

Citizen Opinion

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July 13, 2011

**Advancing Youth Justice Reform
A Message Strategy**

To: The Campaign for Youth Justice

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Working with the Campaign for Youth Justice (CFYJ) and funded by the Public Welfare Foundation, Greenberg Quinlan Rosner Research conducted a survey among 1,001 American adults for Citizen Opinion. The survey was conducted online from May 10th – 18th, 2011 and was pulled to reflect the demographics of nation's adult population by gender, age, region and race.

The goal of the survey is to develop messages to help professionals in the youth justice field advance reform efforts on a range of youth justice issues. It focuses on situations where the audience is the general public, the general public through the media, or specific audiences within the general public. Different messaging may be needed when addressing legislators or other unique audiences.

The fiscal crisis in states across the U.S. presents an opportunity on a policy level for reforming the juvenile justice system. While the fiscal crisis may be driving the policy opportunity, the public opinion data illustrate a desire for a pragmatic approach to crime in which tough punishment is not the core objective of the juvenile justice system. Rather, **Americans want the system to blend accountability with rigorous rehabilitation in order to achieve the end goal—improving public safety and preventing future crime.**

Two thirds of Americans believe that children who commit crimes have the ability to make positive change in their lives, and a solid majority says that rehabilitative services are a better way to reduce repeat offenses than incarceration. At the same time, the public views personal responsibility—and quite often some type of punishment—as an integral part of the process of creating more productive members of society. Both elements are critical to getting people to listen—together they connote the sort of pragmatism, balance, and rationality that people seek on this issue.

The data suggests that Americans start off very open to a youth justice reform agenda dedicated to ending the practice of incarcerating kids in adult jails and prisons, improving

the conditions of incarceration, and moving towards a juvenile justice system that places greater emphasis on rigorous rehabilitation. The polling results further suggest that advocates and others in the field can build and maintain **public** support for youth justice reforms with the right messaging strategy. Such a strategy requires addressing multiple concerns and nuances in public opinion. In particular, to be effective, youth justice messages must address the public's concerns about public safety and crime prevention, desire to hold youth accountable, and belief in the ability of youth to be rehabilitated through rigorous programs. The following strategic recommendations are designed to help CFYJ and its allies develop a cohesive, resonant messaging for moving forward¹. When developing messages to support youth justice reform, it is important to keep these recommendations in mind:

- **Focus messaging on public safety outcomes.** As with most issues, people are moved by what's in it for them. Though a laudable goal, helping child offenders improve their lives is not the driver of support for rehabilitation; it's a means to a safer end. After hearing a wide range of messages in the poll, 50 percent of people cite preventing future crime and reducing recidivism as the best reason to reform the youth system whereas the next highest response is only 18 percent.
- **Seize the mantle on balance and rationality.** Fundamentally, the side that wins the battle for common sense policies will win this debate:
 - *Take on the status quo.* The disconnect between current policy and the policies the public supports offers an opportunity to deliver a message about change. For example, while kids under 18 are often housed in adult facilities in reality, 78 percent of people say that youth offenders should be placed in youth facilities, not adult prisons. And 75 percent of voters want a greater focus on prevention and rehabilitation compared to the way things are now.
 - *Define our side as balanced and when needed, define the opposition as extreme and inflexible.* When asked to decide between a system that considers the circumstances of each case vs. a system with strict rules, Americans choose the more flexible approach 61 – 25 percent. Messaging in support of reforms should incorporate phrases like “balanced” and “looking at the circumstances of each situation.”
 - *Use children in adult prisons and jails as a poster issue.* People overwhelmingly think youth offenders—even violent youth offenders— should be housed in youth facilities as opposed to adult prisons and jails and a message that describes the high rates of sexual assault of children in adult prisons and jails elicits a strong reaction. These types of issues provide a clear example of what is wrong with the system and why the opposition

¹ Information and data embodied in this report are strictly confidential and are supplied with the understanding that they will be held confidentially and not disclosed to third parties without the prior consent of the Campaign for Youth Justice.

agenda is extreme. But it's very important to focus on children in adult "prisons" specifically and not about the adult justice "system" generally.

- **Lead the message with a nod to personal responsibility.** The most intensely popular message tested reads: *"Youth who commit crimes should be held accountable for their actions. They should serve a punishment that fits and make things right with the victim through compensation or restitution. But we all know the value of forgiveness and second chances, and once they have atoned, we need to help them move forward and make a positive contribution to society."* People view the notion of personal responsibility as central to not committing another crime, and they are unlikely to accept a rehabilitation program for someone who is unwilling to take responsibility for what they've done.
 - Personal responsibility is not the core position, but rather a bar to cross to get people to listen to the rest of the message. That pivot should come quickly, as a debate that is *solely* about personal responsibility can lead into a "law and order" mindset that pushes against the notion of a system that helps people get the rehabilitation they need to prevent future crime.
- **Incarceration and rehabilitation are not mutually exclusive—the public supports elements of both.** While people may believe rehabilitation is a higher priority than incarceration, they still want an element of punishment. For instance, while people want the juvenile justice system to focus on prevention and rehabilitation over punishment and incarceration by a 75 – 17 percent margin, at the same time a majority supports at least some incarceration for a wide range of first-time offenses, including assault and even possession of illegal drugs.
 - *Establish clear parameters in the punishment discussion.* Don't let the opposition define your position as wanting no punishment. But point out examples of going too far: for example, we should not put nonviolent children in with violent adult offenders and we should not focus on incarceration without rehabilitation.
- **Frame the entire discussion around "children" or "kids."** Using terms like kids or child softens people's views on this issue. First, the word "child" causes people to think of a significantly younger person than "youth" or "juvenile," and it paints a very positive picture devoid of some of the negative reactions that "juvenile" conjures up (such as "delinquent"). Secondly, it decreases the threat level people feel and leaves people more willing to reduce incarceration. And third, defining young offenders as kids better highlights the extremism of putting them into adult jails and prisons. We understand that there may be other reasons to avoid using the words "children" or "kids" in some circumstances (such as not wanting to appear paternalistic toward young people), and we would use "youth" rather than "juvenile" in those cases.
 - *Don't make excuses for kids.* The above points on accountability and punishment still apply when talking about children. Messages about the brain

not being fully developed before the age of 25 do not resonate at all. As noted earlier, the public strongly believes children should be in separate prisons and jails from adults, so they clearly see a difference between children and adults in the criminal justice system, but we must be careful to avoid invoking brain development in a way that sounds like we are making an excuse for youth who commit crimes.²

- *Family preservation messages fail.* A message advocating keeping kids with their families rather than incarcerating them is rejected. The public supports policies that allow for more family interaction with children in the system, but this is not a priority message.
- **A few additional tips on language:**
 - Define the outcome of rehabilitation as crime prevention.
 - Elevate the perceived effectiveness of rehabilitative measures by using words such as mandatory, required, or rigorous. For example: “*we need tough, rigorous alternatives for youth offenders, such as intensive rehabilitation, education, and job training, required counseling and drug treatment, and mandatory supervision.*”
 - When discussing reforms, use examples and images of nonviolent, rather than violent, situations wherever possible.
- **A message about the disproportionate impact on youth of color or lower-income youth can accompany the central message points noted above when speaking to certain audiences.** Overall, none of the four DMC (disproportionate minority contact) messages tested in this survey crack the top tier. This message should be rooted in balance, without direct reference to racism (because while this is effective for African Americans, it backfires with whites and Latinos). A message that talks about socio-economic status instead of race works better with whites and Latinos. The data suggests that in the short-term, a message about unfairness or disproportionate minority impact is not the best route toward getting the public to support reform and moving the public to really care about racial disparities in the treatment of youth in the justice system is very difficult. However, the present polling data cannot speak to the long-term importance of moving the issue of racial/ethnic disparities into the debate.
- **Do not focus on fiscal arguments with the general public.** Arguments about the cost of incarceration, the poor return on investment of incarceration or the need to raise taxes to keep the high levels of incarceration do not test well with the general public. These may be the strongest arguments with legislators in the current fiscal environment, but not so with the public.

² From what we understand, the brain development arguments have had success in the courts, so our advice is to avoid these messages with the general public even if they should be used in the courts.

- In sum, a successful message combines principles of accountability, rigorous rehabilitation to reduce repeat offenses, and common sense with public safety at its core. Below is an example:

Kids who commit crimes should be held accountable for their actions. They should serve a reasonable punishment that fits, and they should atone and make things right with the victim. But the reality is that almost every young offender will eventually be released from custody; if we want to reduce crime in our neighborhoods and protect people from repeat offenders, we need to break the cycle of crime. The best way to do that is by requiring kids who commit crimes to complete rigorous, mandatory rehabilitation programs such as education, counseling, job training and drug treatment so they become productive members of society, not repeat offenders.

