

**Transform
Justice**

**Reframing crime and justice
– a handy guide**

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Introduction

People's reactions to communications about criminal justice are guided by a set of strong beliefs about why people commit crime and how to reduce crime. These beliefs affect everyone, are deep seated, strong, and sometimes contradictory. We are unlikely to fundamentally change people's beliefs, but we can change their appetite for progressive reforms by triggering some beliefs and avoiding engaging with others.

This guide is based on research (<https://goo.gl/FREnW8>) done by the FrameWorks Institute on behalf of Transform Justice, the Criminal Justice Alliance, Clinks and the Standing Committee for Youth Justice. The project has been supported by the Paul Hamlyn Foundation.

Try not to trigger these beliefs

Crime is an individual, rational choice

The belief that those who commit crime are “rational actors” is powerful. People think that crime is committed by those who logically weigh up the chances of being caught, and the punishment that would follow, against the potential benefit of committing the crime. If this belief is triggered, people will exclude social and health factors as drivers of crime, since they will be focussed on individual motivation. The words agency, choice and personal responsibility are all likely to trigger this belief. Avoid these words, and be wary of framing any case study to suggest that the individual got into and out of trouble totally of their own volition.

Deterrence

If you believe people decide whether to commit crime by considering the punishment that would be meted out to them if caught, you are also likely to believe in deterrence. People think that the prospect of punishment prevents people from committing crimes, and from reoffending. Triggering people’s faith in deterrence will lead them to call for harsher and more “consistent” punishment, since that would provide a strong incentive against committing crime.

An eye for an eye – uniform fairness

Fairness can mean treating everyone in the criminal justice system the same. People have a firm belief in an eye for an eye – that “the punishment should fit the crime”, not be flexible according to context. They worry that too many people avoid the correct sanction, and that those contemplating crime need to know exactly how they will be punished if caught. If this belief in “uniform fairness” is triggered, people find it hard to understand why women should be treated any differently to men (equality for them equates to equal and consistent treatment), or why any sentence should be subject to mitigation.

Punishment

The criminal justice system is there to punish criminals and to deliver retribution – to satisfy society and victims’ desire for revenge. This is a strong belief which underpins support for harsher punishment, and for imprisonment. For many, punishment is the primary purpose of the criminal justice system. There are two ways to deal with the belief in punishment.

1. Do not refer to punishment as a goal of the system
2. Tackle the belief head on by explaining why harsh punishment does not reduce crime.

Avoid saying “punishment like prison is right for those who commit serious crimes, but not for more minor crimes”. Such mixed messages simply strengthen the belief that punishment is the primary purpose of the system and reduces crime.

Human nature and moral breakdown

Many people think that some people are just bad, that it is in their nature to commit crime, and that nothing can be done to reform bad people. Some blame moral breakdown for this badness. They think moral standards are declining, and people no longer know right from wrong. Avoid any implication that a propensity to commit crime is innate, genetic or runs in families, and any support for a decline in morality.

Fatalism

The beliefs that some people are bad and that moral standards are declining, feed another strong belief – fatalism. Its commonly thought that people will always commit crime, and there is little government or society can do to reduce crime. Communications that dwell on the problems of the criminal justice system, but do not suggest solutions, will trigger fatalism.

Crisis

The media often talks about crises, in the health service, in housing, in war torn countries and, latterly, in prisons. Unfortunately talk of crisis triggers fatalism – if things are that bad, there is probably little that can be done to improve things. Don't refer to what is happening in the prisons, or the criminal justice system as a crisis and try not to use alarmist language. Do talk about problems, but always in a measured way.

Beliefs we want to trigger

Crime has societal causes

People do understand that being poor can lead people into crime, either because they need to steal to survive, or because they are encouraged to want unattainable “nice things” by our materialistic culture. People also understand that if someone is surrounded by people who commit crime, they are more likely to commit crime. Conversely, if someone has a positive and supportive environment with good role models, they are less likely to commit crime.

It is worth supporting these beliefs since they help people understand that there are societal (not just individual) drivers to crime.

Contextual fairness

The “eye for an eye” idea of fairness is unhelpful. But people can also think about fairness in “contextual” terms ie take into account someone’s upbringing, health and social background in thinking about how the justice system should deal with them. Trigger this “contextual” belief in fairness by describing the background of those who commit crime, and the actual circumstances of the crime.

Rehabilitation

The public supports rehabilitation as one of the purposes of the criminal justice system. It is not as strong as the beliefs in punishment and deterrence, but can be triggered. Rehabilitation is usually viewed as providing prisoners with an education and job skills, to help them rebuild their lives on release. Focus on rehabilitation in prison, and in the community.

Alternatives to prison

These are definitely not top of mind but can be triggered. People can see that, given the conditions in prison, alternatives for those who commit less serious crimes are worth considering. People also understand that those who are imprisoned may learn “bad lessons” from others in prison. This does not mean we should say “those who commit serious crimes should be punished in prison”, but that we should promote alternatives to prison.

Summary of key criminal justice beliefs

What is crime?

Violation (Property or Person)

Prototype = Petty Theft

Prototype = Young and Reckless

How should the system be improved

Fatalism

More Punishment and Surveillance

Standard Consequences

Alternatives to Prison

What causes crime?

Poverty → Theft

Rational Actor

Social Proximity

Moral Breakdown

Escalation

Human Nature

What does the system do?

Deterrence

Retribution

Segregation

Fairness (Standardisation; Context)

Rehabilitation

Every communication needs to hook people with a reason to go on reading or listening – a value

Not any value will do. We have tested different values which could be used to engage people in criminal justice communications. Some are very ineffective.

Don't use cost saving to get support for criminal justice reform. If you say "use alternatives to prison because they are cheaper than prison", people react against the idea. You can explain later on that X reform would be cost-effective, but don't use this as your main argument.

Three values get people interested in criminal justice, and engaged in reform. These values can be used (in your own language) to increase buy-in for your communication:

1. National Progress

The story you're telling with this value is that criminal justice reform is necessary to move our country forward, because less crime and more productive members of society will contribute to our social and economic progress.

Our outdated criminal justice system is holding our country back. We need to make changes to this system that will allow us all to move forward. Creating a criminal justice system that can improve outcomes for our communities and our country is one of the keys to moving forward and making progress as a society.

2. Problem-solving

This value suggests that there are feasible, pragmatic solutions we can use to improve our criminal justice system, and doing what the evidence shows us will work to reduce crime is smart and practical.

We need to use a common-sense, step by step approach to solving problems and improving our criminal justice system. This means clarifying goals and establishing a set of things that we want the system to do, and then

creating a criminal justice system that is aligned with these goals. If we focus attention on creating a step-by-step plan for solving problems, we can decrease crime and improve public safety.

3. Human Potential

The value of human potential is about a criminal justice system that works to ensure everyone has the opportunity to achieve their potential, so they can contribute to our society.

Changing the way our criminal justice system works is one way of making sure that all members of our society can reach their potential, and contribute to their communities. This means giving people the support they need to stay out of trouble in the first place, and dedicating resources to rehabilitation for those who have committed crimes, so they can add value to society rather than detracting from it.

Tell a story

In all communications try to explain why the issue matters, what the issue/problem is, and what we can do about it. In explaining what the issue is and the solution, use one of the following tested metaphors, as well as facts and anecdotes.



1. Crime current

Prisons sweep people into a powerful stream of crime from which it is difficult to escape. We need to keep people out of this current of criminal behaviour in the first place, and guide them to safer, more stable shores



2. Dead end

When people go to prison, they are on a dead-end road and have no way to get back to a productive life. Prison is a dead end. We shouldn't use prisons as a dead end. Instead we need to build paths that lead those who commit crime to better outcomes; paths that will take them and their communities to better places



3. Justice gears

Just as a bicycle works best when it uses the right gear for the terrain, our criminal justice system should use different resources for different situations, using the lowest gear possible for maximum effectiveness.

So how would a communication using all these suggestions look like? Here's an example

Keep Calm and Carry On. It's one of our most famous dictums, and it reflects our country's long-standing reputation for cool-headed, pragmatic, step-by-step approaches to problem solving. We need to take this approach to solve a growing problem in our criminal justice system: an over-reliance on harsh punishments, and on prison in particular. The good news is that we can use good, old-fashioned common sense to solve this problem.

A common-sense approach, of course, is grounded in evidence. Studies show that prison does not deter crime, and that prisoners often leave with more severe problems than when they entered. People are, in fact, often more likely to reoffend after leaving prison, not less. Why? Because prison is like a raging river that channels people into lives of crime. Fighting its muscular current requires the kind of super-human strength that most of us lack.

We don't have to throw everyone involved with the criminal justice system into this strong current, nor should we. We can, for example, enrol people convicted of crimes into job training, anger management, and psychological counselling programmes. These types of community programmes are more likely to channel people to safer shores and healthier, more productive, and crime-free lives. We need more community sentences, and fewer prison sentences, to reduce crime and improve public safety. It's just plain common sense.

How do this issue work? What keeps it from working?

Why does this matter?



To reach our society's potential we need to provide the supports that help everyone to contribute.



We need common sense, practical approach to criminal justice reform.



Our national progress depends on changing our criminal justice system so it works to improve the strength of our communities.



Sending people to prison for minor crimes is like pushing them into a powerful current that sweeps them further into crime channels.



Prison is a dead end that stops people who have committed minor crimes from moving forward into a more productive life.



Just as a bicycle works best when it uses the right gear for the terrain, our criminal justice system should use different resources for different situations, using the lowest gear possible to be most effective.

The Do's and Don'ts of effective communication about crime & punishment

Do

Always tell a story starting with explaining why it matters, then what the problem/issue is, and what we can do about it

Talk in plain English. Use the words crime, prison and refer to someone who has committed a crime.

Hook people in with a value: either national progress, human potential or problem solving

Use the channeling crime metaphor to explain how punishment fails to reduce crime and is ineffective in increasing public safety

Use the Prison Dead End metaphor to explain how prison limits opportunities

Explain why justice approaches that rely on punishment (particularly prison) are ineffective

Use the Justice Gears metaphor to help people think about alternative solutions

Don't

Dwell on problems and crisis (fatalism) or present solutions without a clear explanation of the issue

Avoid jargon like offender, reoffending, custody, desistance and recidivism. Even rehabilitation needs explaining

Assume people understand or care about the criminal justice system, nor that they are motivated by its cost

Talk about individual choices or decisions, or use case studies which suggests crime or desistance are individual choices

Use facts and statistics on their own

Don't say punishment is an effective response in cases of serious crime

Suggest that approaches and sanctions should be standardised – an "eye for an eye"

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