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Talking Criminal Justice and Public Safety:

A FrameWorks Message Memo

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Introduction

“So justice is a difficult and at times an uncertain concept. It is probably for this reason that the story is sometimes told of a young attorney who once made a legal argument before Oliver Wendell Holmes, Jr., one of the most famous judges in American history. When the attorney proclaimed that justice favored his client and that justice called for his client to be freed, Holmes responded ‘This is a court of law, young man, not a court of justice.’ While this exchange may never have actually happened, it does reveal the tension between law and justice, and the importance of knowing the difference between the two.”¹

– Buckner F. Melton, *Criminal Justice: The Law*

Criminal justice reform advocates are cautiously optimistic that their day in court may have arrived at long last. “Decades after the start of the so-called ‘tough on crime’ era, the U.S. slowly seems to be inching away from the failed policies that have made it the world’s largest incarcerator,” writes Rosenberg Foundation President Tim Silard in the Huffington Post.² With top leadership at the Department of Justice pushing for sentencing reform, a growing number of states closing prisons in favor of treatment and prevention programs, an unlikely bipartisan coalition of elected officials in Congress supporting reductions in our prison population, and a long-awaited report on mass incarceration due from the National Academy of Sciences, the field appears poised to advance progressive reforms in criminal justice policy and practice at both the state and federal levels.

Even with the stars seemingly aligned, however, achieving comprehensive and systemic changes to our criminal justice system will be a monumental challenge. As Harvard sociologist Bruce Western has written, “If the prison boom was indeed produced by a historic collision between the jobless ghetto and a punitive politics of civil rights backlash, retreating from mass incarceration will involve equally fundamental shifts in politics and economics.”³ Whether the moment for transformational change will be realized depends, to a significant degree, on the framing of a new discourse, social movements scholars tell us.⁴ And, advocates will need effective and compelling public messages that are consistently communicated by the broadest possible coalition of individuals and organizations. Indeed, the communication strategies used by advocates of reform will determine whether this current window of opportunity results in modest incremental changes, or in the “fundamental shifts” that Western notes.

The ways these issues are framed to the public will “make it possible for some things and not others to happen.”⁵ Racial disparities in the criminal justice system provide a case in point. For years, advocates have received confusing, often contradictory guidance as to how and when to raise issues of race in the context of criminal justice reform. Yet, unless the stark racial disparities that characterize our current system are addressed, it is unlikely that any reforms achieved will fully treat the disproportional impact of current criminal justice policies on communities of color. To date, there have been few empirical studies based in rigorous and sound methodology to guide those framing a new narrative to choose wisely among discursive options.

The FrameWorks Institute was tasked with providing a communications strategy for understanding and responding to the needs, challenges and necessary reforms of America’s criminal justice systems.⁶ To achieve this goal, the FrameWorks Institute conducted a series of multi-method studies comparing expert views to public understandings, and experimenting with alternative approaches to framing these issues that better align public with expert views. The product of this research is a set of communications tools and strategic recommendations that criminal justice experts and advocates can use to effectively reframe the issue of public safety and criminal justice in a manner that promotes public understanding of, and support for, necessary reforms.

The Approach

The research reports that emanate from this inquiry follow the theory and methods⁷ of Strategic Frame Analysis™⁸, a multi-method, multi-disciplinary approach to the empirical study of communications. Using qualitative and quantitative techniques from psychological anthropology to social psychology, the FrameWorks Institute documents how people think about an issue and what effects different communications presentations might have on their understanding, engagement and policy support. Our research examines the cultural and cognitive biases people hold that prevent them from being open to new information and that can, in some cases, reinforce unproductive ways of thinking about an issue and inhibit considerations of meaningful change. FrameWorks research identifies those biases and the images that have the power to overcome or circumvent these cognitive impediments, allowing new information to be heard, understood and used. For more than three years, the FrameWorks Institute has studied the images that come to mind when people think about the criminal justice system. As a result, our findings reflect the views of more than 10,000 informants and a systematic analysis of more than 500 documents. This is the empirical basis from which the following advice is derived.

In this approach, FrameWorks hews closely to extant academic social science theory and methods. Put simply, we investigate the “pictures in people’s heads” that come to mind when they are asked to think about criminal justice and related reforms. Several decades of social science research⁹ demonstrate that, when asked to reason about unfamiliar topics, people “fill in” the holes in their knowledge with models they associate with the topic.¹⁰ Far from being empty vessels eager to take in new information, the public’s systematic assignment of certain models to a topic represents the “swamp” of thinking that members of a culture share and use to make meaning of information – a process that frequently results in blocking out new and contesting information. We document these existing models using interview and analysis techniques drawn from cognitive anthropology¹¹ and we compare them to the ways that experts in the criminal justice field view both the challenges of public safety and the relevant solutions. Moreover, by testing the way these frames shift or harden in group settings, we are able to adopt a sociological perspective that explains the expectations people in a culture hold about the views of their fellow citizens and the conformity they enforce to fit their views to these assumptions.

Closing the gap between these worldviews in order to help ordinary people get a more informed view on a given issue constitutes the challenge of reframing. And, because we understand that opinion is frame-dependent, or subject to the presentation of a particular problem, we experiment with different ways to frame the issue that might help people more productively fill in the holes in their understanding. To overcome persistent and unproductive associations, FrameWorks develops and tests a number of powerful frame elements – in this instance, Values and Explanatory Metaphors. In both cases, FrameWorks researchers match the task identified in the gap analysis to the role that these frame elements can play in redirecting thinking. From its voluminous research on how Americans think about social issues – from child development and race to government and environmental health – FrameWorks selected values that have demonstrated, in several quantitative experiments, the ability to re-orient people to seeing public safety as a public issue that society needs to support with public dollars, programs and policies. These experiments test each value’s ability to increase support for specific reforms. That is, they are not popularity contests, but rather use random assignment to test the comparative advantages of using particular values according to the way they advance policy support. FrameWorks borrows theories and methods from cognitive linguistics that document the power of metaphor in people’s reasoning¹² to generate a series of candidate metaphors that might productively re-channel people’s default thought patterns, and create room for the consideration of new information. These familiar everyday analogies are tested quantitatively and qualitatively to see whether, in fact, they fulfill this task. In large survey experiments, the metaphors are analyzed for their ability to overcome those default

patterns and to help people choose remedies more closely aligned with those put forward by criminal justice experts. In several types of qualitative tests, FrameWorks researchers analyze individual interviews and group discussions to ensure that the set of refined metaphors that emerges from the quantitative pruning are sufficiently colloquial and durable to pass into public discourse. In all these tests FrameWorks measures these frame elements using established scientific techniques, to make certain that the recommended frame elements exhibit demonstrable improvements both in the public's thinking about public safety, and in choosing better policies and programs than those they currently derive from their default ways of understanding.

A systematic analysis of the ways that the leading criminal justice advocates and experts are framing their messages allows FrameWorks researchers to home in on those assumptions of message efficacy that are not borne out by the research, and to suggest opportunities to improve messaging more generally.

This MessageMemo summarizes and synthesizes the body of research conducted by the FrameWorks Institute in partnership with the Charles Hamilton Houston Institute for Race and Justice at Harvard Law School.¹³ While the Ford Foundation funded the research that informs this memo, the Rosenberg Foundation supported this synthesis and interpretation of that research. The research base informing this MessageMemo is as follows.

- 1. Experts' Core Story:** FrameWorks first conducted an extensive review of materials from more than 60 advocacy organizations to compose an aggregation of the unrefined "core story" being communicated by advocacy organizations and experts.¹⁴ The story that emerged from this initial analysis was then recalibrated according to the reactions and critiques of public safety and criminal justice experts.
- 2. The Public's Story:** In-depth, one-on-one interviews to identify cultural models¹⁵ and gaps in thinking between experts and the general public were conducted in December 2010 and January 2011 with 20 members of the American general public, who were asked to discuss public safety and criminal justice and the connections between these phenomena.¹⁶ Elements of social discourse analysis, cultural models analysis and grounded theory were then applied to identify shared cultural models, or common ways of talking (or not talking) about public safety.
- 3. Social Norms and Possibilities:** Six peer discourse sessions,¹⁷ each composed of nine participants, were conducted with a diverse group of civically engaged U.S. citizens in March and April 2011 in three cities: Tampa, Fla., Baltimore, Md., and Los

Angeles, Calif. These sessions provided an opportunity to see how cultural models function in a group setting, where cultural norms are evident; and allow FrameWorks to begin experimenting with reframing tools and strategic recommendations to redirect or create different patterns of group conversation.

- 4. Explanatory Metaphor Reframes:** Building from data generated during the cultural models interviews and peer discourse sessions, specialists in linguistics, cultural models and cognitive theory followed a multi-phase process to generate, design and test Explanatory Metaphors.¹⁸ Effective Explanatory Metaphors were ultimately selected based on how effectively they clarified and shifted perspectives to support the experts' views and recommended policies.
- 5. Values and Facts Reframes:** An experimental survey with 8,000 respondents was conducted to test value-based frames combined with those facts typically used by advocates in their messaging as primes to more productive thinking about criminal justice policies.¹⁹
- 6. Field Frame Analysis:** Working with our partners at the Houston Institute, FrameWorks helped analyze 216 documents drawn from the websites of 18 of the most prominent communicators on these issues, allowing us to compare the challenges and opportunities in reframing the field's main narratives on criminal justice issues.²⁰

All in all, more than 10,000 Americans were queried as part of this research, and roughly 500 documents analyzed. All reports are published at www.frameworksinstitute.org. We recommend communicators utilize this MessageMemo as a broad orientation to the research, and consult the original reports for the nuance and detail necessary to effectively challenge their own creativity to apply this learning.

Advocates often ask how this research differs from or complements other opinion research techniques and findings. This is a complicated question, given the variations in approaches used by public opinion consultants. Polls and focus groups may yield interesting descriptive information, but are rarely generalizable, unless rigorously controlled. We suggest the research described here be used to more effectively interpret and evaluate the data and findings derived from more traditional polling audience research.

We strongly suggest that advocates hold all opinion research to high standards; to that end, we suggest that effective research be defined by the following criteria: (1) the work

represents a sizeable body of research; (2) the results reported are consistent across multiple methods, samples and geographies; (3) the prescriptive recommendations are not intuited from the descriptive research but, rather, are extensively tested through experimental methods to ensure their validity; (4) any prescriptive recommendations are judged and interpreted against a scientific understanding of how people think and reason about the issue; (5) the frame elements tested are rigorously controlled so that any variation in outcomes is attributed to the frames, not to uncontrolled aspects of the execution; (6) random assignment, consistent with the gold standard of social science research, is used to ensure that the findings are statistically significant and reliable, not mere artifacts of order, priming or fatigue effects; and (7) research instruments and data are transparent, consistent with the scientific standards of peer review.

Advocates will likely find themes and observations in this work that resonate with those identified by other researchers. We suggest that communicators consider both theoretically and practically how they will conceptualize the challenges they confront, and what tools they have to address those specific challenges. It is in support of this systematic and strategic approach that, FrameWorks believes, its research demonstrates its contribution.

The MessageMemo is organized as follows:

- We first **Chart the Landscape** of public thinking by providing a description of dominant patterns that are chronically accessible to the general public when thinking about public safety and criminal justice; we also explore the communications implications of these dominant models.
- We then identify the **Gaps in Understanding** between experts and civically engaged Americans. These gaps are specific locations where translation is needed if expert knowledge is to become accessible to the public in understanding and reasoning about public safety.
- We then provide an outline of **Redirections**, research-based recommendations that represent promising routes for improving public understanding of the criminal justice system.
- We end with an overview of **Traps in Public and Expert Thinking** that must be avoided if reframing is to succeed.

I. Charting the Landscape: Default Patterns of Thinking

In this section, we discuss the most prevalent and highly shared paths, or “cultural models,”²¹ that ordinary Americans rely on when asked to think about *what public safety is, how it occurs, and what can and should be done to address it*. Addressing these patterns in understanding is a core challenge of reframing strategies. In order to build new understandings of public safety, communicators must become familiar with default patterns of thinking in order to accurately anticipate and address barriers to effective communication.

The system: Americans largely understand public safety in terms of the front-line responders they see in their everyday lives, including police, fire fighters and other security personnel. There is also recognition that the system includes corrupt individuals (the “bad cop”) who undermine the system’s functionality. Americans also perceive a disconnection between what the criminal justice system *should* be doing and how it *actually* operates.

Government, communities and citizens are responsible: Public safety is understood through a dispersed model of responsibility in which the government, local communities and individuals are responsible for maintaining public safety. However, because of public pessimism associated with government action – it is often thought of as corrupt, wasteful and inefficient – realistically, Americans look to themselves and community-based solutions for maintaining public safety.

Conflicting ideas about the causes of crime: Americans understand the causes of crime through the application of two distinct, conflicting cultural models. The first model, the most dominant, attributes crime to individuals who weigh costs and benefits of committing crimes either consciously or unconsciously (rational-actor thinking), or who fit a set of criminal “personality types” (“rotten eggs”/determinism). Family upbringing is routinely looked to for the seeds of criminal activity. The second model is more recessive, and explains crime as a result of ecological determinants, including early experiences and developmental factors.

Peer discourse sessions demonstrated that the relative strength of the cultural models depends on the racial and ethnic makeup of the discussion groups. All groups expressed the understanding that crime is an individualized phenomenon – that it is caused by pathological individuals, it is most effectively dealt with through increased policing, and that individuals are responsible for ensuring their own safety and that of their

communities. However, while African-American and Latino groups strongly reiterated these individualized models, they engaged in more robust discussions about racial inequities within the system. Put differently, participants of color in these sessions were closer to the expert story of criminal justice, while still expressing the dominant, individualized models described above.

Types and rates of crime: Americans distinguish between violent crime and all other types of crime. They assign punishment according to a “violence threshold” that should determine the severity of resulting punishment. The public believes that rates of incarceration are high because of effective policing and population growth.

Opposing logics of “fair” sentencing: Americans believe that “fairness” should determine sentencing, but they apply this value in two opposing ways. The *uniform* model of fairness posits that punishments for crimes should be fixed regardless of the circumstances surrounding the crime. The contrasting *contextual* model of fairness holds that sentencing should consider the crime’s unique circumstances, including the defendant’s upbringing, criminal history, mental health, intent and evidence of remorse.

Solutions: The cultural models used to think about causes of crime greatly affect which solutions are salient to people. Without priming, people looking for who might be responsible for solutions tend to fall back on notions of ineffective or corrupt government. This, in turn, results in a kind of fatalistic attitude – i.e., that nothing can be done – or a narrow focus on efforts to expunge “dirty” cops from the system. When individuals employ rational-actor models, they tend to arrive at a very specific and narrow set of solutions that includes making punishments harsher and sentences more uniform. On the other hand, when individuals apply more ecological models to think about public safety and criminal justice, they arrive at contextual, policy and resource-based solutions to problems in these domains.

We represent these dominant and recessive patterns in public thinking using the heuristic of a “swamp” of cultural models.



II. Gaps in Understanding

Gaps in understanding are those places where cultural models employed by the public to think about an issue differ significantly from experts' understanding of the same issue. As such, gaps in understanding represent strategic framing opportunities that will help bridge gaps between expert and lay understandings. Although experts and the public share some understanding of the criminal justice system and public safety, there are also substantial gaps in their conceptualization of these systems. We enumerate these gaps below. In the subsequent section, we assign specific frame elements, such as values and metaphors, to fill these gaps.

- **Systems vs. agents:** Both experts and the public recognize that there's a lack of accountability in the criminal justice system. Experts, however, believe that problems in the system result from poor structuring (e.g., police quotas, overwhelming case loads and mandatory sentencing). By contrast, the public tends to see failures on the part of the criminal justice system as the work of isolated individuals (e.g., a lazy cop, a corrupt prosecutor or a crooked warden). Thus, there is a fundamental gap between solutions that would change the systems associated with criminal justice and those that would change individual behaviors, whether of cops or criminals. The public's focus on individuals as the source of problems represents a critical gap, and will make it difficult for advocates to communicate the need for more structural systemic reform.
- **Dysfunctional system vs. generally working systems:** Experts perceive a system that is not working to advance the country's goals, is not held accountable to the broad public interest, and is plagued by poor data collection and management. Evaluations of the fit between short-term practices and long-term goals are not top-of-mind for members of the general public. They are not in the habit of critically assessing aspects of the criminal justice system, and display a blind trust that such systems are "generally" functioning as they should.²² This gap represents an essential difference in the perception that a problem exists in the first place, and is therefore a major communications hurdle.

- **Solutions of quality vs. quantity:** Experts focus on the quality of criminal justice interventions, and ways to improve public safety through smarter policy. They stress that the various approaches to addressing issues in the criminal justice system vary considerably in their effectiveness. In contrast, the public believes that “more is better.” Communicators must therefore explain the specific factors that characterize high-quality, effective solutions to criminal justice issues.
- **Bias by race and ethnicity vs. bias by class:** While experts view the disproportionate number of young men of color in the criminal justice system as evidence of systemic inequities, the systemic roots of these disparities are invisible to many Americans. The public assumes that any unfairness in the system is due to class, because wealthy people routinely buy their way out of trouble. As noted above, respondents of color were more likely to focus on racial inequity in the criminal justice system. However, their discussions were often focused on the behavior of individuals, such as racist cops and prosecutors, or other “rotten eggs” in the system. Among all respondents, there was little discussion of *institutional* or *systemic racism* – systemic racial inequities that can be perpetuated without the conscious intent of individual actors, and that require structural reform. That is, the strength of individualist understandings about the criminal justice system, both in terms of the commission of crimes and decisions around policing or prosecution, creates a cognitive blindness to *systemic* racial bias. This blindness constitutes a major communications challenge.

III. Redirections

Building a more productive route along the cognitive map of public safety and criminal justice will require that communicators address those highly accessible but unproductive patterns of thinking. The dominant cultural models identified above limit the public's understanding of the causes of crime, problems with the current system, and solutions that would make the system more effective and more equitable. Addressing these patterns in thinking will require the use of proven strategic framing elements that translate expert understanding. Effective frames clarify what public safety is, how it happens, and how it can be addressed with evidence-based programs and policies. FrameWorks has investigated three frame elements – values, fact combinations and Explanatory Metaphors – as specific tools in meeting some of the challenges described above. Based on the research findings, we offer the following evidence-based recommendations for communicators.

Values²³

The identification of a potent value set is a prime asset in reframing any issue. Values are “enduring beliefs, which orient individuals’ attitudes and behavior. As such, effective values form the basis for social appeals that pull audiences’ reactions in a desirable direction.”²⁴ Incorporating values in communications gives audiences a clear sense of what is “at stake,” which helps to motivate their engagement. Thinking about the “gaps” that assail understanding of criminal justice issues, we focused on three candidate values that, given FrameWorks’ past research, might positively affect people’s support for reform policies. The values were *Fairness*, *Prevention* and *Pragmatism*. These candidate values were chosen for their potential to remind people what values the system should incorporate; get people to think about root causes of crime; and provide goals for reforming the system, respectively. A fourth candidate was added in response to the Field Frame Analysis, which documented the dominance of a *Cost Efficiency* value in advocates’ communications.

The performance of the values was assessed according to five outcome measures, or sets of attitudes and policies: Causal Attribution of Responsibility, Solutions Attribution of Responsibility, Juvenile Justice, Racial Disparities and Efficiency. The ability of a value to increase support for these attitudes and policies was measured against a control group that was not exposed to a value.

Pragmatism consistently elevated systems-level thinking and policy support. This value advocates taking a “common sense” approach to public safety and criminal justice. It

generally outperformed other values, particularly in terms of juvenile justice reform measures and in assigning responsibility for causes of crime to systems over individuals. In past research, *Pragmatism* has engendered a spirit of common ground and practicality that serves as an antidote to partisanship, gridlock and fatalism. The value also evokes a sense of optimism and inspires solutions-oriented planning.

In contrast, *Fairness* and *Efficiency* often reduced support for measures to address racial disparities and measures to increase efficiency of the criminal justice system. That is, evoking these values actually decreased people's support when compared to the control group.

Values + Facts

On the issue of criminal justice reform, values benefit greatly from supporting facts – an additional frame element that helps to overcome people's relative unfamiliarity with problems in the system. Commonly used facts employed by advocates were used to develop three different fact-based messages: *Neutral Facts*, *Facts about Racial Disparities* and *International Facts*. The *Neutral Facts* describe the impact of the criminal justice system as it affects all adult Americans. *Facts about Racial Disparities* compare effects of the system on African Americans and whites. *International Facts* compare statistics about the U.S. criminal justice systems to comparable systems in other countries.

Pragmatism coupled with *Facts about Racial Disparities* increased support for measures to change the criminal justice system by 5.2 percentage points over the control group on causal attribution of responsibility. That is, this combination inoculates against the perception that individuals, rather than issues endemic to the system itself, are the source of problems that impact the criminal justice system. Similarly, this combination also had strong positive effects on support for juvenile justice reforms. And, while not statistically significant, this combination moved people to endorse systemic remedies to the criminal justice system over individual remedies. The *Pragmatism* and *Facts about Racial Disparities* combination produces an effect across the set of outcome measures that neither could achieve when used in isolation.

Here is an example of a *Pragmatism* and *Facts about Racial Disparities* combination:

Managing the criminal justice system more responsibly can address some important problems currently facing our country. For example, we know that communities with high unemployment, underachieving schools and a lack of other resources have high rates of crime. This problem particularly hurts

children and young adults who may end up in the system. If we take a commonsense approach to solving our communities' problems, we can decrease crime and enhance public safety. Specifically, we need to identify practical things we can do to address these and other issues. On the other hand, if we spend resources sending more people to prison instead of using proven alternatives, these problems will remain. A responsible approach to criminal justice will make our country safer and help all Americans. The system we have is not doing this. In 2010, seven out of every 1,000 white men in the United States were in prison. By contrast, 43 out of every 1,000 African American men in the United States were in prison. Clearly, the system is not working, and is taking a toll on our society as a whole and on communities of color in particular. We need to address the places in the system where it is not working to advance the goals of our society.

What to Do:

- 1. Advocates need to provide more than just the facts.** Unframed facts do little to win support for measures recommended by experts. While the facts detailing the current problems in the criminal justice system are striking and compelling, they lack sufficient power to change the conversation and move public support when used in isolation.
- 2. Using a combination of *Pragmatism* and *Facts about Racial Disparities* creates a powerful synergistic effect, and is an effective communication strategy.** The combination of the value of *Pragmatism* and *Facts about Racial Disparities* exerts a powerful “one-two” framing punch, driving the kind of change that experts wish to elicit.
- 3. Not all values and value-fact combinations work. Avoid using the values of *Fairness* and *Efficiency/Cost Effectiveness* in messaging on public safety and criminal justice.** In addition to the positive findings highlighted above, it is critical for advocates to understand that, apart from the combined form of *Pragmatism* and *Facts about Racial Disparities*, the other facts or values, either in isolation or in combination, produced minimal positive movement or, in some instances, negative movement. Advocates must be wary of blindly following the general recommendations to “use values” or “support your argument with facts.” These admonitions are empty, even harmful, if not refined by the specifics of empirical framing research.

While the value-fact combination of *Pragmatism* and *Facts about Racial Disparities* is highly effective at generally reorienting the public to considering criminal justice reforms at the systemic level, it proves less effective at lifting support for deeper solutions and specific reforms in the process. Specifically, this combined frame (as well as other frames that were tested) was not capable of moving respondents' support for measures designed to increase systemic efficiency (i.e., how policies can simultaneously lower costs while improving outcomes). To complete the narrative and make it sticky in people's discursive repertoires, criminal justice advocates need to deploy metaphors to fill in the "cognitive holes" that we observed in our informants' thinking. Explanatory Metaphors show how the system works, and can help people reason about how to improve the system.

Explanatory Metaphors

Explanatory Metaphors are "frame elements that fundamentally restructure the ways that people talk and think about issues ... by referencing a topic that is more familiar to people as a way to understand one that is less familiar."²⁵ Metaphors remind people of a familiar object (the source domain) and help them map this knowledge onto an unfamiliar subject (the target domain). Explanatory Metaphors are used to address "black box" thinking, where the public cannot see what is going on within an unfamiliar topic or abstract process and simply draws a blank.

When FrameWorks researchers unpacked what Americans know about crime and the criminal justice system, they identified a number of tasks that might be addressed by Explanatory Metaphors. According to these criteria, a good metaphor would:

1. Make the "systemness" of the criminal justice system more visible.
2. Structure understandings of *systemic* racial inequities.
3. Help people understand the specific ways that the criminal justice system is inefficient and inequitable.
4. Make people articulate about how the American criminal justice system could be improved.
5. Facilitate the identification of solutions at the systemic level rather than focusing on each individual's cost-benefit calculation.
6. Provide a basis for understanding how contexts (both environmental and institutional) shape individuals' actions and choices.

Two metaphors emerged from FrameWorks' iterative and multi-method tests as having significant benefits in meeting various aspects of these challenges:

Justice Gears: This Explanatory Metaphor worked powerfully to make the “systemness” of the criminal justice system and its inefficiencies more visible.

Justice Gears Example: *Right now our justice system is stuck using only one gear – the prison gear. Think about how a bicycle needs to use different gears for different situations to work effectively and efficiently. The criminal justice system is trying to deal with a wide variety of situations using only the prison gear. We need to have other justice gears for people who come into the system, like mental health or juvenile justice services. We need to change the criminal justice system to make sure it has different gears for different purposes and that it can use the right gear in the right situation. If we do use more justice gears, we can improve outcomes and all get where we need to go.*

The strengths of the *Justice Gears* metaphor included the following:

- **Thinking mechanically focuses attention at the systems level.** The metaphor helped to make the criminal justice system visible as a mechanism. The metaphor reduced reliance on thinking about the criminal justice system in terms of individual actors (e.g., police officers). Understanding the system as a mechanism also makes *reform* easier to grasp – fixing the system requires finding the places where “gears don’t mesh together” and addressing the problem at these points.
- **Using only “one gear” is inefficient.** The metaphor’s main feature – that a mechanical system is inefficient when it does not use all of its available resources – lies at the heart of the metaphor’s success.
- **Focusing on outcomes channels thinking towards the importance of system efficiency.** The metaphor also makes inefficiencies in the system visible. More specifically, it highlights how the current system does not improve public safety but instead creates negative outcomes and works to perpetuate inequities endemic to American society.
- **The metaphor leads to productive critiques of the current system.** The metaphor also enabled people to critique the effectiveness of certain functions of the criminal justice system, particularly the rehabilitation processes. People recognized the need to resource the full range of alternative policies, and to

carefully analyze the “fit” between an intervention and the individual’s life circumstances. People also focused on the current system’s individual and social costs in both financial and non-financial terms. In this way, the metaphor inoculated against the fatalism observed in unprimed conversations.

Use the *Justice Gears* metaphor to (1) focus people on systems, (2) emphasize outcomes, (3) highlight alternatives to current policies and programs, and (4) force a re-evaluation of the ineffectiveness of the current system.

In using the *Justice Gears* metaphor, it is important to:

- Communicate that the system of gears allows the bike to function, and gears need to be matched to the specific terrain. This helps people evaluate how well each part of the system is functioning.
- Emphasize that the bike is moving forward to a destination, and that the justice gear system should be designed to reach goals that benefit our society. This helps focus people on the outcomes of the system.
- Talk similarly about the fit between gears and terrain and the need for alignment between the underlying criminal conduct and responses to that conduct. This helps people think about multiple alternatives available to reform the current system.

Justice Maze: This second Explanatory Metaphor enabled people to better understand how systemic biases create different outcomes for individuals and groups, and the need for structural solutions to address these problems.

Justice Maze Example: *Even in the most difficult mazes, there’s a way to get in and out. But the criminal justice system is designed without enough paths that come out of the maze. A lot of people, no matter where they come into the criminal justice system, get on a path that goes straight to prison and has no way out. We know that other routes, such as those to mental health services, addiction services or juvenile justice services, must be made available. These must be two-way paths so that people can get to where they need to go. We need to redesign the justice maze with clear multiple routes so that people can get where they need to go in the most effective and efficient way possible.*

The strengths of the *Justice Maze* metaphor included the following:

- **It inoculates against individualist and rational actor modes of thinking.** Like *Justice Gears*, *Justice Maze* was effective in shifting people's attention away from two of the public's strongest default understandings of crime and the criminal justice system: that individuals cause problems and are responsible for solutions in the criminal justice system, and that rational decision-making is the exclusive cause of crime.
- **By contextualizing crime, it allows people to see that individual outcomes are shaped by systems, structures and policies.** *Justice Maze* clearly focuses attention on structural problems as determining individual experience. When thinking with the *Justice Maze*, it is difficult for people to assert their default understanding that poor outcomes are the result of individual choice.
- **The metaphor points to the need for alternative paths.** The *Justice Maze* allows people to understand that "all paths leading to prison" is a problem, and thus to recognize the need for alternative ways out of the system. This is a valuable communications tool for advocates working on alternatives to the current sentencing guidelines and to incarceration.
- **It emphasizes that the current system is "built" in ways that are ineffective, inefficient and unfair.** *Justice Maze* is highly effective in cementing the perspective that the current system's construction creates inefficiencies (dead ends) and inequities (the maze changes for different populations).

Use the *Justice Maze* metaphor to (1) focus people on systems, (2) emphasize biases that are built into those systems, (3) underscore the need for alternatives to current criminal justice system policies, and (4) emphasize that outcomes differ by group membership, and that these outcomes are unfair and inefficient.

In using the *Justice Maze* metaphor, it is important to:

- Explain that the dysfunction of the current system is due to its construction.
- Make explicit that, while there are many paths into the maze, its design offers only limited paths out, which results in differential outcomes for specific populations.
- Emphasize that the structures of the maze shape outcomes.
- Talk about how improving outcomes requires changing the structure of the maze.

Solutions

It is important to recognize that all of these frame elements – values, facts and Explanatory Metaphors – are designed to prime a conversation about *solutions*. Communicators should view these recommendations as the prerequisite to a conversation about which solutions fit the problem definition. By providing a goal, the values help people think collectively about what they want from their society. The facts help them identify problems with the current system that disproportionately impact communities of color. The Explanatory Metaphors help people evaluate whether the system is working to achieve positive outcomes. But the narrative is incomplete without the final chapter: a discussion of which solutions we should be considering as a society to improve the criminal justice system. Fortunately, the field does not lack for alternatives to the current system. The Field Frame Analysis²⁶ demonstrated the robust enumeration of solutions that criminal justice reform advocates have put forward. These prospective solutions need to be re-integrated into the narrative we have identified above. That is, before solutions are introduced, people need to be primed to think about their “fit” to the overall problem. This MessageMemo, then, focuses on the work that must be done before solutions are introduced.

Traps in Public Thinking

In the following section, we list aspects of thinking about public safety and criminal justice that trigger models that may be “easy to think,” but trap public thinking in unproductive evaluations and judgments. We focus here specifically on traps that are common in expert and advocacy communications, as these tend to represent unexamined hypotheses about effective communications.

- **The Facts Trap:** Criminal justice advocates frequently rely on a wide array of facts to invoke the need for sweeping reforms. In general, facts alone did little to advance support for policy reforms, and some (*Internationalized Facts*) actually lowered support for policies.
- **The Fairness Trap:** As a result of conflicting conceptions of fairness, invoking this value can lead to interpretations that actually inhibit the public’s ability to see the importance of responsive systems of sentencing. Use *Justice Maze* and *Facts about Racial Disparities* to underscore inequities in the system.
- **The Economic Efficiency Trap:** This frame can backfire by triggering a consumerist response in which the public considers reforms only to the extent that they save money. In contrast to value and fact combinations that orient people to multiple solutions, this value leads to unproductive thinking about criminal justice reform.
- **The Rational-Actor Trap:** Judgments of whether the person who committed a crime made a “rational” decision can lead the public towards punitive solutions. This is because they do not consider ecological or systemic factors and, instead, emphasize individual choice and decision-making. This trap can be easily evoked when communicators focus on individual stories or motivations, or ask people to consider the circumstance of a crime without having addressed their cognitive holes with respect to how people get into the system and how the system is structured for those outcomes.
- **The Determinism Trap:** Employing rhetoric that is heavily centered on the problems and brokenness of the criminal justice system is likely to evoke the ideal/real model, and, in turn, create a powerful sense of determinism that is unproductive in thinking about policy solutions to public safety issues.

- **The Lindsay Lohan Trap:** Focusing exclusively on money or social class as the key bias in the system crowds out considerations of other types of biases. As class is a far more available concept for explaining bias for most Americans, exemplars like Lindsay Lohan remind people of what they already believe about who has privileges in the society and who does not.
- **The Government is Broken Trap:** This framing strategy implies that government is necessary to reform the system, but, at the same time, cues cultural models of government as dysfunctional and ineffective. If government is to be repaired, cynicism and fatalism have to be overcome. This is why the *Pragmatism* value works to advocates' advantage.

Conclusion

Framing criminal justice reform is a challenging task. On the one hand, there are many varied and significant obstacles in the way of clear thinking and meaningful policy identification. Americans have deeply entrenched ways of thinking about the causes of crime, about the inequities embedded in the system, and about the solutions to its failures.

At the same time, this research shows how these views are frame-dependent. When people are reminded of society's goals for the criminal justice system, provided with familiar ways to think about the system as a whole, and exposed to current inequities, they support policies that experts put forward. For those who seek to transform the system, these findings should prove invigorating. Old habits of communication can be discarded and new stories promulgated to stimulate better policy thinking. Moreover, this research clearly shows that the central issue of differential impact by race is not only possible to convey, but actually helps much of the public more fully grasp the systemic problems in the criminal justice system.

We are reminded of an observation by a social science researcher confronting the issue of global warming, who questioned why, "if American environmental values are so pervasive and strong, is there not more environmental action?" After a series of cultural models studies not unlike those performed by FrameWorks in service to criminal justice, researchers concluded that "the cultural models available to understand global warming lead to ineffective personal actions and support for ineffective policies, regardless of the level of personal commitment to environmental problems."²⁷

Americans want their criminal justice system to work, and to support their societal goals. But the current narrative about the system's flaws is a spotty sequence of cobbled-together cultural models that fail to move the public to support these goals. Too often, the messages are obscured by the deeply engrained cultural models of calculating criminals, "rotten eggs," "dirty" cops, ineffective government, and the moral and practical value of punishment. These models deter the public from recognizing the urgent need for meaningful reforms. The narrative that FrameWorks' researchers recommend here has the potential to clear out the "swamp." It can help the public understand why creating a saner, more fair and equitable system of justice – not merely a system of laws – needs to be a priority for all of us.



About the Institute

The FrameWorks Institute is a national, nonprofit think-tank devoted to framing public issues to bridge the divide between public and expert understandings. Its work is based on Strategic Frame Analysis™, a multi-method, multi-disciplinary approach to empirical research. FrameWorks designs, commissions, publishes, explains and applies communications research to prepare nonprofit organizations to expand their constituency base, to build public will, and to further public understanding of specific social issues – the environment, government, race, children’s issues and health care, among others. Its work is unique in its breadth – from qualitative, quantitative and experimental research, to applied communications toolkits, eWorkshops, advertising campaigns, FrameChecks™ and Framing Study Circles. See www.frameworksinstitute.org.

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Appendix A

The following research reports have been published by FrameWorks Institute (Washington D.C.) as part of this inquiry.²⁸

Maze and Gears: Using Explanatory Metaphors to Increase Public Understanding of the Criminal Justice System and its Reform (2013). This report presents the results of metaphor research using qualitative and quantitative methods with approximately 1,300 members of the general public. This research yielded two Explanatory Metaphors – *Justice Maze* and *Justice Gears* – that help advance public understanding of structural problems in the criminal justice system and the need for reform to address these problems.

Framing and Facts: Necessary Synergies in Communicating about Public Safety and Criminal Justice (2013). This report presents the results of an experimental survey that assessed the effects of facts and values on people's attitudes towards criminal justice reform. Among four values tested, *Pragmatism* was most effective in elevating support for reform. Presenting unframed facts about the criminal justice system – that is, facts presented without an accompanying value – produced minimal effects. However, when *Facts about Racial Disparities* in the criminal justice system were combined with the value of *Pragmatism*, support increased for a wide range of reform measures.

Public Safety: Framing a Reform Agenda (2011). This report details the first stage of the FrameWorks Institute's engagement on this issue. The initial section of the report is an analysis of the story of the field as told through communications materials, policy briefings, legislative testimony and websites from criminal justice reform advocates. The second section is based on a recalibration of this story that resulted from an October 2010 convening. During this meeting, attendees were given a chance to review the story their materials were telling, and react to a critique of this story by FrameWorks staff. The final section expresses several testable propositions that resulted from the preceding analysis.

Caning, Context and Class: Mapping the Gaps Between Expert and Public Understandings of Public Safety (2011). This report lays the groundwork for this larger reframing effort by comparing expert discourse on the topic with the ways that average Americans think and talk about public safety. Data from interviews with both experts and average Americans are compared, to locate and examine gaps in understanding surrounding this issue.

Strengthen Communities, Educate Children and Prevent Crime: A Communications Analysis of Peer Discourse Sessions on Public Safety and Criminal Justice Reform (2011). This report details research findings from a series of six peer discourse sessions conducted by the FrameWorks Institute with groups of civically engaged Americans across the country. These sessions provide an opportunity to see how cultural models function in settings that approximate the social contexts in which discussions about public safety and the criminal justice system naturally occur.

Adjusting Our Focus: Current Communication Practices and Patterns in the Criminal Justice Sector (2014). This Field Frame Analysis, prepared by the Charles Hamilton Houston Institute for Race and Justice at Harvard Law School, examines 216 documents from the websites of 18 influential criminal justice organizations. Among the findings are that competing issue priorities splinter the narrative into 16 different issues, while causal explanations are largely absent. When discussed, racial bias in the system most often appears as one in a long list of other serious problems. The dominance of the *Economic Efficiency* value frame, in light of other FrameWorks research, suggests the need for strategic revision of field messaging.

Endnotes

- ¹ Melton, B. F. (2010). *Criminal justice: The law*. New York, NY: Chelsea House.
- ² Silard, T. (2014, February 20). *Justice reform, at long last*. Retrieved from http://www.huffingtonpost.com/timothy-p-silard/justice-reform-at-long-last_b_4809892.html
- ³ Western, B. *Punishment and Inequality in America*. (2007). New York, NY: Russell Sage Foundation.
- ⁴ FrameWorks Institute. (2005). *Framing lessons from the social movements literature*. Washington, DC: FrameWorks Institute; Benford, R., & Snow, D. A. (2000). Framing processes and social movements: An overview and assessment. *Annual Review of Sociology*, 26, 611-639.
- ⁵ Schram, S. F. (1995). *Worlds of welfare: The poverty of social science and the social science of poverty* (pp. 54, 101). Minneapolis, MN: University of Minnesota Press.
- ⁶ Bunten, A., Kendall-Taylor, N., & Lindland, E. (2011). *Caning, context and class: Mapping the gaps between expert and public understandings of public safety*. Washington, DC: FrameWorks Institute.
- ⁷ For a brief overview of methods, see <http://www.frameworksinstitute.org/sfa-methods.html>. For those interested in a deeper dive into FrameWorks' theory and methods, we suggest FrameWorks Academy, an online, interactive set of mini-courses that explain how researchers think about and pursue evidence of successful reframing strategies. See <http://www.frameworksinstitute.org/frameworks-academy.html>
- ⁸ For an explanation of this approach, see <http://www.frameworksinstitute.org/sfa-overview.html>
- ⁹ See Kahneman, D. (2011). *Thinking fast and slow*. New York, NY: Farrar, Straus & Giroux.
- ¹⁰ Wyer, R. S., & Srull, T. K. (1986). Human cognition in its social context. *Psychological Review*, 93(3), 322; Anderson, N. H. (2014). *A functional theory of cognition*. New York, NY: Psychology Press; Fiske, S. T., & Taylor, S. E. (2013). *Social cognition: From brains to culture*. Thousand Oaks, CA: Sage; Axelrod, R. (1973). Schema theory: An information processing model of perception and cognition. *The American Political Science Review*, 1248-1266; McVee, M. B., Dunsmore, K., & Gavelek, J. R. (2005). Schema theory revisited. *Review of Educational Research*, 75(4), 531-566.
- ¹¹ Quinn, N. (Ed.). (2005). *Finding culture in talk: A collection of methods*. New York, NY: Palgrave Macmillan.
- ¹² For the seminal work on this topic, see Lakoff, G., & Johnson, M. (1980). *Metaphors we live by*. Chicago, IL: University of Chicago Press.
- ¹³ For a complete list of the individual reports that result from this work, see Appendix A.
- ¹⁴ Gilliam, F. (2011). *Public safety: Framing a reform agenda*. Washington, DC: FrameWorks Institute.
- ¹⁵ Cultural models are cognitive schemas that inform perception, cognition, emotion and motivation.
- ¹⁶ Bunten, A., Kendall-Taylor, N., & Lindland, E. (2011). *Caning, context and class: Mapping the gaps between expert and public understandings of public safety*. Washington, DC: FrameWorks Institute.
- ¹⁷ Lorick-Wilmot, Y. & Lindland, E. (2011). *Strengthen communities, educate children and prevent crime: A communications analysis of peer discourse sessions on public safety and criminal justice reform*. Washington, DC: FrameWorks Institute.
- ¹⁸ Kendall-Taylor, N. (2013). *Mazes and Gears: Using explanatory metaphors to increase public understanding of the challenges facing the criminal justice system*. Washington, DC: FrameWorks Institute.

¹⁹ Simon, A. F., & Gilliam, F. D. (2013). *Framing and facts: Necessary synergies in communicating about public safety and criminal justice*. Washington, DC: FrameWorks Institute.

²⁰ Wald, J., Gibbons, C., Beane, C., Kendall-Taylor, N., Simon, A., Haydon, A., & Arvizu, S. (2014). *Adjusting our focus: Current communication practices and patterns in the criminal justice sector*. Cambridge, MA: Charles Hamilton Houston Institute for Race and Justice, Harvard University.

²¹ Quinn, N., & Holland, D. (1987). Culture and cognition. In D. Holland & N. Quinn (Eds.), *Cultural models in language and thought* (pp. 3-40). New York, NY: Cambridge University Press.

²² By contrast, when the system is clearly identified with government or politics, it is presumed to be ineffective by definition, with few solutions. In neither case (i.e., neither problem nor crisis) does the public focus on system-level analysis of changes that would improve the criminal justice system's functioning.

²³ Simon, A. F., & Gilliam, F. D. (2013). *Framing and facts: Necessary synergies in communicating about public safety and criminal justice*. Washington, DC: FrameWorks Institute.

²⁴ Simon, A. (2012). *The pull of values: A FrameWorks working paper*. Washington, DC: FrameWorks Institute.

²⁵ Lindland, E., & Volmert, A. (2014). *We need an environmental health ground crew to work upstream: Using explanatory metaphors to improve public understanding of environmental health and the work of the field*. Washington, DC: FrameWorks Institute.

²⁶ Wald, J., Gibbons, C., Beane, C., Kendall-Taylor, N., Simon, A., Haydon, A., & Arvizu, S. (2014). *Adjusting our focus: Current communication practices and patterns in the criminal justice sector*. Cambridge, MA: Charles Hamilton Houston Institute for Race and Justice, Harvard University.

²⁷ Kempton, W., Boster, J. S., & Hartley, J. A. (1999). *Environmental values in American culture*. Cambridge, MA: MIT Press.

²⁸ See <http://frameworksinstitute.org/public-safetycriminal-justice.html>