



Expert and Public Narratives on Crime in New Zealand: Gaps and Opportunities to Communicate Reform

'We all realise that prisons are a moral and fiscal failure. The question we now face then, is what to do about it.'

-- Prime Minister Jacinda Adern¹

'In a truly compassionate society, we should be able to envision something different in relation to all those who do wrong and all those who are hurt by the wrong.'

-- Moana Jackson²

¹ Speech to the Crime and Justice Summit, August 2018

² E-Tangata. October 2017

About The Workshop

The Workshop is a charitable trust for public good. We undertake research to find ways of communicating that will build support for the solutions that work to solve complex social and environmental problems. Our research, training and consulting work provides a foundation for other people and organisations to do more effective research, communication, community engagement and advocacy.

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Background to this report

Criminal justice experts, victims of crime and people most affected by the justice system, including Māori, are working to advance a new approach to crime and justice in New Zealand.

Despite their differences, there is a strong consensus across these groups on the key issues that need to be addressed to ensure our justice system is fit for purpose. There is currently an overemphasis on punishment at the expense of addressing the drivers of crime, reflecting a general failure of systems, structures and services outside of criminal justice - including those related to mental health, housing, addiction, education, poverty reduction and racism.

Māori face systemic racism at all stages of the justice system. Our formal justice responses frequently fail to rehabilitate people who have harmed, and do not provide enough in the way of restoration or reconciliation. Victims are excluded from the process and often re-traumatised by their experiences, and individuals and whānau caught up in the system are disempowered or shut out.

There is agreement by advocates that we must address these systemic failures, but as yet there is no shared evidence-led communications strategy in the field of practice.

In this report, we summarise research we have undertaken to understand how experts understand and frame criminal justice, how the public also does so, and where the opportunities for building new, more effective narratives may lie. The work was conducted in partnership with JustSpeak, and supported by The Borrin Foundation, The Tindall Foundation and the JR McKenzie Trust.

At the heart of this project is a shared desire to not only envision a different, more compassionate response to crime in our communities across Aotearoa New Zealand, but to build public support for the changes needed to turn that vision into reality.

The opportunity in New Zealand

The importance of building a public appetite for change, and the current opportunity to do so, is reflected in Justice Minister Andrew Little's response to a recent report outlining public views on criminal justice in Aotearoa.

*"I welcome the first report from Te Uepū, which clearly demonstrates a public appetite for long-term sustainable and enduring transformation in the justice system."*³

³ Minister of Justice Andrew Little. Parliamentary Press Release. June 2019.

In Western societies the idea of punishment as a deterrent has deep historical roots. In Māori society, however, there is a different cultural tradition for addressing crime, as explained by Moana Jackson:

“Maintaining “law and order” simply involved holding the individual wrongdoer accountable, while easing the hurt of the victim within a broad set of collective and reciprocal obligations. The aim of the law was to restore whakapapa, in its broadest sense of an interrelationship between peoples, and between people and their environment. And reconciliation was the logical conclusion of the legal process.”⁴

Aotearoa New Zealand has a unique opportunity to build a new narrative about crime and justice, drawing on the productive understandings that have deep roots in our society.

What is standing in the way of change?

Many barriers prevent the adoption of a more effective, just, and compassionate criminal justice system. However, one significant barrier is how the public reason about why people commit crime, what deters them from doing so, what the purpose of the criminal justice system is, and which solutions they are therefore willing to support.

A key factor in policy reform is the political will to make change. Politicians are led by public support and demand for new solutions. Public demand reflects dominant cultural understandings about people, crime and the criminal justice system. When the shared cultural stories that prevail about crime are too shallow, or unproductive, it makes the work of building support for different, more effective, but more complex approaches challenging.

When dominant ways of thinking about an issue like crime are shallow and simplistic, this leads to public support for shallow or simplistic responses or solutions. For example, one strong cultural narrative to emerge in this research is the belief that people commit crime after weighing up the costs and benefits of a criminal action (the rational actor model). Where this narrative is dominant, it follows that there is also public support for solutions to crime that increase costs to individuals (i.e. harsher punishments).

However, cultural narratives are not monolithic. Alongside dominant, shallow understandings of complex issues like crime, this research has shown that other more nuanced but recessive understandings also exist. These may not be as strong in the public narrative, but they *are* present and provide us with the best opportunities to shift the balance of cultural narratives.

Over time, through consistent, careful communication across a field of practice, these more helpful, evidence-based understandings can become more dominant in the public narrative. We call this ‘navigating people to higher ground’.

⁴ Moana Jackson. E-Tangata. October 2017.

If dominant narratives change in this way over time and, for example, crime is understood in the context of systems, structures, inequality, racism and lack of opportunity, then the public appetite for new solutions can also change.

What makes it hard to build public support for crime and justice reform?

Why do unproductive understandings prevail across a culture? It's easy to assume that it's because people just don't have enough information or, worse, that they are stupid. The reality is complex. Both our in-built cognitive processes and our information environment can conspire to narrow people's thinking about complex social issues such as crime.

As Daniel Kahneman has shown, "our fast thinking brains" use many short-cuts to cope with the vast amount of information in the world and protect our existing beliefs. We are designed to unconsciously process information and respond with emotion; and we often use logic to backfill our existing position. The research shows that in our unconscious cognitive processing of information we grasp the concrete, and shy away from the abstract. This is an immense challenge for discourse on complex social and environmental issues

At the same time, we are overloaded by information, including a lot of poor quality information. Our fast thinking brains have to work extra hard. The manipulation of information is nothing new. But the digital age has brought new faster and more targeted ways for us to be exposed to unproductive explanations about complex systems issues. The priority of the people who built these digital tools and systems was to grab and hold our attention, and simplistic messages that alarm us are very good at doing both of those things.

For the public (including policy makers), the combination of these inside and outside problems often reinforce dominant cultural narratives that are overly simple or simply wrong.

As experts who communicate on these complex issues, we also play our role. We assume that if we fill people up with good information people will understand and act accordingly. This is known as the 'information deficit' model. The evidence is clear that outside of one to one deep dialogues and learning environments, filling up the 'information deficit' is ineffective in deepening how people think.

Another common strategy for improving public understanding of complex social issues is to tell compelling personal stories. While stories are incredibly important, as the default way we process information, only some stories will help us achieve our goals. Some stories will simply reinforce unhelpful dominant narratives. Some stories fail to draw attention to the causes of the problem, or the role of systems in creating or sustaining the problem. If our stories don't engage people in more productive understandings, we will fail to achieve the systems and structural shifts we need.

The good news is that research that draws on social and cognitive science and narrative traditions can guide us in how to put knowledge and reason at the heart of people's thinking on complex issues like crime. And research on the importance of intrinsic values to human

motivation can show us how to motivate people to support different, more effective approaches.

Developing effective strategies to improve public understanding of complex issues

To reframe communications, and put knowledge and reason at the heart of people's thinking, we need an evidence-led strategy. There are three key components to this work.

First, we need to understand how people, across society, currently explain the problems we are concerned with. What chains of reasoning, language, frames, metaphors and values do they engage? And which of these ways of reasoning are the most dominant? By understanding this cognitive and cultural landscape, and how it differs from or aligns to expert understandings of the issue, we can start to find pathways for more productive thinking, and those that will not take us where we wish to go.

Second, we need an evidence-informed communication strategy that helps people navigate from overly simple explanations to a more complex and productive understanding. Evidence from across the social sciences tells us that advanced communications strategies involve a number of components including:

- engaging with the psychology of how people process information (and misinformation);
- understanding and working with people's values;
- understanding culturally shared frames (and the causes and solutions they engage for people);
- using language and effective metaphors strategically; and
- presenting facts in a way that builds new mental models.

By combining these elements of the science of story into a new communications strategy, we can reframe the conversation and produce more productive ways of thinking.

Finally, the stories that prevail are often those that are repeated most often. So we need to equip people across a field of practice with these tested strategies and tools so that everyone moves in the same direction. Advancing our communications on complex issues in our society, means a change in our communication approaches

Methods

Expert Interviews: Interviews with 12 leaders in the field of criminal justice were conducted in March 2019. The research was supplemented by reviews previously completed by JustSpeak.

We explored public understanding of crime and justice through a semi-structured open form questionnaire, similar to a semi-structured interview, with 40 members of the New Zealand public. Using a convenience sample, people were asked to respond with free written responses to a series of questions about their attitudes and understandings on crime and justice. Cultural model analysis does not require representative sampling. A range of New Zealanders

responded in terms of ethnicity, gender, income and education level. For example, 72% were European New Zealanders, 20% Māori and 65% were women. Slightly less than half (40%) had been directly involved in the criminal justice system (or had friends or family who had). Just over half (55%) of those who responded had an undergraduate or postgraduate degree.

We analysed 15 key pieces of media appearing in 7 major online and in-print publications between 2017 and 2019. Our analysis explored the cultural narratives about crime and justice made available to the public through the lens of the media.

Mapping the terrain: values, frames and metaphors

We undertook a textual analysis of all the data gathered for this research (through the interviews, survey and media texts). This included analysing the values, frames and metaphors engaged in each text.

Values

Values are at the heart of human motivations; they are the “why” of life, the things that are most important to us. They inform our beliefs, our attitudes and our actions. Though the values we may hold most dear, may not always be those values that we express in conversation, or are expressed across a society.

Values matter in our communications because how we filter information, and decide what to do based on that information, depends on how we perceive its relevance to what we value. For example, if we value self-control, politeness or honouring of elders, then information outlining that people who commit crime do so because they lack self-control will likely be believed as it fits with what we value.

We all tend to hold all values, but dispositionally prioritise a particular set. Research tells us that most New Zealanders prioritise the value of taking care of each other, the environment, and setting our own path in life. We call these benevolence, universalism and self-direction values. Helpfully, research shows that when these three kinds of values are prioritised by individuals and across societies this builds support for pro-social and pro environmental actions.

Unhelpfully the values that tend to lead to pro-individual action, and steer us away from more compassionate and just solutions, are often those being referred most frequently in our schools, media, advertising campaigns and day to day conversations. These values focus on success, achievement, social status, wealth and the economic value or cost of everything.

Perhaps most importantly in relation to criminal justice, when people are frightened they are less able to tolerate ambiguity or consider the complex factors that contribute to crime and more likely to demand and prefer simple solutions, like harsher sentences. One of the ways we inadvertently frighten people is by engaging the value of security as a reason why criminal justice matters. In other words, when we tell people that the purpose of criminal justice system is to protect them against threats to their safety or the safety of their family and community, we

make it harder for them to consider complexity in relation to crime and justice, and make it more likely they will support simple solutions like longer sentences.

Frames

Frames are different ways in which we understand & explain the world and issues in it. A frame gives us one way of seeing and understanding an issue quickly.

A frame, in linguistics, acknowledges that words exist within and thus evoke pre-set packages of meaning, determined by our common knowledge, assumptions and beliefs. In short, words occur in contexts. As such, usage of even a single word brings with it a whole host of associated meanings, actors and objects that come into "view" whether or not the speaker desires. They are neurologically hard wired together. For example red-tape and bureaucracy.

Frames matter in communications because they are another short-cut our brain uses to help us focus on the important information in a noisy world. They are part of our fast thinking brains.

When cognitive linguist George Lakoff teaches the study of framing in Cognitive Sciences 101 course at Berkeley University, the first thing he does is give his students an exercise. The exercise is simple. 'Don't think of an elephant'. He's never found a student able to do it.

Words can evoke a frame which can be an image or other kinds of knowledge. Evoking the frame makes it impossible not to think of the frame. We can't avoid framing, but we may be unaware of a frame we may be using. In this case people's brains will decide the story without us knowing.

'Consumer' and 'citizen' are examples of words that evoke shared frames. In one study, participants were given a survey to fill out, labelled either the 'Consumer Reaction Study' or the 'Citizen Reaction Study'. Turns out, those given the "consumer" survey felt more positive about materialism and power values, like wealth, image and success. Not only that, but they also became less cooperative in a subsequent game, felt less personally responsible for environmental issues, and felt more anxious and depressed than the 'citizens'.

In another experiment, people behaved differently when asked to play the exact same game, depending on its name. When the game was called "the Wall Street game", people were more likely to betray other players. When it was called "the Community game", people behaved more cooperatively with other players.

In other words frames direct people to see the world in very particular ways and act differently

How an issue is framed will determine what stories about causes and solutions are evoked. It's not just language. It's the ideas and beliefs that those words evoke. The language carries those ideas. Once we understand the frames available to us, we can intentionally choose more helpful frames, those that align with systems causes and solutions.

You'll often hear communications experts talk about "starting from where people are at", but this is hugely misleading, because there is no fixed place where people are. All of us have the ability to see the same thing from different perspectives. To switch between different ways of perceiving an issue or frames. But because frames operate below the level of consciousness, most of the time, the frames people use to reason about an issue is determined by how the issue has been framed for them.

Metaphors

Metaphors are a kind of frame. Explanatory metaphors use what people know about familiar objects or experiences to help them understand an abstract, unfamiliar, or misunderstood system or process.

Metaphors have a source domain and target domain - e.g. if we talk about an economic storm, the source is the storm and the target is the economy. The source is often the concrete bit and is more clearly described than the target. A metaphor creates a map between the two domains.

Metaphors matter in communications because carefully developed comparisons allow people to grasp concepts quickly and get to surprisingly deep understandings. Because they are unconscious, and people will not stop and think about them metaphors can either reinforce or disrupt our understanding of how things work.

Research shows that describing crime as "beast" preying on the city led people to call for more police and harsher sentences. Describing crime as a "virus" infecting the city led people to recommend preventative measures – tackling urban poverty or universal access to pre-school.

In this experiment Stanford researchers gave participants two different texts about crime. The only difference between the texts was the use of the metaphor (crime as a beast vs crime as a virus). The rest of the text, which set out facts about crime in the city, were the same.

When people read that crime was a 'beast', 71% of the participants called for more enforcement. That number dropped to 54% among participants who read that crime was a 'virus'. All the facts that the participants read about crime rates in the city were the same.

Participants who read that crime was a beast were about 20% more likely to suggest an enforcement-based solution than participants who read that crime was a virus, regardless of their political persuasion. Which political party people supported did match a difference in their policy preference, but that difference was substantially less than the difference triggered by the metaphor.

That's because each metaphor – beast v virus – carries different types of associations that people then subconsciously apply to the issue of crime. For instance, people know that to address a literal virus problem it is important to diagnose the root cause and treat it. On the other hand, people know that the best way to deal with a literal wild beast is to catch and contain it.

Example: 'Tax relief': A frame and a metaphor.

Relief is a frame. For there to be 'relief' there must be an affliction, an afflicted party, and a reliever who removes the affliction. By using the word 'relief' we are evoking these other ideas. When you add 'relief' to 'tax' you have a metaphor. A metaphor that positions tax as a burden or an affliction and the party who takes away a tax as the 'reliever' of that burden.

Charting the Landscape

What experts understand about crime and justice

Purpose of the criminal justice system ("the system")

Experts overwhelmingly agreed the system should provide accountability for harmful behaviour, restoration for those affected, and prevention of future harm.

The criminal justice system is there to provide a fair and impartial hearing, and act as investigatory function of the system.

The system primarily acts as a legitimisation tool of the state for power and control. In New Zealand this means it is grounded in our history of colonisation and unable to act fairly or in service for all, and particularly for Māori

What is crime?

To experts, what is crime is culturally and historically defined. Much of our current definitions of a crime being based upon limited understanding of accounting of the drivers of human behaviour. For example, risk taking is a core function of adolescent brain development, while a lot of offending is driven by structural determinants (poverty), lack of opportunity (exclusion from education/wider community), or access to services (mental health or substance misuse support).

A lack of focus on our most salient crimes - forms of interpersonal violence, including family and sexual violence - also exemplifies the deep historical roots to defining what is a crime.

There is a need for much of what we conceive of as 'crime' needs to be reclassified

A significant portion of people in the justice system are cycling in and out on short term sentences, and serious offending represents a smaller part of the prison population than is commonly understood.

Who commits crime

Those from all backgrounds commit crime, however those who have fewer opportunities, have experienced severe deprivation and those with neurodisability are overrepresented.

Māori are overrepresented in the justice system because they are more likely to live in social conditions that restrict meaningful choices and wellbeing.

Drivers of crime

Majority of crime is 'reactive' – to a specific situations and particularly to social conditions and systems failures – i.e

- Deprivation, early childhood trauma and drug and alcohol disorders, neurodisability,
- Insufficient response from social, health, welfare, care and protection and education systems drives people into the justice system
- Harmful gender norms and beliefs, particularly around masculinity culminate in family violence and sexual violence, disproportionately experienced by women and girls.
- Impact of colonisation for Māori, including loss of resources and land, loss of connection to whakapapa, and exclusion from Pākēha society.

Systemic & structural drivers are compounded by racism and discrimination in justice system

Crime is not calculated through a weighing up of costs and benefits, or consideration of the sanctions. Deterrent effect of prison or other forms of punishment has a very limited impact.

What are the major failures of the justice system?

The justice system is insufficiently resourced to carry out core functions -leading to delays, arbitrary detention and confusion, and further harm.

Punitive system fails to address the drivers of offending, and contributes to exclusion and marginalisation

The system primarily serves itself by its own metrics of success – not offenders, or victims, or the wider community.

Why do we have prisons?

We have prisons to provide secure containment and rehabilitation. There is little evidence that they have a deterrent effect.

Prisons reflect a failure of preventive or diversionary mechanisms. There is some disagreement between experts on need for prison for some.

Prisons are a feature of Anglo-European justice systems and political heritage of 'penal populism'. Pre-colonial indigenous populations relied on very different responses to harmful behaviour.

What works about prisons

Initiatives where:

- restorative principles are given priority.
- judges and others within the system have been given the space and resources to innovate, this also works.
- social, health and criminal justice sector collaborations are supported

Initiatives that incorporate tikanga Māori principles as a first step towards a justice system that reflects the Crown's obligations under Te Tiriti.

What are the alternatives?

The most effective alternatives lie outside of the formal justice system, by empowering communities and investing in social support, health, education and violence prevention.

Within the system, greater use of community services and diversion, and use of appropriate social services, particularly for mental health and addiction.

Resolving minor offending outside of the courts.

Restorative justice should be prioritised and resourced, and used for more serious offending

Devolve power and resources to Māori, for tikanga and kaupapa Māori services that are able to work collaboratively with whānau.

How experts talk about crime and justice

As well as analysing what experts say about crime and responses to crime, we looked at how they talk about these issues. We analysed the language used by the experts interviewed for this research, looking in particular at which universal human values they reference when they talk about crime and justice (refer to the research base for why values matter), their use of metaphors, and who they name as agents.

Values

In terms of universal human values, overall the most commonly evoked value in the expert interviews was power. This includes evoking the value of social power, authority and wealth or money - so this category includes arguments made by experts about the cost-benefits of various reforms, and as well as discussion of the authority of the justice system.

The next most common value evoked by experts was universalism - particularly social justice and equality. Experts talked about the need for reform to reduce inequalities in the justice system, and the impact of wider social inequalities on how and how often people came into the justice system.

Experts also engaged the value of security, although less often than in the media. Security values are engaged not only when talking about the need to keep the public safe from crime and the people who commit crime, but also when talking about how the failings of the criminal justice system might be making the public less, rather than more safe. Experts were more likely than other groups to talk about the latter, describing the ways in which a flawed and failing justice system is, in itself, a threat to public safety.

Other than these three dominant values, experts also engaged values of benevolence (including our responsibilities to one another and the importance of compassion) and of achievement (including the importance of promoting and supporting personal success and achievement).

In our analysis below we will consider which of these values are more likely to promote more helpful and productive understandings of crime and justice, and should be used by experts. We'll also consider which are less helpful and should be avoided.

Metaphors

In terms of metaphors, two kinds of metaphors were most commonly used by the experts:

- machinery and tools; and
- competition or battle.

Experts used machinery or tools metaphors most often, using them to communicate their understanding both of how the criminal justice works, including the details of the 'mechanics' of the system, and how offenders and victims are moved through that system. They used metaphors which described the criminal justice system as a production process, a pipeline, and an instrument (specifically a 'blunt instrument'.)

The other commonly used group of metaphors were those evoking competition (including sport) and war. Experts talked about the 'arena' of sentencing, in which the vulnerable 'get knocked out'. They described justice as a 'war' in a 'landscape of devastation'.

Less commonly used metaphors include comparing crime, the people who commit crime and the criminal justice system to natural forces. This includes referring to problems in the system as a 'disease' or 'poison', both of which draw on the metaphor of the human body, and references to events in the criminal justice system as weather systems e.g. 'storm' or 'tsunami'.

Whereas media texts on crime in New Zealand used animal metaphors to refer to offenders as beasts (including caged beasts) and victims as 'prey', experts were more likely to use animal metaphors to refer to the justice system itself, e.g. 'a very complex beast'. Experts also used gardening and farming metaphors to evoke the importance of nurturing people - like crops - and, for example, providing people with 'a fertile environment' for growth.

As noted above, metaphors evoke frames. In other words, they carry with them a set of beliefs and understandings about how things work. In our analysis below we will consider which of these metaphors are more likely to promote more helpful and productive understandings of crime and justice, and should be used by experts. We'll also consider which are less helpful and should be avoided.

Agency

Experts were more likely than the public or media to name the justice system itself as the agent in their descriptions of crime and justice in New Zealand. Experts were also more likely than other groups to name various actors within the justice system, including policy makers and politicians, as agents. This compares to public discourse in which the most commonly named agents are offenders, and to a lesser extent victims of crimes.

Public Understandings

The cultural models that inform New Zealanders thinking about crime are complex and varied. In understanding these models, and the kinds of beliefs they support, we can start to design effective strategies to talk in more effective ways about criminal justice reform. When expert and advocates understand the models that shape people's thinking about these issues, they can avoid (rather than reinforce) unproductive ways of thinking and prime more productive ways of thinking.

What is crime?

Our research shows that at a basic level people in New Zealand define crime in the same general and relatively reactive two ways. Primarily they define crime as a breach or violation of the law and less frequently as actions that cause harm to property, individuals or society more generally.

When asked what crime is, people most often evoked the value of conformity. Most respondents conceptualised crime as disobedience to or 'breaking' the law, although only a small minority of those responses evoked morality in their response. A smaller group of respondents evoked security values in their definition of crime, talking about crime 'harming' or 'hurting' a victim. The references to harm in these responses included emotional and financial harm as well as physical and some also engaged universalism values - by evoking ideas about crime being an act that disrupts people's right to live in peace and harmony.

Who commits crime?

There is a strong recognition from the public that all types of people can commit crime, with strong differentiation between white collar and other types of crime. When asked to identify particular types of perpetrators, Māori and people with reduced capacity, i.e. drug and alcohol dependency or mental health disorders, were most frequently identified. Generally, people's

models about who commits crime were strongly interwoven with their models of why people commit crime.

A common metaphor used to describe the types of people who commit crime is that of life as a journey (e.g. 'lost people', 'people lacking a moral compass', 'people from all walks of life').

What causes crime?

People hold a set of models that help them appreciate contextual causes of crime. For example the public reasoned disadvantaged or challenging circumstances, economic need, social disconnection and a sense of hopelessness or lack of purpose lead people to commit crime out of desperation or need.

Another contextual model people drew upon was a more individual level contextual model that we call the culture of crime. In this model people reason those who commit crime are born into, raised or socialised into environments in which crime is normalised or encouraged. In New Zealand this way of reasoning is probably link to ideas of so-called criminogenic families. For example, one participant said "because they've been raised in an environment where it's a norm and acceptable and expected". While another noted "they [prisons] are full of low level drug offenders that should be home with their whanau, they are run internally by gangs who are using prisons as recruiting grounds."

This public model shows people understand that social proximity matters, however as a model it may be unhelpful in the New Zealand context because it encourages thinking about "bad families" and embedded or inevitable criminal behaviours.

People also explained that people committed crime due to various types of diminished capacity issues, for example if they had drug and alcohol addictions, mental health disorders, or neurodisabilities.

The two most dominant models people drew upon to explain why people commit crime were the rational actor model and the human nature model. People (often the same people) hold individuals solely responsible for crime. In this model the public explain that people commit crime after rationally deciding the benefits of committing a crime outweigh the likely costs. The public assumes that without sufficient costs (negative consequences for crime) then people are more likely to commit crime. This is a strongly individualistic model of crime.

"My guess is either: it's easy not to get caught, or the process of conviction in a court of law is often difficult to prove, or the penalties are not significant."

In the human nature model, which appears frequently along side reasoning of moral ineptitude ('absence of a moral compass'), the public explain that greed, selfishness, ill will ('some people are just bad') drives many people to commit crime. This model draws on a very fatalistic framing of human behaviours and crime specifically, and will likely inform their response to the purpose and alternatives of the criminal justice system in the same way.

When we ask people why people commit crime, they make their own assessments and assumptions about the motivations that sit behind crime. Those motivations draw on different 'values' or things that are assumed to matter to the people committing crime. Using the Schwartz values map, we can categorise those different assumed motivations into the following values groups:

- Security (people commit crime out of 'necessity', 'desperation' and 'survival')
- Achievement (people commit crime out of 'ignorance', 'stupidity' or because they are 'below average intelligence')
- Conformity (people commit crime because they 'chose not to conform')
- Stimulation (people commit crime out of 'boredom')
- Hedonism (people commit crime out of 'selfishness' and 'greed')
- Power (people commit crime to 'gain status' or 'get into gangs')

These different values tell us about the assumptions that people make about 'why' people commit crime. The important thing to note here is that several of the motivations attributed to people committing crime in this data are associated in the research with more support for individualistic, competitive and militaristic policy solutions. In contrast, when experts talk about the causes of crime they tend to draw attention to wider cultural and social factors, or to talk about a lack of opportunities and choices available to people who commit crime.

Purpose of the criminal justice system

The public's primary ways of thinking about why we have a criminal justice system are dominated by models of punishment, public safety and maintaining social order and systems of rules. While reducing reoffending, rehabilitation, and the needs of victims do also appear in the public's reasoning about the purpose of the criminal justice system, they are much less frequent.

"To enforce what many people consider to be a reasonable level of law and order and to protect the general public from dangerous persons by removing them from the general public until such a time they can become safer to the general public."

When talking about the purpose of the criminal justice system, perhaps unsurprisingly, security and power were the dominant values engaged. 'Safety' and 'protection' of society were dominant values in the responses to this question. Metaphors drawn from battle, war, sports and competition are used to express these concepts. Values related to power are also engaged in response to this question, including the need of the state to demonstrate its authority over citizens and to be seen to do so.

Alongside these dominant values, the recessive values engaged in these responses are benevolence, conformity and universalism. Benevolence is evoked in responses that talk about the importance of helping offenders and victims move on and 'working compassionately and firmly with people'. Benevolence is also evoked through the concept of responsibility, in which

offenders learn accountability for their actions and 'accept the consequences' of their acts. Universalism is engaged in references to the justice system working to preserve peace and social harmony.

Is the justice system fair?

The vast majority of the public do not believe the justice system to be fair, yet the public's reasoning about what constitutes fairness diverges significantly, flowing from ideas of why people commit crime.

There were three distinct models people used to reason why the system was unfair. The first two drew on ideas of embedded social injustices. People clearly reasoned that the overrepresentation of Māori in the system was due in some way to disadvantage, bias or racism within the system. In the second model the public explained that 'the system is rigged', notably in favour of those with money, means or status in society who do not experience the same consequences as others. The third model people drew upon was based on sufficiency of punishment - primarily the system is unfair because it is not harsh enough.

The public also reasoned, with less frequency, that the criminal justice system didn't reflect social values and norms, and was ill-suited for more modern ideas of criminal justice system.

The dominant values evoked in responses about the fairness of the justice system are power and security. This correlates to responses about the purpose of the justice system (to keep us safe, to maintain and restore) and suggests that when people consider whether the system is fair, they are drawing on similar values to those they draw on in considering its purpose. Unlike discussion of the purpose of the system however, universalism emerges as a strong value in discussion of fairness. This isn't surprising since notions of social justice and equality are closely tied to many people's understanding of fairness.

Purpose of prisons

The public overwhelmingly understands that the purpose of prisons specifically, as distinct from the criminal justice system, is to keep the community safe. Flowing from this, people reason that people in prisons should be those who pose a risk to others and society, especially those considered the most dangerous. Other less dominant models that appeared were punishment, rehabilitation, reducing reoffending and providing a deterrent.

A quieter model drawn upon by the public was prison as a failure of social and cultural systems. For example prisons as colonising structures, a reflection of Victorian ideas of crime and justice, and of addressing the root causes of crime.

Not surprisingly, the strongest value evoked in describing the purpose of prisons is that of security, with many responses referring to the need 'to protect society' or 'protect innocent

people' from 'dangerous' offenders. Power is also, not surprisingly, a dominant value. Here respondents talked about 'punishment' enforced by authority.

One of the common metaphors used to talk about the purpose of prisons is that of containment, e.g. 'to house criminals' or 'to hold people of danger', or more emotively 'locking up lowlifes'. A more recessive use of this metaphor was to describe prisons as a space in which offenders can be rehabilitated, e.g. 'reflect on their wrongs', 'opportunity for correction and restoration'.

What works about prisons

When asked what works about prisons there are two related models that the public draw upon. Firstly that they improve community safety, and secondly that they correct offender behaviours, or provide opportunities for rehabilitation or retraining. However there was a similarly strong model that prisons are a failure and don't work, with only small numbers of people reasoning that prisons reduce reoffending or helped victims. It's worth noting that a large number of respondents didn't have anything positive to say about prisons.

Once again, security was the most commonly evoked value in describing what works about prisons, e.g. 'It works for a very small percentage of people who are a super big danger to society'. Benevolence was evoked by a smaller number of respondents, but often in the negative - noting that prisons failed to deliver the help people need. A small number of respondents engaged the achievement value, talking about the role of prisons in providing learning opportunities and education, including as a protection against future offending.

What could be improved?

When asked to think about what could be improved about prisons specifically, the public drew upon models that appear to flow from their models about why people commit crime. Where rational actor model of thinking were engaged people also engaged with reasoning that prisons need to be harsher. Though this model was drawn upon with less frequency than models that reasoned prisons needed to change in line with modern society and the needs of prisoners, including better mental health support and treatment.

The public infrequently drew upon a model of reintegration of prisoners into society, suggesting there is a cognitive hole in the public narrative about post-prison experiences and needs.

The most commonly engaged value here was benevolence, evoked when talking about the need for restorative, helpful justice processes with a particular concern for improving health, mental health and resolving addiction. For Māori respondents, in particular, benevolence was evoked mostly in the sense of helpfulness, emphasising the need to improve the lives of inmates.

Non-Māori respondents evoked benevolence more often in the form of responsibility and reintegration sometimes combined with achievement values. These responses emphasised the importance of offenders taking responsibility for their actions, and of education opportunities which would improve e.g. 'career prospects for prisoners leaving prison'.

Alternatives to prison

Finally, when asked to reason about alternatives to prisons the dominant models reasoned that we needed more or less of existing approaches. The most frequently occurring model that the public drew upon was increasing the use of community based sentencing for low level offenders who posed a low risk to others. This represents a communication opportunity, given the nature of most criminal offending is low level.

Less frequently models including increasing costs of crime (harsher sentencing) mental health and addiction support, and restorative justice were reasoned to be good alternatives by some. While a less frequent model the public drew upon was the idea that systems and structures: welfare support and education, were important alternatives.

Generally the public had few models to draw upon for transformative alternatives to prison, possibly because there are few models within the public with regard to purposes of the criminal justice system that are not deeply rooted in historical western cultural models.

Once again, security and benevolence are the dominant values evoked in responses to this question, often evoked together for example where respondents propose alternatives to prison which would be more helpful or restorative, but say that these alternatives would be conditional on the offender being a 'low security risk'.

The way the media talks

The media is a significant influence on dominant public narratives and mental models. Often the media has the job of translating the work and words of experts into accessible and engaging texts for the public. In this process of translation, the media may draw on existing dominant values, metaphors and models to make sense of complex information, and in doing so reinforce those dominant frames - including the unhelpful ones.

In order to better understand the role of the media in New Zealand in shaping public narratives and models on crime and justice, we carried out a textual analysis of 15 media texts published between 2017 and 2019.

Values in the media texts

The dominant value engaged across the media texts analysed for this research was security, closely followed by power. Power and security values were also often engaged in combination in media texts. These two values were commonly associated with the criminal justice system (power and authority) and offenders (security and danger).

Security values are engaged whenever personal, family, community or national security or safety are evoked as the reasons to act or not act. Research shows that when these values are dominant, people respond by acting and supporting actions that are more individualistic, less tolerant and more focused on simplistic solutions.

The media texts evoked security values more often than the experts did, but security values were engaged by experts and this comes through in the media texts. Given how unhelpful security values are when they dominate public discourse on complex issues of collective well-being, like criminal justice, any reduction in the engagement of security values by the media would be helpful.

Notable recessive values engaged in these texts include benevolence (particularly responsibility and helpfulness) and universalism (social justice and equality). Values of responsibility are attached both to offenders (who need to be held accountable for their actions) and to the justice system itself. Social justice and equality values are evoked in a variety of ways across the texts including through the use of statistics to highlight inconsistencies. Benevolence values including helpfulness and love are evoked through personal stories.

These are both intrinsic values. Where intrinsic values dominate, research has found them to be closely related to political engagement, concern about social justice, support for collective well-being and lower levels of prejudice. In other words, attitudes and actions that are helpful for the sorts of reforms proposed by criminal justice advocates.

This suggests experts and advocates should draw on the intrinsic values that are already present, if recessive, in the public narrative. Bringing existing but recessive values to the forefront of public discourse is a much easier task than shifting the focus to other intrinsic values that are not yet present in the discourse at all.

Metaphors in the media texts

The most commonly used categories of metaphor in the media texts were those relating to animals and farming. Offenders are compared to animals, a 'savage predator lying in wait' and the justice system is described as 'hunting' these animal-like offenders, with the goal of 'catching' or 'hooking' them and 'putting them behind bars'.

Another version of the animal/farming metaphor found in these texts is the comparison of the offender to an animal has been badly raised, or a crop that has failed due to inadequate farming. This crop metaphor extends to comparing individual offenders to plants, with 'deeply embedded roots'. Other natural metaphors drawn on in these texts include comparing crime to natural forces like waves, storms, viruses, fungi, fires and impending tsunamis.

Gaps and overlaps between the public and experts understandings

Topic	Experts	Gaps & overlaps	Public
What is	Culturally &	Cultural context in which	Crime is a breach or

crime?	historically defined and needs to be reclassified in line with modern values, including Māori culture and values.	laws are set is not apparent in public mental models.	violation of the law, or a harm to property, people or society.
Who commits crime?	People from all backgrounds, but more often people with fewer opportunities, experience of severe deprivation.	A lot of overlaps. Less public understanding of impact of deprivation on opportunities.	People from all backgrounds, but more often people with drug and alcohol addictions and mental health issues. Public also identify Māori as more likely to commit crime.
What causes crime?	<p>Most crime is reactive (and not rational or calculated) - especially to social conditions and systems failures including deprivation, trauma, neurodisability, addictions.</p> <p>Social factors such as exposure to gang culture, or prisons themselves can drive further crime.</p> <p>Crime is also reactive to failures of the social, health, education, welfare and care and protection systems.</p> <p>These systemic drivers are compounded by racism and discrimination in the system.</p>	<p>Public believe rational actor model, and that some people are 'just bad'. Experts say this is inaccurate.</p> <p>Public also believe in 'culture of crime', in which social groups & socialisation play a role, which overlaps with what experts say about the role of cultural norms such as masculinity and colonisation, but is an overly simplified understanding.</p> <p>There are recessive public models that overlap with expert understanding - including the impact of deprivation, addictions, mental health issues, neurodisability and trauma.</p>	<p>Rational actor: people commit crime because the rewards are greater than the risks or costs.</p> <p>Human nature: 'Some people are just bad'. People are greedy or selfish.</p> <p>Disadvantage, challenging circumstances, economic need, social disconnection and a sense of hopelessness or lack of purpose.</p> <p>Culture of crime: people are born into, raised or socialised into environments where crime is normal.</p> <p>Diminished capacity, including drug & alcohol addictions, mental health issues or neurodisabilities.</p>

	<p>Majority or dominant cultural practices & beliefs, such as hyper masculinity, and western european Pākehā culture drive crime and criminalisation of Māori people.</p> <p>Therefore the deterrent effect of prison or punishment is limited.</p>		
<p>What is the purpose of the justice system?</p>	<p>The purpose of the justice system is accountability, prevention, restoration.</p> <p>But currently the justice system primarily serves itself by its own metrics of success - does not serve offenders, victims or the wider community.</p>	<p>Significant gaps between expert and public views on the purpose of the justice system.</p> <p>Dominant public stories focus on safety & punishment. Recessive stories are available that align more with expert understandings.</p>	<p>Dominant: For punishment, public safety and maintaining social order.</p> <p>Recessive: Reducing reoffending, rehabilitation, needs of victims.</p>
<p>Is the criminal justice system fair?</p>	<p>System is under-resourced leading to delays, arbitrary detention, confusion and further harm.</p> <p>Punitive system fails to address the drivers of offending, and contributes to exclusion and marginalisation.</p>	<p>There are significant overlaps in that neither the public nor experts see the system as "fair", however there are distinctly different interpretations of fair from the public and experts.</p> <p>One area of overlap between experts and the public is that resources are associated with access to "fair justice".</p>	<p>The system is not fair because of embedded social injustice. Maori are over-represented due to disadvantage, bias and racism.</p> <p>The system is rigged in favour of people with money or status.</p> <p>The system is unfair because it is too lenient.</p> <p>Recessive: The system is out of step with modern social values & norms.</p>

<p>What is the purpose of prisons?</p>	<p>Secure containment and rehabilitation. Some disagreement among experts on need for prisons for some people.</p> <p>Prisons are a feature of Anglo-European justice systems and political heritage of 'penal populism'.</p>	<p>There is an overlap in expert and public understandings around the secure containment role of prisons. Although there are risks in engaging this model, that it draws on a wider set of assumptions that people in prison are all dangerous.</p> <p>There is a recessive public understanding about the role of prisons in rehabilitation, and also about the harm done by prisons which experts can do more to draw on.</p> <p>There may be potential in the outdated victorian institution model.</p>	<p>Dominant: To keep the community safe. To safely contain dangerous people. Prisons should be for people who pose a risk to others.</p> <p>Recessive: Punishment, rehabilitation, reducing reoffending and providing a deterrent.</p> <p>Recessive: Prisons are a colonising structure, or a reflection of outdated Victorian ideas of crime and justice.</p>
<p>What works well about prisons?</p>	<p>Initiatives where restorative principles are given priority.</p> <p>Where judges and others in the system are given space and resources to innovate.</p> <p>Where social, health and criminal justice sectors collaborate.</p> <p>Initiatives that incorporate tikanga Māori principles.</p>	<p>Significant overlap between public and experts that prisons are a failure.</p> <p>There are differing public stories about the nature of that failure (e.g not harsh enough vs serve the powerful best)</p> <p>Significant gaps between the expert and public understandings of the conditions that ensure prisons 'work', likely because of the differing reasoning behind the purpose of prisons and why people commit crime.</p>	<p>Dominant view that prisons don't work and are a failure.</p> <p>Recessive: They improve community safety and help victims feel safe.</p> <p>Reduce reoffending.</p> <p>They correct offender behaviour or provide opportunities for rehabilitation or retraining.</p>
<p>What needs to</p>	<p>Reflect a failure of preventive or</p>	<p>Few overlaps between experts and the public.</p>	<p>Prisons need to change in line with modern society</p>

<p>be improved?</p>	<p>diversionary mechanisms.</p> <p>Little evidence of deterrent.</p>	<p>Experts focus on alternatives to prisons, the public focuses on aspects within prisons to improve.</p> <p>Some overlap between experts and public may exist on the need for preventive mechanisms specifically in relation to drug and alcohol abuse (and the sequelae e.g interpersonal violence)</p>	<p>and prisoners needs, including more mental health and addiction services.</p> <p>Prisons and sentences need to be harsher, and better at teaching people to take responsibility for their actions.</p>
<p>What are alternatives to prison?</p>	<p>Most lie outside formal justice system: empowering communities and investing in social support, health, education and violence prevention.</p> <p>Within system, more use of community services & diversion, social services esp for mental health and addiction.</p> <p>Resolving minor offending outside courts.</p> <p>Restorative justice prioritised and resourced, used for more serious offending.</p> <p>Devolve power and resources to Māori for tikanga & kaupapa Māori services.</p>	<p>Few overlaps between experts and the public on alternatives outside of the formal justice system. A significant cognitive gap for the public appears to exist.</p> <p>There is overlap between experts and the public on within system alternatives. The public tends to focus on community based sentencing. Some recessive reasoning about social services, prevention, addiction services and restorative justice.</p>	<p>Dominant: Increase in community based sentencing for minor crimes and offenders who pose little risk to others.</p> <p>Recessive: More mental health and addiction services.</p> <p>Restorative justice.</p> <p>Harsher sentencing.</p> <p>More social services to prevent crime i.e. welfare, education, health, care and protection.</p>

Gaps and overlaps between values engaged by experts, media and the public

There were three dominant values evoked by the public when talking about crime and those people who commit crime: conformity, security and universalism.

Conformity was the primary value evoked when defining crime, and power was a dominant frame in describing the purpose of the justice system; i.e. the system exercises its power to punish those who do not conform.

Security was commonly evoked in describing the criminals as “dangerous” people inflicting harm upon others and the subsequent protection of society from those people. Security was also the value most often evoked in answer to the question on the purpose of the system.

Universalism was most often evoked in relation to peoples’ desire for equality in the justice system and their concerns that the system is in fact socially unjust against certain groups.

While the value of benevolence was often evoked when talking about improvements and alternatives to prison, it was not often evoked in the purpose of the justice system.

Why do these values matter? And what do they mean for our communications?

Research tells us that when these different kinds of values are prioritised, they have an impact on people’s attitudes and beliefs and on the sorts of policies that people are likely to support.

Security: where people’s fears about their own or their family or community security are engaged, they are more likely to show attitudes and behaviours, and support policies, that are more competitive, individualist, antagonistic, homophobic, racist and be more supportive of militaristic and hierachical interventions. They also become less tolerant of complexity and ambiguity and more supportive of simple solutions like building walls, closing borders and harsher sentences.

Conformity: when people’s values around conformity are engaged, they are more likely to show attitudes and behaviours, and support policies, that are homophobic, racist, sexist and anti-immigrant.

Universalism and Benevolence: when people’s values around universalism and benevolence are engaged, they are more likely to show attitudes and behaviours that are co-operative, peaceful and tolerant. They are more likely to support policies that address poverty and protect human rights. They are also more likely to be interested in big social issues, and more likely to be politically active.

There are therefore reasons for experts to focus on promoting public discussion about the purpose of the criminal justice system which emphasises the values of universalism and benevolence. And to avoid engaging security and conformity values in this public discussion.

What does this mean for how we talk about crime & justice?

The next phase of this research will involve drawing on the findings of phase one to develop some messages about crime and justice which are likely to promote helpful and productive public understandings. Those messages will be tested in randomised control trials to see whether they do, in fact, help the public thinking more productively (in-line with expert understandings) on crime and responses to crime. In advance of that empirical testing, this first phase of research has produced the following communications recommendations.

General recommendations

Language:

- Avoid the word unfair. People have different models of what unfair means. While for some people it means taking account of an individual's context, for others it means a uniform response to crime "e.g. you do the crime you do the time." Even if you intend the first meaning, unless you spell that out, people may interpret it to mean the second.
- Instead, be concrete and specific about what you mean by unfairness, e.g. by explicitly talking about external factors that appear in the public narrative, such as a lack of drug, alcohol and mental health treatments.

Name human agents:

- Avoid inagentive or passive language (e.g. the number of Māori in prison rose) because it doesn't help the public understand what or who caused the current situation or who could change it.
- Instead, name agents and describe their choices or behaviours and how they could make different choices. E.g. People in the criminal justice system convicted more Māori than Pākehā for the same types of crime.

Avoid using money as the reason why this matters:

- Avoid talking about prisons as a "fiscal failure" because it implies that what matters most about the criminal justice system is how much it costs.
- Instead, if you want to talk about the failure of prisons, make sure you name a human agent and talk about that failure in terms of people's lives. E.g. The choices successive governments have made about our prisons are failing to reduce crime, failing victims, and failing to restore lives and communities overall.
- Avoid talking about under-resourcing in the criminal justice system. This is likely to make people think that the problem in our criminal justice system is just one of money (either it costs too much, or we just need to put more money into it)
- Instead, talk in more concrete and specific terms about the impact on people of a criminal justice system that isn't fulfilling its purpose e.g. injustices and delays in the system and their impact on people.

Metaphors:

- Avoid metaphors that imply that people in prison are less than human, e.g. avoid talking about prisons as 'holding' or 'containing', avoid words like 'musters'.
- We will test for more helpful metaphors in the next phase of the research.

Recommendations for talking about what crime is and why people commit crime.

Avoid:

- Avoid inadvertently drawing on unhelpful beliefs about why people commit crime.
- Avoid language that refers to individual choices, rationality and logic because this reinforces a widely held public belief in the 'rational actor' explanation for crime.
- Avoid language that links crime to inherent human nature e.g by making reference the "worst, most dangerous" offenders who will always need to be imprisoned.
- Avoid reference to "families of crime" "criminogenic families", or people who are "born bad"
- Avoid myth/fact constructions, where you restate an incorrect claim in order to correct it. This approach isn't effective at countering incorrect information generally.
- Specifically, do not repeat incorrect claims about rationality, individual choice or 'bad people' because it may reinforce peoples' existing belief that crime is a rational choice.

Replace with:

- Look for ways to expand people's thinking about the role of external social factors in crime.
- Talk about the social causes of crime, e.g how drug related crime may push people into the system which is hard to escape (but avoid individual framing of drug dependency)
- Talk about external factors that limit people's opportunities. This could include, for example, talking about the sense of hopelessness and disconnection that comes from external constraints on young people growing up in communities where there is no work prospects.
- Talk about crime prevention through the provision of strong social services like mental health services and high quality addiction treatment programmes.
- Talk about the ability of programs to improve the lives of children and young people, and the power of support in this period of life to change long-term outcomes.

While experts explain that deprivation, lack of opportunity are determinants of crime, the public doesn't appear to understand this. Because of this, we are unclear at this point whether linking crime directly to poverty is an effective way to improve public understanding. We will explore this in the next phase of the research.

Experts are clear on the role of colonisation and racism in our criminal justice system. While the public do recognise that Māori are over-represented in the criminal justice system, it is hard for us to know at this stage what kind of sense people make of that fact. We will explore this more in the next phase of the research.

Recommendations for talking about the purpose of the justice system and prisons.

It appears that the public and experts have very different understandings of the purpose of the criminal justice system. This gap may be reinforced when experts use language to mean one thing, and the public understand something different. For example, experts may talk about accountability when they mean restoration, while for the public the word accountability may be more likely to evoke punishment.

Avoid:

- Do not assume that there is a shared understanding between expert and public about the purpose of the criminal justice system.
- Avoid talking about safety, punishment and deterrence. This is a very powerful cultural model that narrows how the public reasons about the issue.
- In particular, avoid using public safety as the reason we have a criminal justice system, or need to reform it. When we reinforce the belief that the only purpose of our criminal justice system is public safety we draw on people's fears. This has been shown to limit their ability to think more productively about the purpose of the criminal justice system or about alternatives.

Replace with:

- Talking about the purpose of the criminal justice system being to reduce reoffending, rehabilitate people, meet the needs of victims and improve outcomes for all people. We will explore what this would look like in more detail in the next phase of research.

Recommendations for talking about reforming criminal justice including prisons

Avoid:

- Avoid using money and power as the reason to reform, for example making the case for prison reform on the basis of cost-effectiveness, or terms that compare crime and its impact to money such as "pay a debt to society"

Replace with:

- Make the case for reform of our criminal justice system on the basis of benevolence or universalism values. We will explore what this would look like in more detail in the next phase of research.
- Explain any reform in relation to very specific goals of the criminal justice system: i.e. repairing harm, restoring what has been taken, giving victims a sense of self-determination.
- Talk about the power of effective rehabilitation and reintegration services to improve outcomes like reducing reoffending.
- Talk about the importance of using alternatives to prison in creating a system that actually improves the lives of all citizens.

There is a significant gap between how experts talk about alternatives to crime and justice in relation to Māori values and culture and how the public thinks about it. Generally the public have very few and limited models about alternatives to prisons and alternative approaches to criminal justice. In the next phase of the research we will explore what kinds of messages might help to bridge this gap.

What Next?

In phase two of this research we will test the hypotheses generated from the findings of this first phase. Specifically, we are looking for messages that move the public to their more productive ways of thinking about the causes of crime, the purpose of the criminal justice system and reforming it away from prisons.