

# Communicating about Women and Criminal Justice in the United Kingdom:

## *A FrameWorks Research Brief*

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This document reports on findings from research conducted by the FrameWorks Institute on how residents of the United Kingdom think about women, crime, and criminal justice.

The research has three primary goals. First, it distills expert messages into a set of elements that compose what FrameWorks calls an untranslated expert story. Second, it provides UK communicators with a robust understanding of current public thinking and opinion on women and criminal justice. FrameWorks refers to these patterns as “the swamp of public understanding.” Third, it develops and tests reframing tools and strategies that communicators can use to navigate the swamp and foreground ways of understanding an issue that allow for deeper consideration and evaluation of potential actions and solutions.

In keeping with these three research goals, this brief is designed to give advocates and experts operating at the intersection of gender and criminal justice reform an initial map of the “swamps” they will encounter when they communicate about related issues. The memo also provides an integrated framing strategy, comprising empirically-tested tools derived from previous FrameWorks projects that can be used to navigate the swamps in which advocates and experts will quickly find themselves when communicating about women and criminal justice.

## Research Base

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Two main sources of data inform the research findings and framing recommendations included in this brief:

*Elicitation of the expert story:* The untranslated expert story of women and criminal justice reform draws from the following sources:

- Expert interviews with Stephanie Covington, PhD, LCSW, co-director, the Institute for Relational Development and the Center for Gender and Justice (CA)<sup>1</sup>
- A host of materials obtained from Dr. Covington that communicate about gender and criminal justice to a wide variety of audiences including other criminal justice experts, policymakers and members of the general public
- Reanalysis of expert interviews conducted for the Reframing Crime and Justice project in the United Kingdom<sup>2</sup>
- Contextual information provided by FrameWorks' multiyear investigation into criminal justice in the United States<sup>3</sup>

*On-the-Street (OTS) interviews:* In April of 2015, FrameWorks' researchers conducted On-the-Street (OTS) interviews with 36 people in London. These one-on-one, 10–15 minute, videotaped interviews tested the capacity of six candidate Explanatory Metaphors<sup>4</sup> to facilitate more productive and robust discussions about women, crime, and the criminal justice system. The candidate metaphors were drawn from FrameWorks' research on communicating about criminal justice reform and the science of early childhood development:<sup>5</sup>

- *Levelness:* a metaphor for mental health
- *Resilience Scale:* a metaphor for the social determinants of well-being and resilience-as-outcome
- *Justice Maze:* a metaphor for ineffective, inefficient and inequitable aspects of the criminal justice system
- *Justice Gears:* a metaphor for explaining how the justice system needs to respond to underlying situations
- *Remodeling:* a metaphor for explaining systemic reform
- *Serve and Return:* a metaphor for responsive interactions between children and adults

Each interview was divided into two parts. In the first part, FrameWorks researchers asked a series of open-ended questions about the purposes of the criminal justice system and causes of crime without reference to gender and then specifically asked a series of questions about women and the criminal justice system. In the second part of the interview, researchers presented one of the six candidate metaphors using a standardized but conversational script and then asked the same line of questioning as used in part one, but in rephrased language. Two researchers independently analyzed the resulting video data, looking for patterned ways in which each of the candidate metaphors affected individuals' thinking and talking about women in the criminal justice system.

# Findings

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## Untranslated Expert Story

The following represents the core principles that guide *expert* thinking about women and criminal justice reform:

### ***What is at stake?***

***The current system for women is not effective.*** Women often leave the criminal justice system with more severe problems than when they entered. In addition, there are high rates of recidivism for women.

***The costs of the current criminal justice system are unsustainable.*** There are more cost-effective ways of responding to women who have committed crime than those practices currently employed.

### ***What is the problem?***

***Women are increasingly under the supervision of the criminal justice system.*** Rates of women's involvement in the criminal justice system have dramatically increased in the past two to three decades. In the United Kingdom, women's participation in the system has increased 115 percent in the last 15 years. Women's increased participation in the criminal justice system can be explained through increases in drug-related and property arrests as a result of more punitive laws around drug use beginning in the 1980s. When women are convicted of violent crimes, they typically involve a romantic partner and often there is a history of abuse.<sup>6</sup>

***Current criminal justice practices do not help rehabilitate women, and often exacerbate pre-existing health and mental health issues.*** Rates of trauma are higher among women in the criminal justice system than among the general population. For those women with histories of trauma, common punitive practices employed in the criminal justice system are likely to trigger post-traumatic responses and lead to significant harm. For example, strip searches by male guards, isolation, and restraint are particularly problematic for survivors of physical and sexual abuse.

***Mothers who are imprisoned have limited contact with their children, which leads to negative outcomes within the criminal justice system as well as serious disruptions to their children's development.*** The majority of justice-involved women are the primary caregivers for young children. However, because safety and security are the primary concerns of prison personnel, prisons are not set up for positive interactions between mothers and their children. The lack of attention to promoting positive mother-child interactions not only impacts imprisoned mothers, but also has negative effects on their children. Children of imprisoned mothers experience more stress as a result of the separation, which can lead to negative health and learning outcomes.

*Existing social policies often impede women's successful resettlement after involvement in the criminal justice system.* Women's ability to access social services such as housing, social assistance, and other programs is often compromised as a result of their criminal record. Furthermore, women who have been imprisoned often find it very difficult to find gainful employment.

### **What is causing this problem?**

*Women's pathways to the criminal justice system are carved by persistent, ongoing, severe, and chronic exposure to toxic stressors.* Women enter the criminal justice system with more severe histories of sexual, physical, and emotional abuse than do men. They experience higher levels of psychiatric issues, including anxiety and depression, than women in the general population. Furthermore, their mental health status is often a direct reflection of their histories of abuse: over 60 percent of women in the UK criminal justice system reported experiencing symptoms consistent with Post-Traumatic Stress Disorder (PTSD).<sup>7</sup> In comparison to male offenders, women's drug use is often more severe.

*Justice-involved women are socially marginalized.* In comparison to the general population, women in the criminal justice system are more likely to be poor and to have had limited access to quality educational opportunities. They tend to have weaker employment histories than male offenders and earn less money than non-justice-involved women.

*Treatment and services that are offered for inmates are typically adapted wholesale from programs designed for male offenders; many simply change pronouns to indicate gender inclusion.* These approaches do not account for differences in psychosocial development between men and women, or the role of trauma in women's lives. This type of programming can even be detrimental to women's mental health.

### **What would be the more optimal outcome?**

*When gender-responsive reforms are enacted in prisons, there is less suicide risk, fewer attempts to self-harm, fewer assaults both among inmates and prison personnel, and inmates report improved mental health and well-being.*

*Successful alternatives to imprisonment and resettlement programs result in improved mental health outcomes, including reduced substance abuse issues, stable housing, employment, lower recidivism rates, and stronger family and community ties for women.*

### **What are the solutions?**

*End custodial punishment for all but the most violent female offenders.* Most women who enter prison in the United Kingdom have committed a nonviolent offense (approximately 83 percent).<sup>8</sup> Most women would do better in community-based programs.

*Implement changes to the physical space of prisons.* There is very little space inside prisons for women to participate in groups and other kinds of therapeutic interactions, including space to visit with their children.

*All personnel who interact with justice-involved women should be specially trained to deal with populations with histories of trauma.*

*Community-based, trauma-informed, and gender-responsive programs are far more effective for women than imprisonment.* Because of the low rates of violent crime among justice-involved women, community-based interventions are more effective and cost-efficient. Furthermore, evidence shows that women have better outcomes following involvement in the criminal justice system if they have access to gender-responsive and trauma-informed services. Studies show that the most effective community-based programs:

- *Include interventions that provide services for women as mothers.* Services and interventions that work on parenting skills have proven extremely effective. These programs help to strengthen justice-involved women’s relationships with their children, which is both therapeutic for women and improves developmental outcomes for children. This focus helps disrupt intergenerational incarceration.
- *Foster relationships and mutuality.* Programs that seek to establish mutual, empathic, and empowering relationships between service providers and justice-involved women produce positive outcomes. Because of women’s histories of abuse, marginalization, and disconnection from empowering relationships, this is a central component of effective interventions.
- *Empower women.:* Programs should be strength-based and focus on self-efficacy and skill-building.
- *Are trauma-informed.* Programs must be attuned to women’s multiple sources of trauma, addiction, and mental health issues, and they must treat these issues in a holistic way.

## **The Public’s Default Cultural Models**

In this section, we discuss the most prevalent and highly shared assumptions, patterns of reasoning and assumptions—or “cultural models”<sup>9</sup>—that people rely on when asked to think about the purpose of the criminal justice system and the reasons why people in general commit crime. We focus particular attention on how people think about what the criminal justice system should be doing to address women offenders. These patterns of understanding, identified using techniques from cognitive anthropology, constitute the cognitive landscape that experts and advocates must navigate if their communications are to be effective. It is crucial that communicators who seek to build new understandings of women and criminal justice reform become aware of, and familiar with, these default patterns of understanding in

order to accurately anticipate what their communications must overcome, what types of public understandings they should avoid activating, and what types of understandings they should leverage to help people see issues in new ways.

### ***What is the purpose of the criminal justice system?***

Research participants thought about the purpose of the criminal justice system through three similar yet conceptually distinct cultural models.

***The criminal justice system establishes social order.*** People explained that the primary purpose of the criminal justice system is to set the standards of appropriate conduct for members of a given society. Several argued that without a criminal justice system, society would experience a “free fall” because there would be no way for people to distinguish right from wrong or moral from immoral behavior.

***The criminal justice system deters crime.*** People also reasoned that the criminal justice system functions to deter people from offending and reoffending through its imposition of swift and severe punishments. For example, participants argued that long sentences and harsh conditions in prison are critical because they reduce the likelihood of reoffending. Using this logic, they reasoned that making punishments harsher would further reduce levels of crime in the United Kingdom.

***Criminal justice system checks power.*** Although less prevalent than the above models, some participants talked about the criminal justice system as an important check on power. Participants talked about how the system ensures people get a fair trial and protects people from arbitrary punishment or capricious expressions of power.

Importantly, there was relatively little discussion of *rehabilitation* as a goal of the criminal justice system among OTS participants. The lack of attention to rehabilitation as a key function of the criminal justice system represents a significant communications challenge.

### ***Why do women commit crimes?***

Participants were asked why people in general commit crimes and, more specifically, about why women commit crimes. Drawing on an assumption about uniformity in the criminal justice system discussed in detail below, the most frequent answer to this question was that women commit crimes for the same reasons that men do. However, with probing from the researcher, some participants were able to elaborate several differences that they thought might be particular to women.

***Lack of access to resources is a key cause of crime.*** When asked why people commit crimes and specifically why women commit crimes, participants frequently brought up poverty. They had two ways of thinking about how poverty and crime are connected. First, they explained that poverty makes people “desperate,” and pushes them into situations where they are forced to steal to provide for themselves and their families. Several participants reasoned that this desperation might be felt more intensely by women with small children. In other cases, people talked about how theft is driven

by the desire for “nice things” that are unattainable given a person’s lack of resources. In these latter types of discussions, people placed responsibility on “society” for creating these desires and expectations for material goods.

***Proximity to negative social influences causes crime.*** Participant discussions also revealed a shared assumption that individuals are strongly influenced by the behaviours of those around them. This understanding was evident in the way that participants explained that people commit crime because they are surrounded by others who are engaging in similar activities. When thinking about women specifically, several participants argued that women might be more susceptible than men to influence and coercion by those around them, especially romantic partners. However, participants connected this propensity to a perceived sense of women’s inherent and biologically based vulnerability.

***‘Sick’ people commit crimes.*** Mental illness was also discussed as an explanation for crime. People drew upon a supposition that some individuals are just born with “mental problems” or are innately “sick in the head,” which impairs their judgment and leads them to commit criminal acts. They argued that men might be naturally more “aggressive,” but that women are just as likely to be born with mental problems and commit crime as a result of being “sick in the head.”

### ***What should be done differently in the criminal justice system for women?***

***Gender equality means equal treatment in the criminal justice system.*** Participants almost universally applied a uniform model of fairness<sup>10</sup> when thinking about women in the criminal justice system. Using this way of thinking about fairness, people argued that the criminal justice system should function *exactly* the same way for everyone; “unfairness,” according to this understanding, is doing something different based on a person’s identity. They argued that equal treatment is central to gender equality. They asserted that the goal of gender equality demands that men and women be treated exactly the same within the criminal justice system; anything less than 100 percent equal treatment amounts to discrimination. As part of this pattern of thinking, people rejected the slightest suggestion that women should be treated differently and viewed these suggestions as sexist. This uniform perspective on fairness was by far the most dominant understanding that people used to think about questions of gender and the criminal justice system. *The activation of the uniform model of fairness represents the primary communications challenge of this project. It entirely obscures the specific circumstances by which women enter the criminal justice system and their unique needs while involved in the system. It closes people down to discussions of the specific reforms that are required to more effectively respond to women in the criminal justice system.*

***Women should be given specialized considerations based on biological differences that are innate and immutable.*** Although most argued that men and women should be treated equally in the criminal justice system, there were occasions when participants talked about the importance of differential treatment. In these cases, people relied on ideas of biologically-based and essentialized gender difference. For example, some participants explained that women are inherently more vulnerable and this should be taken into account when they are sentenced and punished. It is important to contrast this understanding with expert understandings of gender difference. While experts locate gender

difference in a social system characterized by high degrees of gender inequality, members of the public understood these differences as biological fact. For example, while experts understand violence against women as symptomatic of cultural systems that degrade women, members of the public see victimization as proof of women's inherent vulnerability and men's "natural" propensity towards aggression.

## Summary of Communications Challenges

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***The dominance of uniform models of fairness.*** Members of the public reason that gender equality means the criminal justice system should treat men and women exactly the same. Without careful priming, people will not think about the contextual factors that shape how women enter the criminal justice system and how they experience the system when considering potential reforms. FrameWorks' research on criminal justice in the United Kingdom demonstrated that people have a more recessive contextual model of fairness available to make sense of reform issues, however.<sup>11</sup> The contextual model of fairness is premised on the idea that sentencing should consider the unique circumstances of the crime, including the defendant's upbringing, criminal history, mental health, intent, and evidence of remorse. *Communicators should activate contextual rather than uniform models of fairness that allow people to understand that women's experiences should be taken into consideration in the criminal justice system.*

***The narrowing of gender difference to biological fact.*** A major challenge will be to help people understand differences that are based on social inequality, rather than on deterministic notions of biology. It is critical that, in reframing issues of gender and criminal justice reform, communicators do not allow these essentialized notions of gender difference to become the reason for reforming policy around female offenders. *Communicators will need to explain how the conditions that shape women's experiences in the criminal justice system are shaped by social rather than biological factors.*

***The lack of a critical perspective on current criminal justice practices.*** Members of the public have concrete ideas about how the criminal justice system should function, but the idea that the system should rehabilitate women is not top of mind. Furthermore, without explanation, they are unfamiliar with how the criminal justice system may be exacerbating situations for all offenders, and how common criminal justice practices may be particularly harmful for women. *Communicators should seek to explain how the criminal justice system should be designed to rehabilitate women (and all other offenders) and demonstrate how it is currently contributing to poor outcomes.*

***Narrow understanding of the variety of interventions for women in the criminal justice system.*** People generally do not think that the criminal justice system should be changed to accommodate women's particular needs, and they struggle to think about what an alternative system might look like. *Communicators should provide concrete illustrations of viable, practical alternatives to prisons and punitive approaches for women.*

# Results from On-the-Street Tests of Explanatory Metaphors

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The following are the Explanatory Metaphors that were tested in the United Kingdom in an attempt to address the challenges detailed above and more effectively translate the expert story.

## *Justice Gears*

*Tested Iteration: Just as a bicycle works best when it uses the right gear for where you're riding, the criminal justice system needs to use different solutions for different situations. For example, we can't just rely on the "prison gear" if we want to move the country forward. This is especially true for women, who tend to enter the criminal justice system with histories of abuse and trauma, which means high rates of mental health issues and substance abuse. For the system to work well, we need to shift gears to mental health treatment, addiction services, therapy, community sentences, and programs that take into account women's histories and circumstances. When we use different gears for different situations, we can do a better job of making sure that women in the criminal justice system can return to their roles as citizens, neighbors, and mothers.*

The *Justice Gears* metaphor was productive in the following ways:

- *Justice Gears* inoculates against uniform models of fairness and activates a more contextual way of thinking. It directs people's focus towards the importance of developing and implementing interventions for women that match their experiences and life circumstances. It helps people recognize the need for multiple types of interventions and the need for flexibility (i.e., not only are multiple gears required, but people need to be able to choose which gear is appropriate for each situation).
- The metaphor allows people to grasp the importance of alternatives to prison. This understanding was further strengthened by examples of alternatives that were included in the iteration of the metaphor.
- The metaphor inspires a strong sense of pragmatism around criminal justice reform. After exposure, participants were able to reason that different circumstances require different types of interventions and that one-size-fits-all approaches to criminal justice are simply not effective. In so doing, the metaphor trained participants' attention on what "works" and what is simply impractical (i.e., increasing incarceration).
- The metaphor is very "sticky" and easily usable.

## Justice Maze

*Tested Iteration: The criminal justice system in this country is like a really difficult maze. It's got too many really wide paths in and too few ways out. We need to redesign this maze. This is especially true for women, who tend to enter the maze with histories of abuse, which means high rates of mental health issues and substance abuse. For the system to work well, we need to create different paths through the maze for people in different situations. We need to redesign the maze so paths lead to mental health treatment, to addiction services, to therapy, to community sentences, and to programs that take into account women's histories and circumstances. If we redesign the criminal justice maze, we can do a better job of making sure that women can return to their roles as citizens, neighbors, and mothers.*

The *Justice Maze* metaphor was productive in the following ways:

- The *Justice Maze* Explanatory Metaphor focused people's attention to the various "entry points" into the criminal justice system, which activated a contextual way of thinking about fairness. After exposure to the metaphor, people emphasized "how the person got into the system," and the idea that there are unique circumstances that shape women's entry to the criminal justice system was easily thinkable after exposure to the metaphor.
- The metaphor similarly inoculated against the uniform model of fairness. Based on imagery of the metaphor, people were critical of the idea that the system contains just one path.
- The metaphor also helped people think critically about the current system as convoluted, ineffective, and inefficient. Based on this critique, participants argued that improving the criminal justice system requires "clearing paths" in order to help women reach more positive outcomes. In this way, participants' ideas about criminal justice reform were largely structural: the solution is to make it "stop being a maze." There was very little discussion after exposure to the metaphor of individual decision-making as a means to effective reform.
- *Justice Maze* generated extremely powerful discussions of the need for prevention. Some participants reasoned that steps should be taken to prevent women from entering the criminal justice system in the first place. For example, people explained that, "a lot of people should never get into the maze" and "there shouldn't be a maze, there should be a block."

## Levelness

*Tested Iteration: Just like levelness is what makes a table usable, our mental health is what helps us do all of the things that we need to do. And just like the floor that the table sits on affects its levelness, our life circumstances and the places we live affect our mental health. We know that women in the criminal justice system are more likely to have experienced unlevel floors; they tend to have histories of abuse and trauma, which means higher rates of mental health issues and substance abuse. But right now our criminal justice system is actually making their situations even less stable and un-level. Instead of more slanted floors, women in the criminal justice system need supports like mental health and addiction services, community sentences, and programs that take into account their histories and circumstances*

*that can help them regain stability. These supports will do a better job leveling the floors and help women return to their roles as citizens, neighbors, and mothers.*

The *Levelness* metaphor was productive in the following ways:

- Participants used the metaphor to reason that women with histories of abuse need support and resources to function, just as a table needs a level floor. In this way, the metaphor powerfully directed participants' talk towards the environments and contexts that shape women's life trajectories and involvement in the criminal justice system. Participants' discussions after exposure to the metaphor moved from a preoccupation with uniform treatments towards a consideration of the importance of context in criminal justice issues.
- In explaining core concepts of mental health, the metaphor trained participants' focus on how the criminal justice system is not the appropriate site to help women with mental health issues. The metaphor also resulted in some discussion of how the criminal justice system in fact exacerbates women's mental health issues. Using the idea that the criminal justice was a factor that further slanted the floors for women, people pointed to the need for sentencing reform.
- Identification and intervention featured prominently in participants' use of the metaphor. This idea of intervening to re-establish "balance" embedded in the metaphor allowed participants to reason productively about the possibility of interventions to protect and promote women's mental health.
- The language of "balance," "being level," "levelness," "stability," "steady," "unsteady," and "supports" was extremely sticky and appeared throughout participants' talk when they were asked to reason with or re-explain the metaphor.

### ***Broken Serve and Return***

*Tested Iteration: Just like serve and return in a game of tennis, the back-and-forth interaction between adults and babies is critical for the growth of a child's brain architecture. This serve-and-return interaction can also improve the health and well-being of the adult. When women go to prison, the serve-and-return interaction breaks down because prisons do not provide environments where these interactions can happen. This affects children's learning, health, and their ability to cope with stress later on in life. But this is also harmful for young women because they lose opportunities to be mothers and caregivers, which can result in negative outcomes for the mom both inside the prison and as she re-enters society. Changing the criminal justice system so that it allows these serve-and-return interactions to happen is vital.*

*Broken Serve and Return* was productive in the following ways:

- The metaphor helped participants think about the short- and long-term impacts of women's imprisonment on children. Importantly, participants' perceptions of impacts on children were not limited to immediate psychological distress that results from "missing mum." Participants also spoke about the potential for lifelong negative outcomes (in health and learning) that result from the way that incarceration disrupts relationships and derails development.
- The metaphor focused participants' attention on the environment of prisons and the experience of being imprisoned. Participants spoke about the ways in which prison creates negative outcomes for women and is not conducive to rehabilitation.
- The metaphor also generated discussions of long-term impacts *for women themselves* when they are separated from their children. Some participants talked about how *serve-and-return* interactions develop through practice and that it would be "hard to just pick it up again." In this way, people spoke concretely about how imprisonment worsened women's conditions and added to the challenges of successful resettlement.
- The metaphor inspired specific and concrete discussions about alternatives to imprisonment and, notably, the importance of these alternatives for improving outcomes for both women and children. Several participants reasoned that community-based programs that provide support for women as mothers would be far more effective than punitive approaches.
- The language of *Serve and Return* was taken up and extended productively by participants, who mentioned "serve and return" but also "give and take," "back and forth," "like a game of tennis," etc.

## **Remodeling**

*Tested Iteration: We have to remodel our criminal justice system if we want to move forward and get to where we're going. Right now, our criminal justice system is like an old house that doesn't do a good job of making sure people get what they need to re-enter and become productive members of society.*

*Remodeling the system is particularly important for women, who enter the system with more severe histories of abuse, which results in higher rates of mental health issues and substance abuse. A good remodel will include offering mental health and addiction services, therapy, community sentences, and programs that take into account women's histories and life circumstances. If we remodel the criminal justice system, we can make sure that women in this system can return to their roles as citizens, neighbors, and mothers.*

*Strengths:*

- The metaphor generated productive discussions of criminal justice reform. Participants talked about “updating” and “adjusting” the criminal justice system, which shifted them away from pessimistic and fatalistic ideas about the prospects of criminal justice reform.
- The metaphor moved people towards a sense of pragmatism and the idea that outcomes for women who are involved in the criminal justice system can be greatly improved through a set of feasible changes to the system and its practices.

*Limitations:*

- The metaphor did not shift people away from their narrow definition of equality = uniformity and towards an understanding of the critical role of context and experiences. In the narrative we outline below, we recommend using *Justice Gears* because it better communicates the need for reform and simultaneously shifts people’s sense of fairness from one of uniformity to one of contextual consideration.

## **Resilience Scale**

*Tested Iteration: Just like the weight on a scale affects the way it tips, the things that a person is exposed to affect their life. Positive things, like supportive relationships, go on one side, while negative things like violence or poor healthcare, pile up on the other and can tip us towards negative outcomes. We know that women in the criminal justice system tend to be overloaded with things on the negative side. They enter the system with more severe histories of abuse and trauma, which means higher rates of mental health issues and substance abuse. But we know that communities can counterbalance the scale by stacking things like mental health and addiction services, community sentences, and programs that take into account women’s histories and circumstances. If we stack enough support and services on the positive side, we can counterbalance negative weight and give women in the criminal justice system a chance to tip positive.*

*Strengths:*

- The metaphor helped participants move away from individual-level explanations of why women commit crime to a more systemic understanding of the causes of women’s involvement in the criminal justice system.
- Participants used the metaphor to talk about how positive factors can counteract the presence of negative weight, leading to productive discussions of alternatives to prisons and to the criminal justice system.

*Limitations:*

- Although participants discussed ecological factors that shape involvement in the criminal justice system, these factors were understood to be identical for men and women. Therefore, the metaphor did not necessarily dislodge participants’ uniform model of fairness. Some

continued to reason, even after exposure to the metaphor, that fairness means that exactly the same thing happens to any person who commits a crime. The *Scale* metaphor may actually work to strengthen the equality perspective that blocks people's thinking about the need for specific reform for women in the system.

- The *Levelness* metaphor more effectively described the unique conditions that shape women's experiences in the criminal justice system than did the *Scale* metaphor. We therefore recommend using *Levelness* rather than *Resilience Scale* on this issue.

# Recommendations for Use: How the Elements Come Together as Story

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Narrative is a powerful framing strategy because of the deep and durable ways in which story organizes information and events and makes information cognitively “sticky” and passable.<sup>12</sup> Messages that leverage the power of narrative help people remember, retrieve, and interpret information when they formulate opinions, make decisions, and communicate with others.<sup>13</sup>

The following section provides an outline of an effective narrative structure that can be used to shift public understandings of gender and criminal justice reform. It is important to note that the power of this strategy derives from the *combination* of the narrative elements we enumerate below. Each of these elements accomplishes a specific and somewhat discrete function in the larger narrative and is required to realize the power of this new story to reframe women and criminal justice reform.

## ***What is at stake and what is the problem?***

**Recommendation: Use the *Justice Maze* metaphor and the Value of *Pragmatism* to establish why the issue matters and needs to be addressed.**

The *Maze* metaphor is a critical frame element in the overall narrative about women and criminal justice reform because it shifts people from a uniform to a contextual model of fairness. More specifically, it helps people:

- 1) Consider how women become involved in the criminal justice system.
- 2) Evaluate the appropriate path for women given their specific entry points.
- 3) Realize how the appropriate path will help women successfully re-enter society.
- 4) Encourage the idea that criminal justice responses need to consider context and be sensitive to situations and background.

In order to capitalize on these strengths, communicators should:

- Focus on paths, entry points, and the need for reforms to change the number and width of entry points and the shape of the paths.
- Talk about the need to block entry and get to people before they get to the *Maze* by implementing early interventions that are made available *before* people get to the criminal justice system.

*Example: Our current criminal justice is set up like a complex and convoluted maze. There are too many pathways in to the system and there are not enough paths to other types of social services. Once people enter the maze, there is no consideration for how and why people enter the system, and there are no straight and clear paths to successfully and productively re-enter society. In fact, offenders are often in*

worse shape when they leave the criminal justice system, which does not improve public safety or contribute to strong communities. The Justice Maze is not working, and the problems of this maze are particularly harmful for women who get trapped in it.

### ***What is the problem?***

**Recommendation:** Use a set of key facts to show the problem, but follow this *quickly* by explaining how the problem works.

The narrative will benefit greatly from the use of supporting facts. Facts and statistics in the narrative provide evidence of the scope of the problem of women in the criminal justice system. However, it is extremely important for communicators to note that, while facts and statistics are an important supporting narrative element, they are only *one part* of the story of women and criminal justice reform.

*Example: Rates of women's involvement in the criminal justice system have dramatically increased in the past two to three decades. In the United Kingdom, women's participation in the system has increased 115 percent.*

### ***What causes the problem?***

**Recommendation:** Use *Levelness* to make the connection between trauma, mental health, and involvement in the criminal justice system.

The *Levelness* metaphor was helpful in explaining the relationship between women's histories of abuse and mental health issues. It effectively focuses attention on interventions that should promote and protect women's mental health and fosters an understanding of how the justice system as currently configured is an ineffective approach. It also points people to the idea that effective interventions require addressing the contexts and environments in which women live and provides a productively critical perspective on the problem of putting people who need support into contexts that are almost totally void of such resources.

*Example: Many women enter the criminal justice system with severe mental health issues, particularly when compared to women out of the system and even to men who are in the system. Women's mental health issues are typically the result of severe and lifelong histories of trauma abuse. If we think about mental health like the levelness of table, we know that having an even and balanced floor is what helps a table function. Women in the criminal justice system start on a very slanted floor and experience unstable mental health as a result of their histories of abuse and trauma. Instead of providing any stability or rehabilitation, women's experiences in the criminal justice system right now are making those floors more unlevel, more slanted, and further harm women's mental health.*

**Recommendation: Use *Broken Serve and Return* to provide concrete information about how women's experiences in the criminal justice system lead to negative outcomes.**

*Broken Serve and Return* alerts people to a very concrete way in which the criminal justice system needs to be gender-responsive. It trains people's attention very clearly on how the system itself is doing more harm than good, with impacts that affect more than the individual women involved. We recommend that communicators use the *Broken Serve and Return* metaphor as one way to concretize gender-specific systemic dysfunction.

*Example: One way in which women leave in worse shape than when they came is that they lose connections and ties with people in their communities. Many women in the system are the primary caregivers for small children. Just like serve and return in a game of tennis, the back-and-forth interaction between adults and babies is critical for the growth of a child's brain architecture. This serve-and-return interaction can also improve the health and well-being of the adult. When women go to prison, the serve-and-return interaction breaks down because prisons do not provide environments where these interactions can happen. This affects children's learning, health, and the ability to cope with stress later on in life. But this is also harmful for young women because they lose opportunities to be mothers and caregivers, which can result in negative outcomes for mom both inside the prison and as she re-enters society.*

### **What is the solution?**

**Recommendation: Use *Maze* to talk about prevention and *Justice Gears* to set up a discussion about alternatives to prison and punitive approaches.**

*Justice Gears* addresses several of the communications challenges enumerated above, but it is particularly effective in activating contextual models of fairness and helping participants think concretely about alternatives to imprisonment for women. The following aspects of the metaphor should be emphasized:

- the importance of matching response to context of offence
- the need for multiple available responses
- the need for flexibility in response
- the need to be pragmatic in thinking about how to change the system to get better outcomes for individuals and society

*Example: We have the tools to make practical and feasible changes that will help strengthen our communities and our society.*

*First, we should do everything we can to prevent women from entering the Justice Maze in the first place. By offering effective mental health services early in women's lives and implementing programs designed to prevent violence against women and young girls, we can actually block the maze for a lot of the people*

*who are currently entering it.*

*We also have viable alternatives to the current system. Right now our system is like a bicycle that is stuck in one gear—the prison gear. One gear does not work for all terrains, and women’s unique circumstances require multiple approaches and multiple gears. We need to shift gears to mental health treatment, addiction services, therapy, community sentences, and programs that take into account women’s histories and circumstances. When we use different gears for different situations we can create a system that works—one that enhances public safety and rehabilitates people who get involved. And we can do a better job of making sure that women in the criminal justice system can return to their roles as citizens, neighbors, and mothers.*

The following is an example of how communicators might use all of the elements together in a story:

*Our current criminal justice is set up like a complex and convoluted maze. There are too many pathways into the system and there are not enough paths to other types of social services. Once people enter the maze, there is no consideration for how and why people enter the system, there are no straight and clear paths to successfully and productively re-enter society. In fact, offenders are often in worse shape when they leave the criminal justice system, which does not improve public safety or contribute to strong communities. The Justice Maze is not working, and this is particularly harmful for women who get trapped in it.*

*Rates of women’s involvement in the criminal justice system have dramatically increased in the past two to three decades. In the United Kingdom, women’s participation in the system—typically because of nonviolent, property-related crimes—has increased 115 percent in the last 15 years. Many women enter the criminal justice system with severe mental health issues, particularly when compared to women out of the system and even to men who are in the system. Women’s mental health issues are typically the result of severe and lifelong histories of trauma and abuse. If we think about mental health like the levelness of table, we know that having an even and balanced floor is what helps a table function. Women in the criminal justice system start on a very slanted floor and experience unstable mental health as a result of their histories of abuse and trauma. Instead of providing any stability or rehabilitation, women’s experiences in the criminal justice system right now are making those floors more unlevel, more slanted, and further harm women’s mental health.*

*One way in which women leave in worse shape than when they came is that they lose connections and ties with people in their communities. Many women in the system are the primary caregivers for small children. Just like serve and return in a game of tennis, the back-and-forth interaction between adults and babies is critical for the growth of a child’s brain architecture. This serve-and-return interaction can also improve the health and well-being of the adult. When women go to prison, the serve-and-return interaction breaks down because prisons do not provide environments where these interactions can happen. This affects children’s learning, health, and their ability to cope with stress later on in life. But this is also harmful for young women because they lose opportunities to be mothers and caregivers, which can result in negative outcomes for moms both inside the prison and as they reenter society. Women’s ability to successfully reenter their former roles is even further compromised because women*

*who have a criminal record often find it very difficult to find gainful employment.*

*We have the tools to make practical and feasible changes that will help strengthen our communities and our society.*

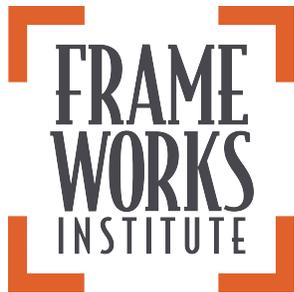
*First, we should do everything we can to prevent women from entering the Justice Maze in the first place. By offering effective mental health services early in women's lives and implementing programs designed to prevent violence against women and young girls, we can actually block the maze for a lot of the people who are currently entering it.*

*We also have viable alternatives to the current system. Right now our system is like a bicycle that is stuck in one gear—the prison gear. One gear does not work for all terrains, and women's unique circumstances require multiple approaches and multiple gears. We need to shift gears to mental health treatment, addiction services, therapy, community sentences, and programs that take into account women's histories and circumstances. When gender-responsive reforms are enacted in prisons, there is less suicide risk, fewer attempts to self-harm, fewer assaults both among inmates and prison personnel, and inmates report improved mental health and well-being.*

*Successful alternatives to imprisonment and resettlement programs result in improved mental health outcomes including reduced substance abuse issues, stable housing, employment, lower recidivism rates, and stronger family and community ties for women. This shows that when we use different gears for different situations we can create a system that works—one that enhances public safety and rehabilitates people who get involved. And we can do a better job of making sure that women in the criminal justice system can return to their roles as citizens, neighbors, and mothers.*

## About the FrameWorks Institute

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# Endnotes

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<sup>1</sup> <http://www.stephaniecovington.com>

<sup>2</sup> For more information, see <http://frameworksinstitute.org/the-reframing-crime-and-justice-project.html>

<sup>3</sup> See <http://www.frameworksinstitute.org/public-safetycriminal-justice.html>

<sup>4</sup> Explanatory Metaphors are linguistic devices that lead people to think and talk about something they were not previously proficient in thinking or talking about. By comparing an abstract idea to something concrete and familiar, metaphors make something that is hard to understand easier to understand.

<sup>5</sup> For the full research reports, see <http://frameworksinstitute.org/public-safetycriminal-justice.html> and <http://frameworksinstitute.org/early-childhood-development.html>

<sup>6</sup> Covington, Stephanie (2014). *Creating gender-responsive and trauma-informed services for women in the justice system*. Magistrate.

<sup>7</sup> Covington, Stephanie (2014). *Creating gender-responsive and trauma-informed services for women in the justice system*. Magistrate.

<sup>8</sup> Covington, Stephanie (2014). *Creating gender-responsive and trauma-informed services for women in the justice system*. Magistrate.

<sup>9</sup> Quinn, N., & Holland, D. (1987). *Culture and cognition*. In D. Holland & N. Quinn, (Eds.), *Cultural models in language and thought*. New York, NY: Cambridge University Press. (pp.3-40).

<sup>10</sup> The *uniform* model of fairness posits that punishments for crimes should be fixed regardless of the circumstances surrounding the crime.

<sup>11</sup> Baran, M., Kendall-Taylor, N., Lindland, E., & Haydon, A. (2014). *'Like a holiday camp': Mapping the gaps between expert and public understandings of criminal justice and criminal justice reform in England and Wales*. Washington, DC: FrameWorks Institute.

<sup>12</sup> Bruner, Jerome S. (1990) *Acts of Meaning. The Jerusalem-Harvard Lectures*. Cambridge, Mass.: Harvard University Press. Schank, Roger C. (1995) *Tell Me a Story: Narrative and Intelligence. Rethinking Theory*. Evanston, Ill.: Northwestern University Press.

<sup>13</sup> Polkinghorne, D. (1988). *Narrative knowing and the human sciences*. Albany, NY: State University of New York Press; Hinchman, L.P., & Hinchman, S. (1997). *Memory, identity, community: The idea of narrative in the human sciences*. Albany, NY: State University of New York Press.