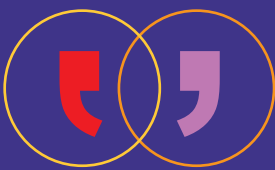


**The
Workshop**

Expert and Public Narratives on **Crime in New Zealand:** Gaps and Opportunities *A Short Guide*



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In collaboration with:




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Contents

Background	3
What is the change we want?.....	3
What is standing in the way of change?.....	2
What makes it hard to build public support for crime and justice reform?	3
Our approach	6
Developing effective strategies to improve public understanding of complex issues.....	6
The methods we used to chart the landscape	6
What did we find, and what does it mean for how we talk about crime and justice?	6
General recommendations	7
Recommendations for talking about what crime is and why people commit crime.....	9
Recommendations for talking about the purpose of the justice system and prisons	10
Recommendations for talking about reforming criminal justice, including prisons	11
Summary of findings	12
Gaps and overlaps between public and expert understandings	12
Gaps and overlaps between values engaged by experts, media and public	17
Next steps?	19



Background

This paper reports on the first phase of a larger research project looking at how to reframe the public conversation about crime and justice in Aotearoa New Zealand.

In this report, we summarise the first phase of our research, which looks at how experts and the public currently talk and think about crime and justice. We summarise the findings of our analysis of the gaps and overlaps between those two narratives and we make some preliminary recommendations based on our findings.

This work was conducted in partnership with JustSpeak and supported by the Michael and Suzanne Borrin Foundation, The Tindall Foundation and the JR McKenzie Trust.

What is the change we want?

“... 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 Jackson¹

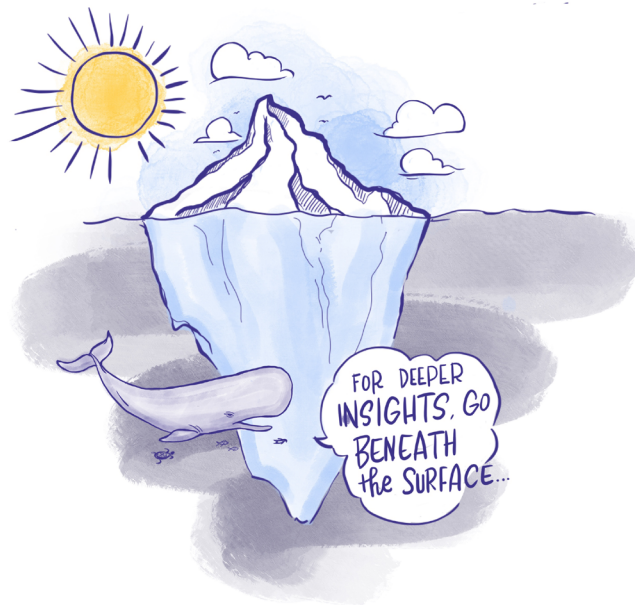
At the heart of this project is a shared desire to envision a different, more compassionate response to crime in our communities across Aotearoa New Zealand. The specific change we focus on in this research is what will it take to increase public support for the policy, law and practice changes that we need to make that vision a reality?

What is standing in the way of change?

Many barriers prevent the adoption of a more effective, just and compassionate criminal justice system. One significant barrier is what the public believe about why people commit crime and how society should respond. 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.

¹ <https://e-tangata.co.nz/comment-and-analysis/moana-jackson-prison-should-never-be-the-only-answer/>

When the prevailing shared cultural stories about crime are too shallow or unproductive, it makes it hard to build support for more effective, but complex, approaches. 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 the costs to individuals (i.e. harsher punishments).



However, cultural narratives are not monolithic. Alongside dominant shallow understandings of complex issues like crime, other more nuanced but recessive understandings also exist.

Dominant narratives are ones that:

- » show up most often in the public discourse
- » are readily available to people, i.e. they are often the first thoughts that someone will have when asked their opinion on an issue
- » are simple and easily accessible by our fast-thinking brain.

Recessive narratives are ones that:

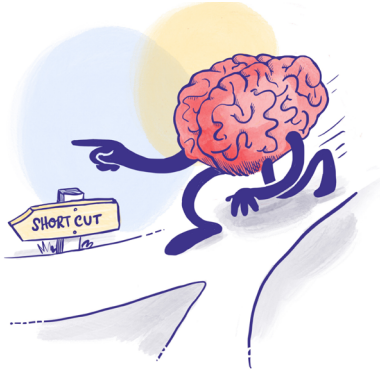
- » show up less often in the public discourse
- » are harder for people to access, i.e. they are not necessarily the first thought someone might have on the issue
- » often require slower thinking, i.e. more time to reflect on the issue.

Over time, through consistent careful proven communication across a field of practice, recessive narratives that support more helpful evidence-based understandings can become more dominant in the public narrative. We call this 'navigating people to higher ground'.

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, 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? The reality is complex. Both our in-built cognitive processes and our information environment can conspire to narrow our thinking about complex issues such as crime.



As Daniel Kahneman² has shown, our **fast-thinking brains** use many shortcuts 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 is clear that, in our unconscious cognitive processing of information, we grasp the concrete and shy away from the abstract. This is an immense challenge for having a productive public conversation about complex social and environmental issues, including crime.



At the same time, we are **overloaded by information**, including a lot that is poor quality. The digital age has brought new, faster and more targeted ways for us to be exposed to unproductive explanations about complex systems issues.

The combination of these cognitive shortcuts and an overloaded, often misleading information environment can 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, they 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 important as the default way we process information, only some stories will help us achieve our goals. Some stories simply reinforce unhelpful dominant narratives. Others fail to draw attention to the causes of a 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.

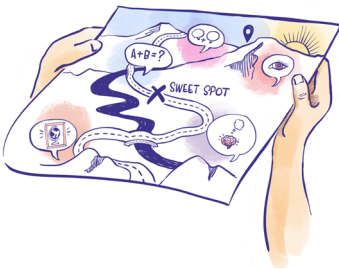
The good news is that research that draws on social and cognitive science and narrative traditions can guide us in putting knowledge and reason at the heart of people’s thinking on complex issues like crime. Research on the importance of intrinsic values to human motivation can show us how to motivate people to support different, more effective approaches.

² Kahneman, D. (2013). *Thinking Fast and Slow*. New York, NY: Farrar, Straus and Giroux.

Our approach

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 and **mapping 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 identify those pathways 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
- » 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, 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.

The methods we used to chart the landscape

In this report summarising the first phase of our project, we undertook three main research activities.

- » We interviewed 12 leaders in the field of criminal justice (academics in criminology and law, law practitioners, expert advisors to government). We analysed the themes of their responses and the language they used to talk about crime and justice in New Zealand.
- » 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. Our analysis of their responses focused on uncovering the cultural models in existence – shared understandings and beliefs about crime and justice in New Zealand.
- » We carried out a media discourse analysis to understand the cultural narratives framed by people in the media when reporting on crime and justice issues. The findings of this analysis are set out in the long version of this report and will be incorporated into the next phase of this research but are not included in this short version.

What did we find, and what does it mean for how we talk about crime and justice?

The key findings of our research are summarised below. You can also read a longer report on the findings of this phase of the research here [insert link]. The next phase of this project will involve developing and testing messages that are likely to promote helpful and productive public thinking about crime and justice. Until that happens, the recommendations set out below are preliminary. But they are based on the findings of this first phase of research, and consistent with wider principles of effective communication drawn from global research.

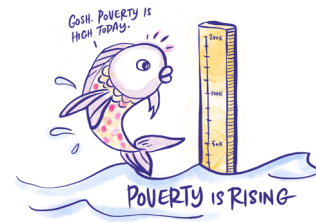
General recommendations

Language:

- » Avoid the word ‘unfair’. People have different models of what unfair means. For some people, it means taking account of an individual’s context, while 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 have the second meaning.
- » 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 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”, and avoid words like muster.

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

Avoid:

- » Avoid inadvertently drawing on unhelpful beliefs about why people commit crime, e.g. 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 to 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 generally isn’t effective at countering incorrect information.
- » Specifically, do not repeat incorrect claims about rationality, individual choice or “bad people” because it may reinforce existing beliefs 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 that is hard to escape (but avoid individual framing of drug dependency).
- » Talk about external factors that limit people’s opportunities, e.g. talk about the sense of hopelessness and disconnection that comes from external constraints on young people growing up in communities where there are 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 community-based programmes 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 and lack of opportunity are determinants of crime, the public doesn’t appear to understand this. Therefore, 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 does recognise that Māori are over-represented in the criminal justice system, it is hard for us to know how people make sense 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

The public and experts appear to 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 understands something different. For example, experts may talk about “accountability” when they mean “restoration”, while for the public, “accountability” may be more likely to evoke the idea of punishment.

Avoid:

- » Do not assume that there is a shared understanding among experts and the 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 understands 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:

- » Talk 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, e.g. making the case for prison reform on the basis of cost-effectiveness or terms that compare crime and its impacts with 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, e.g. repairing harm, restoring what has been taken and 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 has 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.

Summary of findings

Gaps and overlaps between public and expert understandings

The table over the page sets out a summary of themes identified in the views expressed by the experts on each of a set of key aspects of criminal justice and those expressed by the public. We also identify the gaps and overlaps between how experts understand each of these aspects and how the public understands them.

Gaps in understanding highlight places where we need to develop communications strategies to bridge the gaps, including by avoiding activating the unhelpful ideas and beliefs expressed by the public. Overlaps in understanding highlight opportunities to develop communication strategies that will build on the helpful evidence-based ideas and beliefs already held by the public.



IF we can CHANGE the way
ISSUES are FRAMED we can
CHANGE how PEOPLE THINK
about ISSUES

Topic	Experts	Gaps and overlaps	Public
What is crime?	Culturally and historically defined and needs to be reclassified in line with modern values, including Māori culture and values.	Cultural context in which laws are set is not apparent in public mental models.	Crime is a breach or 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 and 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 and 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>Majority or dominant cultural practices and beliefs drive interpersonal violence and contribute to the criminalisation of Māori people.</p> <p>Therefore, the deterrent effect of prison or punishment is limited.</p>	<p>Public believes rational actor model and that some people are “just bad”. Experts say this is inaccurate.</p> <p>Public also believe in a culture of crime in which social groups and 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, raised or socialised in environments where crime is normal.</p> <p>Diminished capacity, including drug and alcohol addictions, mental health issues or neurodisabilities.</p>

Topic	Experts	Gaps and overlaps	Public
<p>What is your ununderstanding of the purpose of the justice system?</p>	<p>The purpose of the justice system is accountability, prevention and restoration.</p> <p>Currently, the justice system primarily serves itself by its own metrics of success – it 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 and punishment. Recessive stories are available that align more with expert understandings.</p>	<p>Dominant: for punishment, public safety and maintaining social order.</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>Structural discrimination against Māori and Pasifika.</p>	<p>There are significant overlaps in that neither the public nor experts see the system as “fair”. However, the public and experts have distinctly different interpretations of “fair”.</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. Māori 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 and norms.</p>
<p>What is the purpose of prisons?</p>	<p>Secure containment and rehabilitation. Some disagreement among experts on whether there is some 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, 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>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>

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<p>What is the purpose of prisons?</p>	<p>Secure containment and rehabilitation. Some disagreement among experts on whether there is some 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, 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>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 the justice system and 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, although experts caution against this being used as an argument in favour of prisons.</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 versus 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: prisons don’t work and are a failure.</p> <p>Recessive: prisons 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>

Topic	Experts	Gaps and overlaps	Public
<p>What needs to be improved about prisons?</p>	<p>Reflect a failure of preventive or diversionary mechanisms.</p> <p>Little evidence of deterrent.</p>	<p>Few overlaps between experts and the public. Experts focus on alternatives to prisons, while the public focuses on aspects within prisons to improve.</p> <p>Some overlap between experts and the 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>Prisons need to change in line with modern society 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 the system, more use of community services and diversion, social services especially 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 and 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, the media and the public

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.

Values matter in putting knowledge at the heart of decision making, because how we filter information and decide what to do based on that information depends on how we assess its relevance to what we value.



Research tells us that what matters most in life to most New Zealanders is taking care of each other, the environment and setting our own path in life. These are benevolence, universalism and self-direction values. Helpfully, when these values are prioritised by individuals and across societies, they have been shown to lead to greater support for policies and practices associated with collective wellbeing. For example, they could lead to more support for the kinds of justice reform suggested by the experts in this research.

Unhelpfully, the values being referred to most frequently in our schools, media and advertising are the values that lead us to think about how policies benefit us personally but not the collective. These are the values of power and achievement and include making the case that money is the reason to care about or take action on a social issue, e.g. when we say that the problem with prisons is that they are costly or when we compare the cost of imprisoning someone with the cost of providing preventive social services.



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 are more likely to demand and prefer simple solutions like harsher sentences. When we tell people that the purpose of the criminal justice system is to protect them against threats to their safety or the safety of their family and community, we are engaging people’s fear (we call this the ‘security’ value). We are making it harder for them to consider complexity in relation to crime and justice, and we are making it more likely they will support simple solutions like longer sentences.

The table on the next page sets out the unhelpful and helpful values that are being engaged by experts and the public in the texts analysed for this research and highlights the gaps and overlaps between them.

Relative helpfulness of value to motivating reform	Expert values	Gaps and overlaps	Public values
<p>Values unhelpful for motivating reform</p>	<p>Power, authority and wealth: examples of evoking such values include discussing cost-benefits of various reforms and discussion of the authority of the justice system.</p> <p>Experts also engaged the value of security, although less often than in the media. Security values are engaged when talking about the need to keep the public safe from crime and the people who commit crime and when talking about how the failings of the criminal justice system might be making the public less safe rather than more safe.</p> <p>Achievement was less frequently engaged, including the importance of promoting and supporting personal success and achievement.</p>	<p>There are significant overlaps in the values that experts and the public evoke that are likely to be less motivating to reforming the criminal justice system. Primarily these are the power and security values.</p>	<p>Power and conformity: the purpose of the criminal justice system is to exercise power over and punish those who don't conform.</p> <p>Security: criminals are "dangerous, and society needs protection", "safety".</p>
<p>Values helpful for motivating reform</p>	<p>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 come into the justice system.</p> <p>Benevolence: experts discussed our responsibilities to one another and the importance of compassion.</p>	<p>Universalism and benevolence were values that both the experts and the public evoked although both with less frequency than other values.</p>	<p>Universalism: people's desire for equality in the justice system.</p> <p>Benevolence: improvements and alternatives to prison.</p>

Next Steps?

→ **The next phase of this research** will involve drawing on the findings of this phase to develop messages about crime and justice that 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 the second phase 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 more productive ways of thinking about the causes of crime, the purpose of the criminal justice system and reforming it away from prisons.

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