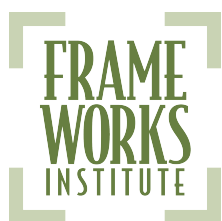




# Reframing Crime and Justice in England and Wales

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Executive Summary



**Transform  
Justice**

**Criminal  
Justice  
Alliance**



NOVEMBER 2014

## EXECUTIVE SUMMARY

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“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.”

– David Cameron

Those in the criminal justice sector in England and Wales have long tried to change the political and public debate about crime and justice. But members of the public and policy makers continue to make comments which suggest that the sector has had limited success in communicating its agenda. The new science of reframing, based on the cognitive and social sciences, offers a fresh and potentially more effective way for the sector to communicate.

To make sense of issues of criminal justice reform in England and Wales, people use deeply held assumptions about why crime is committed, the purpose of the criminal justice system, and how this system should be changed. All communications about criminal justice (whether from government, voluntary sector campaigners or the popular media) contain cues or ‘frames’ that advertently or inadvertently activate some of these shared ways of reasoning and deactivate others, leading people to think about issues in certain ways.

Anthropologists call these deeply held, highly shared but frequently implicit ways of understanding, *cultural models*.<sup>1</sup> The emphasis on choice in Cameron’s statement, for example, is a powerful cue for a shared cultural model in which people assume that crime is the result of logical decisions that individuals make after rationally weighing the costs and benefits of an action. Once cued, this cultural model shapes what people think about the most effective ways of addressing crime—in this case, that harsher sentences and harder conditions in prison would deter individuals from “choosing” to commit crime. This “rational-actor” way of thinking about the cause of crime and the corresponding punitive perspective on how best to address crime, make it hard for people to see and consider *structural* causes and *policy* solutions to criminal justice issues.<sup>1</sup>

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

In an innovative communications research project, called **Reframing Crime and Justice**, we have mapped the similarities and differences between the messages that experts and advocates wish to communicate about criminal justice, and the ways that members of the 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. At times, their thinking aligns with those in the sector – for example, supporting efforts to reduce poverty as a way to prevent crime, or focusing on the need for better rehabilitation services so that offenders can more successfully re-integrate into society. However, these productive ways of thinking are often overshadowed by other cultural models that lead people towards very different perspectives and ideas about addressing crime—including highly punitive ways of reducing crime or a sense that little can (or should) be done to improve public safety.

This research shows that people think in complex ways, often holding conflicting beliefs at the same time—for example reasoning that there are structural-level class biases in the way that the system deals with crime and simultaneously holding individuals almost exclusively responsible for addressing issues of public safety. Because people have multiple ways of thinking about this issue, frames are powerful tools in selectively activating some ways of thinking, pushing others into the background and shifting public understanding to create a wider and more productive conversation about how best to deal with crime and the well-being of all members of society.

The first step in effectively framing this issue is for communicators to know what they are up against in public understanding, and to be aware of how various ways of framing the issue affect thinking about and support for key reforms. With detailed knowledge of patterns of public thinking, communicators can be strategic with their messages. This research provides this important first step.

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 was sponsored by the Paul Hamlyn Foundation and is part of the larger **Reframing Crime and Justice** (RCJ) collaborative. The project aims to design and test communication strategies that can be used to generate broader public support for actions and policies that would prevent offending and reduce 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, Reframing Crime and Justice will develop a practical, evidence-based communication strategy. This strategy can be used to foster a deeper public understanding of, and more productive discussion about, crime and criminal justice in England and Wales.

This research gives the sector important insights into the gaps between the public's understanding of crime and justice, and the ways that those in the sector think about this issue. This year we hope to complete the next stage of the Reframing Crime and Justice project and quantitatively and qualitatively test framing tools—including values, metaphors, messengers, and facts—in order to give communicators a tried and tested “toolkit” of frames, and insights into how they should be presented.

## What Does the Criminal Justice Reform Sector Want to Communicate?

While the criminal justice voluntary and academic sector is by no means homogenous, there is broad consensus across around a set of evidenced based principles. The FrameWorks Institute set out to distil those principles by:

- Interviewing a cross section of experts on criminal justice issues from academia and the not for profit sector
- Analysing the common principles from these interviews and synthesising them into a set of messages that, together, comprise the *ideas that criminal justice experts and advocates want to communicate to policy makers and members of the public*—what we refer to as the “untranslated story” of criminal justice reform.
- Collecting feedback on this untranslated story through a series of workshops with representatives from the sector and an advisory panel

The following graphic depicts the main points from the expert story of criminal justice that was developed through this process. This untranslated story represents views common to many in the sector about what the criminal justice system is for, and how it could best be reformed.

## What the Criminal Justice Sector Wants to Communicate About Reform of the System

### Untranslated Expert Story of Criminal Justice Reform in England and Wales

#### 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.
- Sentencing and imprisonment are demographically uneven.
- The system is overly punitive.

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

- Not enough focus on prevention; CJ system used as a stand-in for other social services (mental health, education, etc.) so that the CJ system catches people after other systems fail.
- Not enough focus on repairing harm done to individuals, families and communities.
- Inadequate 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 that a person will commit crime, especially in the case of children.
- Racial bias in policing and sentencing.

#### 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, not for minor crimes and offenders; increase use prevention, diversion and alternatives such as community sentences.
- Disclose criminal justice records only if relevant.
- Increase diversity of those working in the criminal justice system.
- Prioritise evidence and data over political whims.
- Increase the transparency and openness of the process and assure respect for all those involved with the criminal justice system.

## What the Public Thinks About Criminal Justice and Reform

Whereas typical communications research records what people say and documents opinions, the one-on-one cultural models interviews used in this project focus on the *deep and shared patterns of thinking—the cultural models—that lie behind and structure the ways that people talk about these issues*. This approach allows us to understand why people say what they do about criminal justice issues and how different ways of communicating affect public understanding and shape attitudes about criminal justice and reform.

Below we describe the cultural models that emerged from this research.

## *What is Crime?*

**The Violation Cultural Model:** The public associates crime with the violation either of property or people, with the violation of property (theft, criminal damage) being seen as less serious.

*"I think sometimes (sentencing) 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"*

Based on this way of defining crime, violent crime is considered most serious and drug use does not fit neatly into people's most top of mind way of understanding crime.

**The Young and Reckless Cultural Model:** The dominant picture in people's heads of who commits crime is of reckless teenagers in gangs.

*"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"*

The implications of these cultural models are that:

- People are likely to be receptive to the government dealing with drug use in a different (possible non-criminal) way.
- People find it hard to understand the severity and harm caused by non-violent crime, for example by organised crime or online fraud.
- The image of who commits crime reinforces negative stereotypes about children and young people and leads to regressive stances on how to respond to crimes committed by young people.

## *The Causes of Crime*

**The Rational Actor Cultural Model:** People have a deep understanding that crime is the result of rational choice. In 2012 David Cameron said "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." This deep understanding that criminals make rational, logical and calculated choices about their actions was apparent across our interviews and interviewees continually explained that crime is the result of people carefully weighing the benefits of committing a crime against the possible sanction if caught. From this position, interviewees reasoned that ramping up sanctions—affecting the cost component of the decision-making process—is the most effective way to reduce crime.

**The Poverty → Theft Cultural Model:** People associate crime with poverty. They understand that need can drive crime—especially theft. People also have a deep understanding that inequality is related to crime - that society has created the desire for “nice things” and high expectations for material goods which, in turn, drives crime.

*“A lot of people are just trying to survive, trying to live, trying to pay...and trying to keep up with the neighbours because everyone wants everything”*

**The Social Proximity Cultural Model:** People understand that individuals are strongly influenced by the behaviour of their peers and family. They have a deep awareness that people, particularly children and young people, are open to influence and “absorb” and adopt the behaviours of those physically around them.

*“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 who do crime”*

**The Moral Breakdown Cultural Model:** Interviewees also held a common understanding that crime is caused by a general moral breakdown and that there is a trend in society towards lower moral standards and a lack of understanding of right and wrong. This explains the general belief that crime is worse now than in the past.

*“I think morality is at an all-time low. People do terrible things all of the time and if they think they can get away with it, they don’t care”.*

**The Pressure Cooker Cultural Model:** People also think that population density can cause crime. They associate people living in urban environments characterised by crowding and lack of ample personal space with tension and stress that “boils over” and leads to crime – particularly fights and assaults. Where people from different races and ethnicities are in “the pressure cooker”, crime is the result of tensions boiling over.

*“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”.*

**The Escalation Cultural Model:** Interviewees shared the understanding that once you commit one crime, you are more likely to commit another. Interviewees felt that small transgressions lead to more serious crime, particularly in the case of children and young people. The implicit assumption is that, if uncorrected, people learn that they can get away with criminal activities and their criminal behaviour gets worse and worse.

*“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”*

**The Human Nature Cultural Model:** The assumption that people are naturally violent, jealous and greedy also shaped the way that interviewees talked about crime and justice. People reason that crime is a product of more negative aspects of human nature. This

leads to fatalism about crime and crime prevention—according to this thinking, if crime is a result of human nature, there is little that can be done to reduce or prevent it.

*“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”*

## *What the Criminal Justice System Does or Should Do*

When people hear about the criminal justice system they mainly have an image of police, courts and prisons. They have a number of different ideas on the purpose of the system.

**Retribution:** For many, the primary purpose of the system is to ensure that people who commit crimes are *punished*.

*“The criminal justice system is really there ...it’s in place really to actually punish criminals”.*

**Deterrence:** Interviewees felt that the criminal justice system was there to *deter* people from committing crime. They argued that long sentences and harsh conditions in prison are critical because they reduce the likelihood of reoffending and might even prevent crime if they are known by-would-be offenders. Interviewees often characterised prison as a “holiday camp”.

*“Say they are a regular burglar or they regularly sell weed or they sell drugs. Next time, if they get a 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.””*

**Fairness:** Some interviewees felt the criminal justice system was there to deliver fairness but this assumed role of the system was less dominant than retribution or deterrence. There were two different forms of fairness that were evident in how interviewees talked about the criminal justice system. The most discussed was “standardised fairness”. According to this way of thinking, everyone should be treated the same way, and get the same punishment for the same crime. The other version of fairness is contextual. According to the contextual understanding of fairness, the criminal justice system should take into account the unique factors and circumstances of the crime and the offender before deciding on the punishment.

**Segregation:** Another critical function of the system, according to interviewees, was to *separate* violent criminals from the general population. Implicit in this model is the assumption that violent criminals cannot be rehabilitated and therefore must be removed from the population.

*“There is nothing you can do to keep the public safe because there are criminals everywhere....most people who commit crimes, you let them out and then they walk up to somebody in the street and just stab them”.*

**Rehabilitation:** Many interviewees also believed that rehabilitation is an important function of the criminal justice system. They associated rehabilitation with prisons. Thinking in this way, interviewees talked about how prisons should be places where offenders receive an education and develop skills that will help them get a job and prepare them for life outside of prison.

*“They need to be having the kind of life where they have a purpose to their day and where they are learning skills... Then you’re preparing people for life outside of prison”.*

## Gaps and Overlaps

This analysis of the expert and public’s understanding of what the criminal justice system is, what causes crime and how it is best addressed reveals significant gaps as well as some areas of overlap.

The areas of overlap are the following:

1. Experts and members of the public think the criminal justice system should **prevent offending and reoffending**, though there are differences in how they think this should be achieved and the degree to which they see prevention as a feasible goal.
2. Experts and members of the public think **rehabilitation** is an important function of the criminal justice system.
3. Both groups understand that **context** plays a part in criminal behaviour, though, for the public, this way of thinking is often drowned out by a more dominant understanding that crime is more narrowly the result of individual rational decisions and choice.
4. All agree that **alternatives to prison** are desirable, but the public and experts disagree on how effective non-punitive measures are, and how much they should be used.
5. Experts and members of the public agree on the need to prevent children from committing crime by **providing education and positive support**, though the public also thinks minor infractions should be “nipped in the bud” through severe and immediate punishment.

The most significant gaps in understanding are about:

1. How punitive the system should be
2. What the most salient crimes are
3. Whether criminal behaviour is the result of context or individual choice

4. Whether imprisonment deters people from committing crime
5. Whether prisons are too harsh or too “easy”
6. If the system can be reformed or not
7. Whether all those in the system should all be treated and punished in the same way

These gaps represent opportunities for strategic communications and framing. If they can be bridged, members of the public will be able to access new perspectives and bring new information to their understanding and discussions of criminal justice reform. This is a vital step in expanding the public discourse and creating support for the reforms that are necessary to increase public safety in England and Wales.

## An Emerging Framing Strategy

Deep cultural models of humans as rational actors and of the system’s purpose as being to punish and deter crime constitute the most serious challenges for those in the voluntary sector communicating about criminal justice reform. But despite this toxic mix of cultural models, there is an alternative set of understandings that provide opportunities for communicators. To be successful, communicators will have to employ strategies that push unproductive models to the background of people’s thinking, and activate and pull more productive perspectives to the front of people’s minds. This is the essence of a strategy for reframing criminal justice issues in England and Wales.

The research described here suggests the following initial recommendations:

**1. Link social networks and contexts to crime.** People have a deep understanding that individuals are open to influence and are likely to adopt the behaviour of those around them. This understanding is particularly strong in its use for thinking about young people, and those released from prison. Communicators should use this understanding by focusing on making these connections explicit and concrete in their messages.

**2. Link poverty and crime and explain the connection and implications.** People are able to understand that poverty can be a factor in offending, though they do not have a deep understanding of the connection. Communicators should provide members of the public with evidence and examples of *how* poverty can increase the likelihood of crime. This will increase people’s ability to see the importance of addressing wider social issues in creating a more effective system.

**3. Be careful when using the term “fair.”** Do not use the concept of fairness in the context of standardising treatment and punishment—this invokes a punitive mind-set and hampers people’s ability to think about the importance of discretion and flexibility in sentencing and other reforms. Instead, use fairness to help people see the importance of

considering the background and mental health of the offender and the circumstances of the crime in deciding the right treatment and punishment. This will help tune people in to the importance of context in considering the causes of, and most effective responses to, crime.

**4. Explain how successful rehabilitation makes society safer.** There is some evidence of support for rehabilitation among the public. But people need help imagining how changes will affect and improve outcomes. Communicators can address this need by providing examples of *how rehabilitation works* and of the ways in which it leads to better outcomes for individuals and society.

**5. Talk about how community alternatives to imprisonment make rehabilitation more successful (and so society safer).** Careful explanations that show how alternatives to prison improve outcomes (i.e. how different actions result in better outcomes) can not only increase support for such policies, but they can help reframe the purpose of the criminal justice system—moving from people’s dominant understanding that the system’s primary purposes are punishment and deterrence, to a way of thinking about the system as making society safer and improving the well-being of all citizens.

**6. Focus on the importance of supporting children and offering them programmes and activities that reduce their likelihood of offending.** Research suggests that this will be an effective strategy and can even be used to show that support (family, mental health, drug addiction) is necessary in improving outcomes for adults as well.

**7. Do not use references to people “choosing” or “not choosing” to commit crime through weighing up the potential gain against the chance of being caught and punished.** Many members of the public believe that people consciously and rationally choose to commit crime. Any reference to this, even an attempt to argue against it, may inadvertently reinforce this view.

**8. Do not refer to *deterrence* or *retribution* as goals of the criminal justice system.** These functions will cue unproductive ways of thinking that will impede public engagement in other functions and goals of the system.

**9. Do not inadvertently associate crime with moral decline or innate human nature.** Such discussions have the potential to trigger a fatalistic worldviews in which any kind of action is pointless. This way of thinking depresses support for reforms and dampens efficacy.