do not have in their lives outside of prison. As a result, participants argued, the system does not properly dis-incentivise someone from committing a crime and does not accomplish its goal of deterrence.

**Participant:** Say they are a regular burglar or they regularly sell weed or they sell drugs. Next time, if they get custodial sentence I think they would think twice about doing it. And I think the judge should say to them, 'If you get caught again and we catch you doing this again you are going to get locked up for even longer'.

---

**Participant:** You go into a room where you can't come out, but you have all the other facilities. You are able to watch TV. You can sit down; you have your three meals a day. You're able to go outside on supervised walks. It's just like a holiday camp. They have a gym in there. They have a swimming pool there.

They have all the other facilities there. It's like a holiday camp, and then you still can have extra contact with your family as well. You can have all the phone calls. You can have free visits. How much of a deterrent is that?

**C. The *Fairness* model.** Although less dominant than the *Retribution* and *Deterrence* models, members of the public also employed a model of *Fairness* in thinking about the purpose of the criminal justice system. However, they drew on two very different understandings of fairness in this reasoning.

The most dominant form of *Fairness* was a *standardised fairness*. According to this understanding, everyone should be treated in the same way, and everyone should get the same punishment for the same crime. This model figured prominently in the way that participants thought about how the system should function. It also loomed large in people's thinking about gender issues — that is, women within the criminal justice system should be treated exactly the same as men.

**Interviewer:** Do you think anything should be done differently with women who commit crimes compared to men who commit crimes?

**Participant:** No, no, no, no. Not at all! Women nowadays, they are looking for equality. They, they're looking for acceptance in society. No. Everyone should be treated *exactly* the same. There should be *no* exceptions. So regardless of your religion, your background, man or woman or whatever gender you want to proclaim to be, you're all treated the same.

—

**Participant:** And everyone should be treated — and I know I keep on saying this, but, they all need to be treated the same.

A second, slightly less top-of-mind version of *Fairness* was more contextual — holding that fairness actually *requires* differential treatment. According to this model, the criminal justice system should take into account the unique factors, circumstances and context of the crime, and consider these factors when determining appropriate treatment and punishment. Participants described, in particular, the importance of considering a person's upbringing, their mental state (remorseful or not), how many times they have committed a crime and the causal factors that led to the crime being committed in the first place.

**Participant:** I don't know why but they say it's a biological thing and that's why sometimes these young boys are able to commit the most heinous of

crimes seemingly unbothered by it. And in that respect you've got to say, well it's not their fault, I mean everybody is a product to their environment so you've got to think, is it their fault they've done it and if it isn't their fault then why are they being punished for it. I think you can't say whether they should be softer or harder. I think you have to be a particularist about it and I think you have to look at each particular crime and make a judgment call, which is very hard to do.

---

**Interviewer:** And how do they decide if someone should go to prison or be tagged?

**Participant:** Well, I think it's just the severity of it, how many times they've done it. Maybe they could be apologetic about it. Maybe they've realised they've done wrong.

**D. The Segregation model.** Participants also reasoned that another critical function of the criminal justice system, and prisons in particular, is to segregate violent criminals from the general population. Implicit in this model is the assumption that violent offenders cannot be rehabilitated, and must therefore be removed from society.

**Participant:** There is nothing you can do to keep the public safe because there are criminals everywhere. There could be an ex-offender that's just come out of prison today and is on the streets and he just shot another person. Or most people that commit crimes, you let them out and then they just walk up to somebody in the street and just stab them. There are criminals everywhere ... people get robbed and mugged. There are criminals everywhere and you wouldn't know it. There are houses getting burgled. So I don't know how you are going to keep the public safe.

**Interviewer:** Do you think there are things that we could do to keep the public safer?

**Participant:** Keep criminals in prison. You can't keep the public safe until you know that there is a criminal so they have to do something to a member of the public, then you try to keep the public safe by locking them up.

---

**Interviewer:** So if you were in charge of this criminal justice or public safety system, what would you do to make it better?

**Participant:** I would give people longer custodial sentences. They are always going to be a criminal, unless you put them in prison for life.

**E. The *Rehabilitation cultural*.** Participants considered rehabilitation to be an important goal of the criminal justice system.<sup>10</sup> According to this model, prisons should be places where offenders receive an education and develop skills that will help them get a job and become more productive members of society when released from prison.

**Participant:** We all need a purpose, work isn't just about money, it's about learning skills, it's about socialising. So realistically, having people just sitting in cells is bad. They need to be having the kind of life where they have a purpose to their day and where they are learning skills. That's what it needs to be. Then you're preparing people for life outside of prison.

---

**Participant:** It's [the criminal justice system] supposed to rehabilitate them. But I think it probably does more harm than good, because they're all in there together, having a bit of a laugh and game of pool, Xbox ... so I think, yeah, it's not doing its job in that way.

### *Implications:*

1. *The Retribution and Deterrence models are problematic.* Although punishment is one of the criminal justice system's functions, when people employ the *Retribution* model, they become myopically focused on punishment in a way that makes solving problems in the criminal justice system about *more* and *harsher* punishments. As discussed above, the punitive focus supported by these and other models presents a substantial obstacle to communicating many of the most important parts of the expert story (for example, the importance of rehabilitation, social services and therapeutic approaches for offenders who have experienced victimisation in the past).
2. *The Fairness model has mixed implications.* On one hand, the public's *contextual* understanding of *Fairness* focuses attention on the ecological factors that constrain people's resources, behaviours and choices, and thereby affect their outcomes. This version of *Fairness* thinking has the potential to increase support for many of the policies advocated by experts. On the other hand, the public's *standardised* model of *Fairness* leads people to see the importance of a more rigid system with *less*



flexibility in alternatives — a system that does not consider context or allow for discretion.

3. *The Segregation model is unhelpful in communicating the expert story.* While seemingly productive, in that it orients the public to the goal of public safety rather than retribution, the *Segregation* model is typically applied to only the most violent and dangerous offenders. This model assumes that there is nothing that can be done to rehabilitate these essentially ‘bad’ and dangerous offenders; the only option is to remove them from society for life. As such, it works against experts’ efforts to communicate about the need for rehabilitative approaches.
4. *The Rehabilitation model represents a cognitive resource for communicators.* When thinking with the *Rehabilitation* model, the public are more likely to appreciate the role of services like education and job training in reducing recidivism. This mode of thinking is thus useful for communicating about many of the kinds of reforms for which experts advocate. For example, activating this model can help people think not only about the need for prison reforms, but also about the potential of restorative justice and community sentences to address crime issues.

#### **4. How Can The Criminal Justice System Be Improved?**

In this section, we explain how participants thought and talked about improving the criminal justice system. These suggestions *reflect* and *are driven by* many of the cultural models that have been presented above. Below, we describe participants’ most common ideas for improving the criminal justice system and the cultural models that give rise to and support this solutions-thinking.

**A. Fatalism.** One of the most common ways that participants responded to questions about how the system should be reformed was to suggest that there is ‘nothing to be done’. This fatalistic perspective took two forms. Participants either reasoned that programs and policies have no effect because crime rates are unchangeable and thus immune to intervention, or that the systems themselves are so fatally flawed that successful implementation of effective reforms is impossible.

**Participant:** I don’t think there is anything that can be done to prevent crime because crime is going to happen and it’s going to keep happening in decades to come. It happens everyday; it happens millions of times a day.

—

**Interviewer:** What would you say is the purpose of the criminal justice system? What's it there for?

**Participant:** Well there's never going to be such a thing as crime-free, is there? I suppose that's the idea, isn't it — to have a population in which most people are minding their business most of the time. But, I mean, when hasn't there been crime?

Analysis showed clearly that there is a set of causal models at play in supporting these fatalistic perspectives about solutions. Invoking the *Human Nature* cultural model, participants reasoned that violence, jealousy and greed are such inherent parts of human existence that any efforts to implement reforms aimed at reducing crime are bound to be unsuccessful. Similarly, when the *Moral Breakdown* model is active, the causal problems (loss of morality, immigration) seem so large and intractable that they dwarf people's ideas about potential solutions. In other words, people have great difficulty identifying a solution that matches the enormous scope of the problems they perceive.

**B. More punishment and surveillance.** The public's most dominant mode of solutions-thinking centred on increasing the severity of punishment and the level of surveillance for criminal activity. Participants called for longer prison sentences, harsher treatment for prisoners and even bringing back the death penalty. They also called for more 'bobbies on the beat' as a way to increase surveillance and deter would-be criminals. Unfortunately, these are the types of solutions most poorly aligned with the expert story presented above.

**Participant:** I think the sentences are too lenient, especially if they're first offenders. I think if they've offended once and they've got away with it or they've been sent to an open prison where it's all nice and friendly. They can sit in the garden. They've got Sky TV. Yeah, they've got their three meals a day...

—

**Participant:** And have more of a presence on the streets. I think people need to feel safer, you know you see more policemen walking around and have an idea that they are on your side working together, not against you. Even the police are viewed as people to be feared and to be against.

—

**Participant:** Maybe less community service, less fines, maybe getting a custodial sentence. Just make them think before they commit a crime. There

is a lot of people getting community service, like say you break the law and instead of going to jail, they'll say to you, 'Oh, clean the park for six months'. I don't think that's right. I think if you do a crime you should go to jail, if it's for six weeks or even just for a few weeks. I don't think you should be allowed to go home. Or some people get probation and community service. I think they should get custodial sentences. Maybe that might make them think before they commit crime.

This line of solutions-thinking is supported by a number of the cultural models described in earlier sections. Most directly, as can be seen in the quotes provided above, the *Rational Actor* and *Deterrence* models are invoked to reason that more surveillance and harsher punishment can improve the system and prevent crime. The *Retribution* model also supports this kind of thinking. When these models are combined with the assumption that current sentencing practices are light and treatment in prisons is cushy, it is relatively easy for people to conclude that reforms should centre on *more punishment*. Finally, the *Escalation* model further supports the 'more punishment' solution by promoting the understanding that petty crimes will escalate into more serious criminal behaviour without immediate and harsh intervention — especially in the case of children and first-time offenders.

**C. Standard Consequences.** Participants also advocated for standardising the consequences of criminal activity. Participants criticised, in particular, differences in sentencing based on idiosyncrasies between different judges. They also invoked a desire for standardisation when discussing differential treatment by socioeconomic class, geographic region and gender.

**Participant:** I think there should be more of a standard approach. Because in England, because of course we've got different areas, different distinct areas which represent different types of people. Looking at reports I've seen, I would want to see a bit more standardisation.

—

**Participant:** They should be fair on what judgment they give, what sentence they give. But I think that where we go awry in this country is that some judge will do, I don't know, two years or something, and this other one will say four. So there is disparity.

—

**Participant:** [Women should receive] same thing as a man. They should be punished. A crime is a crime. Even if they've got mitigating circumstances, crime is a crime as far as I'm concerned.

The public's desire for 'equal consequences and equal treatment' is primarily driven by the standardised version of the *Fairness* cultural model. In addition, the *Rational Actor* model also plays a powerful role in feeding this type of reform thinking. According to the public's logic, if consequences are absolutely clear and uniformly applied, then would-be criminals will make rational decisions about the weight of those consequences — leading them to conclude that crime 'isn't worth it'.

**D. Education and support.** Participants described two different ways in which education should play a role in reform efforts. First, they thought it was important for prisoners to have access to educational opportunities in prison as a means of rehabilitation. Second, they called for a greater emphasis on educating children about the consequences of criminal involvement, and supporting skill development so as to prevent children from engaging in criminal behaviour in the first place.

**Participant:** I think you've got to start talking about crime in school, which they are now doing. They've started it now in the primary schools and also in the high schools. They're talking about crime. They introduce it to the younger children in not sort of a hard way, but they explain to them that crime is wrong.

—

**Interviewer:** What are people supposed to do in prison?

**Participant:** I think they're supposed to learn skills. I think they're supposed to be educated. I think they should learn ... the prisons are full of people who have learning difficulties, have mental health issues. There's a lot really that still cannot read and write. Prisons are full of people who need help. They need to be educated. They need to be given skills. They need to be given opportunities to come out of prison and start contributing to society again.

—

**Interviewer:** What kind of programs would you have if you could?

**Participant:** Well, I think sport's a great thing. It's a really great way of kids setting off lots of steam, lots of energy and that's what I would do. I would have sports centres, but for teen-type things. You know, like flag-side

football. You know that kids really get together, have teams, really have that sort of, you-belong-to-the-team thing. Obviously there are things like that here now. I'm saying as community, so their parents would know that they are down there, they're doing things, there's different events going on or whatever. But there is actually somewhere for them to walk out the door to and somewhere where they can go to.

The desire for more education in children is driven primarily by the *Rational Actor* and *Social Proximity* models, which suggest that one of the ways to stop children from engaging in criminal behaviour is to educate them and expose them to positive influences — thus enabling them to make better choices and 'absorb' better behaviours. However, the *Rehabilitation* model also drives the suggestion for more education in prison. In fact, education is considered one of the main mechanisms by which rehabilitation can happen in prison.

**E. Alternative approaches and better rehabilitation.** Although many participants called for more and longer prison sentences, there was also a strong understanding that — especially for minor non-violent crimes — alternatives to prison are desirable. This pattern of thinking is driven by the public's recognition that prisons are expensive and overcrowded. Participants most often cited community service as an alternative to prison, but they also frequently mentioned tagging as a possible alternative. In addition, there was some discussion in the interviews of the importance of improving the rehabilitation services that are offered to those who do go to prison. To that end, participants suggested supports for offenders transitioning out of prison. These supports included job training and placement, therapeutic services, housing services, etc.

**Interviewer:** If you could change something about the prison system, what would you change?

**Participant:** Ooh, gosh. What would I change? Well, have less people in them. I'd go back to the community service thing. Tagging, community service, you know, if you are wearing bright orange or whatever you're the person, and people will know, you might actually then start thinking, 'Shit, now everyone knows I've done this. I don't want to end up doing this again'.

—

**Participant:** They need to understand the impact of the crime. We need to go back to that thing of, well, how does it affect people, and we said about fear and trust, and I think they need to hear that from their victims, and they need

to know that what they did affected somebody and how it affected them. They need to understand that.

**Participant:** When people come out of prison they need a lot more support. And they are looking into systems about mental rehab, because they'll just throw them out, no money, nowhere to live. Oh, and then you're surprised when they go and steal something again?

---

**Participant:** Invest more into rehabilitation. Make society more equal. Invest more into people when they're in prison, and support them more when they come out of prison.

Discussions about alternatives to prison were primarily driven by the more contextual understanding of *Fairness*. Employing this model, people were inclined to make allowances for unusual circumstances, non-violent offenders, first-time offences, etc. — and to recognise that prison sentences are not the only way to ensure that 'justice is done'. Participants also strongly invoked the *Social Proximity* model when assuming that offenders will most likely get 'better at crime' by going to prison.

Discussions of the importance of better rehabilitation were driven by the public's cultural models of *Rehabilitation*, and the understanding that services cannot simply end when someone is released from prison. In addition, participants drew on the *Social Proximity* model to reason that released offenders who are surrounded by negative influences and lack adequate support systems are highly vulnerable to reoffending.

### *Implications:*

1. *Public thinking about criminal justice reform is partially aligned with expert understandings.* Suggested reforms such as increased education and support for young people, alternatives to prison, and supports for those transitioning out of prison are largely consistent with parts of the expert untranslated story. To be sure, the public do not have the same level of understanding as the experts about *why* such reforms are likely to be effective. But even given this lack of causal understanding, participants were still able to arrive at ideas about ways to improve the criminal justice system that approximated those of experts.

2. *Selectively activate certain cultural models, and inoculate against others, to set up a more productive discussion of reform.* This analysis demonstrates the power of underlying cultural models to channel public thinking about criminal justice solutions and reforms in specific directions. This is, perhaps, the most important finding in this research: In strategically using frames, communicators have the power to bring some of these causal models to the forefront and, in so doing, to set up more productive ways for the public to think about how the criminal justice system needs to change. This research suggests that part of the strategy for reframing criminal justice issues will be to focus not only on solutions messaging, but also on the causal ideas that predispose people to think in particular ways about these solutions. For example, targeting *Rehabilitation* or *Social Proximity* models should lead to a more contextual understanding of behaviour and therefore increase support for a wide range of progressive policies — *both in criminal justice as well as other social issues*. In the same way, taking care to avoid cues for the *Rational Actor* model, or more fatalistic models (*Human Nature*, for example), will help communicators avoid the challenges that such causal models create for solutions-thinking. By targeting the underlying models that exist in public thinking, communicators can make a strong case as to why some solutions make sense.

# Mapping the Gaps and Overlaps in Understanding

The goals of this analysis have been to: (1) document the way experts who support reforms talk about and understand crime and the criminal justice system; (2) establish the ways that the public in England and Wales understand these same issues; and (3) compare and ‘map’ these understandings to reveal the gaps and overlaps between the perspectives of these two groups. We now turn to this third task.

Comparing the expert and public views of crime and criminal justice reform reveals significant gaps in understanding, as well as areas of overlap.

## Overlaps in Understanding

Research identified a set of overlaps between the ways that the general public and experts understand issues related to criminal justice. While these overlaps suggest ripe areas to explore in future reframing research, communicators should keep in mind that many of these high-level overlaps reveal, upon closer inspection, deeper conceptual gaps. That is, without careful attention to strategies for manoeuvring through public understanding, many of these overlaps can backfire and morph into conceptual gaps.

- 1. Preventing offending and reoffending.** Both experts and members of the public consider preventing offending and reoffending to be critical functions of the criminal justice system. Though there is a great deal of overlap on this issue, experts and members of public view *the ways* in which to achieve this goal somewhat differently. Experts focus more attention on using prison only as a last resort, while the public often employ a strong *Deterrence* model in which prison plays a prominent role.
- 2. Rehabilitation.** Both experts and members of the public stress the importance of rehabilitation in prison, emphasising that services and education for offenders are important. While the public locates rehabilitation efforts in prisons themselves, experts advocate taking a step back to think more broadly about what rehabilitation means, how it is measured, and how it can be most effectively promoted across *all parts* of the criminal justice system.



- 3. Contextual factors.** The idea that crime is related to contextual factors such as poverty, upbringing and social networks plays a prominent role in the way that experts and the public conceptualise why crime happens. However, while the public alternate between contextual factors and a *Rational Actor* model, the contextual focus dominates expert explanations. In addition, while public consideration of context is focused on why people commit crimes, experts not only talk about the contextual factors that contribute to crime, but also about how social disadvantage can shape a person's likelihood of coming into contact with the criminal justice system and of how individuals are treated within the system.
- 4. Alternatives to prison.** Experts and members of the public converge on the idea that alternatives to prison are desirable. However, experts argue that only a small fraction of those in prison actually need to be there. The public primarily focus on children when discussing the need for alternatives to prison, and this line of thinking is dwarfed by the more dominant view that offenders actually need *more* time in prison — not less.
- 5. Supporting children.** Both experts and members of the public agree on the importance of preventing children from committing crimes by providing education and positive support. However, alongside this line of thinking are strong public models that structure a 'nip it in the bud' philosophy in which minor infractions should be seriously punished so as to prevent the progression towards more serious criminal activity. Experts are unequivocal in their emphasis on the damaging effects that involvement in the criminal justice system can have on children, and suggest that all but the most serious offences should be dealt with outside of the criminal justice system.

These overlaps represent communications opportunities. These are conceptual areas where careful communicators can home in on the features of public understanding that align with expert messages and activate and strengthen these aspects of public understanding while simultaneously avoiding the potential of these overlaps to lose traction and slip into less productive cognitive territory.

## Gaps in Understanding

In addition to the overlaps described above, analysis revealed a clear set of gaps between expert and public understandings. Without careful and intentional framing, these gaps are likely to impede the public's ability to consider new and wider perspectives on criminal justice reform.

- 1. Purpose of the System: Too Punitive vs. Not Punitive Enough.** Perhaps the most significant gap between experts and members of the public stretches between experts' overarching view of the system as too punitive in its methods and approaches, and the public's belief that retribution and punishment should be the system's driving goals. Experts argue that programs and policies should be evaluated through a wider lens that includes goals such as preventing offending and reoffending, repairing harm, and improving public safety. They also emphasise that this perspective requires using evidence to inform reform efforts, rather than heeding political calls to be 'tough on crime'. Thinking with a certain constellation of their available models, members of the public see those 'tough on crime' policies not only as important for the purpose of retribution, but also critical to deterring future offending.
- 2. Most Salient Crime: Serious and Organised vs. Young and Reckless.** Experts argue that not enough attention is paid to preventing, stopping and remedying serious, organised crime, including white-collar crimes and fraud. These types of crime are highly salient to experts because they cause the greatest harm to the greatest number of people in society. For the public, on the other hand, the most salient forms of crime are petty thefts committed by young men in gangs.
- 3. Human Behaviour: Complex and Contextual vs. Rational Actor.** Experts consider the influence of many different factors on human behaviour, including structural inequalities, identity formation, social networks and early child development. While members of the public also consider contextual factors, they rely more deeply on a model of human behaviour in which choices — including the decision to commit a crime — are driven by an individual's rational and logical weighing of the relative costs and benefits
- 4. Prison and Crime: Causal vs. Deterrent.** Experts see a causal role for prisons in the commission of crimes, stressing that imprisonment — particularly short sentences for minor crimes — serves to increase the likelihood of reoffending. Experts therefore call for dramatically fewer people to be placed in prison. Meanwhile, the public view prisons as an important — maybe the most important

— deterrent, and reason that more prison for more people (longer and harsher sentences for lesser crimes) will lead to reductions in criminal behaviour by increasing the cost to would-be criminals.

5. **Treatment in Prison: More Rights vs. Fewer Rights.** Experts strongly criticise the way in which people in prisons are treated, with some arguing that harsh prison conditions constitute torture and others arguing that they violate basic human rights. The public, on the other hand, think that prisoners are afforded too many rights and that prison conditions are ‘cushy’, and therefore that they do little to disincentivise crime.
6. **Overall Perspective: Pragmatic vs. Fatalistic.** Experts approach criminal justice reform pragmatically. They understand how the system works, and they see how small changes can make big differences. The public, on the other hand, approach reform with a strong sense of fatalism. They despair that there is nothing that can be done to improve the system — and that even if reform were possible, policies and programs have little chance of reversing moral decline or changing human nature.
7. **Women in the System: Gender-Specific Approach vs. Exactly Equal.** Finally, many experts argue that women, especially mothers, should be given special consideration when they enter the criminal justice system. They claim that women who end up in the system are almost always victims and should be treated as such. In addition, they argue that punishing mothers without taking into account their parental role in effect punishes the child, as well, and sets that child up for sub-optimal development. The public, on the other hand, employ a strong *Standardised* version of *Fairness* to argue that women should get the same considerations and treatment as men.

## Conclusion: Of Two Minds

This report lays out the challenges that communicators face in moving public thinking on crime and criminal justice reform. The most pressing challenges in this work are the deep assumptions about rationality, retribution and deterrence that prop up and support public calls for a more punitive system. These models are highly accessible and familiar — and yet unproductive for those working to improve the functioning of the criminal justice system and to align the outcomes of this system with our larger goals for society.

While these features of public understanding present serious challenges for communicators, other areas of public understanding hold the key to fostering a more productive public dialogue about criminal justice reform. Alongside the more punitive models, this research shows that members of the public have ways of thinking about crime and criminal justice that allow them to see the need for progressive reform. Models that highlight the importance of rehabilitation, and make people aware of the role that context plays in causing crime, are promising tools for strategic reframers. If communicators can find effective ways of triggering these models — and do so consistently and persistently as a field — they will increase the public’s receptiveness to, and support for, the changes required to create better criminal justice systems in England and Wales. In these ways, the research presents a challenging, but optimistic, picture for those working to prevent crime, improve the safety of society and create better outcomes for all citizens.

The co-existence of punitive models alongside those that open up productive consideration of progressive reforms suggests two major framing strategies that emerge from this research. First, communicators can be successful in giving the public access to new ways of thinking about criminal justice by employing strategies that *push* unproductive models (the *Rational Actor* model, for example) to the cognitive background, while *activating* and *pulling* more productive perspectives (the *Social Proximity* model, for example) to the forefront, where such perspectives can be used to process information, form opinions, and reach decisions about policy and solutions. Attention should be paid to developing the best strategies to orchestrate this framing manoeuvre.

The second strategy relates to the finding that members of the public in England and Wales are largely approaching these issues through the lens of retribution and deterrence rather than increasing public safety, repairing harm, and preventing offending and reoffending. A key part of the larger reframing strategy will be to conduct research on values, metaphors and other framing tools that can help reorient the public to these more productive goals.

This work will require providing communicators with tools that they can use to further develop and clarify the causal mechanisms that members of the public use to think about crime and criminal justice. These reorienting and causal tasks must be priorities for future prescriptive reframing research.

Despite the need for empirical prescriptive work, this research has produced the following communications recommendations:

1. Cue people's existing understanding that poverty and crime are linked, and build a more concrete understanding of the connections between these concepts (for example, explain how poverty not only shapes who commits crimes but whether a person who commits a crime is likely to come in contact with the criminal justice system and how the system is likely to deal with an offender). This strategy will improve people's abilities to reason about, and evaluate, future policy proposals.
2. Invoke the *Social Proximity* model and harness its ability to create the understanding that people are open to the influences and contexts that surround them. Leverage this understanding to explain the importance of improving environments and contexts in order to improve outcomes. Invoking this model can also help communicators message about the dangers of short prison sentences and the benefits of positive supports for young people and for at-risk adults.
3. Avoid triggering the *Moral Breakdown*, *Pressure Cooker* or *Human Nature* models, in order to steer clear of fatalistic judgments about whether meaningful improvements to the criminal justice system — and the outcomes it shapes — are possible.
4. Be careful not to unintentionally invoke the *Rational Actor* model. For example, do not use myth/fact constructions that attempt to explicitly argue against the validity of this way of thinking about human behaviour. Such constructions will only activate the model and encourage people to apply it in their thinking.
5. Be careful when invoking *Fairness*, as this value can slide in very unproductive directions. If *Fairness* is used, communicators should be very careful to activate the more productive, context-based version of this value and be careful to avoid the *Standardised Fairness* concept.
6. Don't assume that the public shares expert perspectives on the goals of the criminal justice system. Instead, explain reforms in reference to specific goals, such as increasing public safety, repairing harm, and preventing offending and reoffending.

7. Leverage the overlaps by anchoring communications around which there is solid expert-public alignment:
  - Talk about crime prevention through the provision of support.
  - Talk about the power of effective rehabilitation services to improve outcomes.
  - Talk about the role of context in shaping behaviour.
  - Talk about the importance of using alternatives to prison in creating a system that actually improves the public's safety and the lives of all of its citizens.
  - Talk about the ability of programs to improve the lives of children and young people, and the power of support in this period of life to change long-term outcomes.
8. When discussing the goals for the criminal justice system, focus on rehabilitation and improving outcomes rather than on retribution and deterrence.
9. Expand on people's thinking about the importance of supporting children through activities and programs, to discuss more broadly the importance of support for *all* people — through access to services such as family and community supports, mental health services, and high-quality addiction treatment programs.



## About the Institute

The FrameWorks Institute is an independent nonprofit organisation founded in 1999 to advance science-based communications research and practice. The Institute conducts original, multi-method research to identify the communications strategies that will advance public understanding of social problems and improve public support for remedial policies. The Institute's work also includes teaching the nonprofit sector how to apply these science-based communications strategies in their work for social change. The Institute publishes its research and recommendations, as well as toolkits and other products for the nonprofit sector, at [www.frameworksinstitute.org](http://www.frameworksinstitute.org).

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, without the prior permission of FrameWorks Institute.

Please follow standard APA rules for citation, with FrameWorks Institute as publisher.

Baran, M., Kendall-Taylor, N., Lindland, E., & Haydon, A. (2014). *'Like a holiday camp': Mapping the gaps between expert and public understandings of criminal justice and criminal justice reform in England and Wales*. Washington, DC: FrameWorks Institute.

© FrameWorks Institute, October 2014.

# Endnotes

<sup>1</sup> Holland, D., & Quinn, N. (1987). *Cultural models in language and thought*. New York, NY: Cambridge University Press.

<sup>2</sup> Glaser, B.G., & Strauss, A.L. (1967). *The discovery of grounded theory: Strategies for qualitative research*. Chicago, IL: Aldine Publishing.

Strauss, A.L., & Corbin, J. (1990). *Basics of qualitative research: Grounded theory procedures and techniques*. Newbury Park, CA: Sage Publications.

<sup>3</sup> See Quinn, N. (Ed.). (2005). *Finding culture in talk: A collection of methods*. New York, NY: Palgrave Macmillan.

<sup>4</sup> Experts explained that they don't think of the criminal justice system as a unified system, but rather as a process in which people interact with multiple interwoven systems. As such, we will use the term "criminal justice system" with the understanding that it is a shorthand for a much more complex process.

<sup>5</sup> This finding is interesting in light of research that FrameWorks has conducted in the US on public safety and criminal justice reform. The US research has found a very different prototype of crime at play in the way that Americans think about crime. In the US, the prototypic model of crime is serious violent crime — shooting and murder.

<sup>6</sup> However, drug use did appear in our data when people were asked to reason about why people commit crimes. In response to these causal questions, participants frequently explained that one reason crimes are committed is that people dealing with addiction often resort to stealing in order to buy substances.

<sup>7</sup> An interesting note of cross-cultural comparison is that, in FrameWorks' US research, this model was rarely observed and, instead, the individualistic *Rational Actor* model, which was also observed in the UK research, dominated the thinking of Americans about the causes of crime.

<sup>8</sup> Kendall-Taylor, N., & Haydon, A. (2013). *Plasticity's promise: Moving public thinking beyond the container and other unproductive models: Mapping the gaps on developmental plasticity*. Washington, DC: FrameWorks Institute



<sup>9</sup> The *Rational Actor* model was observed in FrameWorks' US research on criminal justice, where it was the dominant way in which Americans reasoned about the causes of crime. It is interesting to note that, while this model is certainly present in the UK context, it is neither the only nor the most dominant way that people have for explaining the causes of crime.

<sup>10</sup> This understanding was much more frequently applied in the UK than it was in our work on criminal justice in the US, where retribution and deterrence were the main ways in which people thought about the purposes of the criminal justice system.