FRAME WORKS INSTITUTE

Talking Juvenile Justice Reform

A FrameWorks MessageMemo

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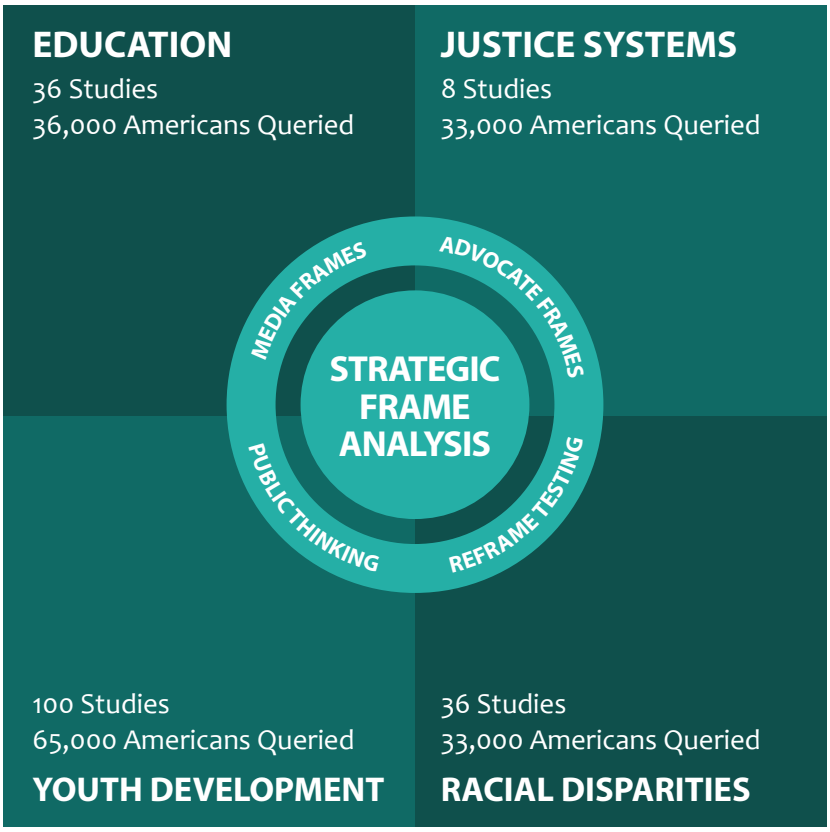
Acknowledgements

This MessageMemo presents the Strategic Frame Analysis® that the FrameWorks Institute and the Charles Hamilton Houston Institute for Race and Justice conducted on behalf of the Annie E. Casey Foundation. This analysis synthesizes existing research generously sponsored by the Ford Foundation and the Rosenberg Foundation. It also draws upon FrameWorks' decade-long investigation of children's issues conducted largely in partnership with the Center on the Developing Child at Harvard University, and on the Core Story of Education.



To learn more about the research behind these recommendations, visit www.frameworksinstitute.org.

I. Introduction

"The child who must be brought into court should, of course, be made to know that he is face to face with the power of the state, but he should at the same time, and more emphatically, be made to feel that he is the object of its care and solicitude."

Judge Julian Mack, "The Juvenile Court," Harvard Law Review, 1909

Advocates for a more humane and developmentally-appropriate justice system for young people can point to significant progress in recent years. However, they still have considerable ground to cover to reach their desired goals. Thirty years of "tough-on-crime" rhetoric and policymaking in the United States were particularly tough on juveniles. During this period, which reached its apex during the 1980s and 1990s, lawmakers in almost every state often abandoned the century-old rehabilitative focus of juvenile courts, opting instead to treat youthful offenders as "mini-adults."[1] Legislators passed laws making it easier to transfer youth into adult courts, and stiffened penalties for even minor offenses. In addition, schools began to implement "zero-tolerance policies" criminalizing student behaviors that would have once been handled within the school, by educators, mandating that they instead lead to police arrest. These policies were fueled by dire, and highly racialized, images of a new generation of "superpredators" with "no respect for human life." Youth of color were subjected to the harshest punishments, both in school and within the court systems. As political scientist Frank Gilliam observed in his study, "The Superpredator Script:" "In the minds of the viewing public, youth crime is as much about race as it is about crime." [2]

As we now know, the projected superpredator wave never materialized, the prediction was later disavowed by its proponents, and juvenile crime has, in fact, declined during the first part of the 21st century. Yet, many laws and policies that lead to the harsh treatment of juveniles remain on the books. Too many young people today are still tried and sentenced as adults; too many are unnecessarily sent to secure facilities; too many are placed in solitary confinement. Too many have their educational trajectory disrupted by school discipline policies that exclude them from learning environments and send them instead into punitive settings. Far too few benefit from the supports all children need in order to develop into healthy and productive adults. As Bart Lubow of the Juvenile Detention Alternatives Initiative at the Annie E. Casey Foundation has remarked, "There is much more to do if we are to develop systems that treat children who are in trouble with the law the way we would want our own children treated."

Slowly, however, our nation's lawmakers have been rethinking their approach to juvenile justice. The current political climate for comprehensive reform of our nation's juvenile justice system is more promising than it has been in decades. The case for separate, and less punitive, treatment of youthful offenders within our justice system has been bolstered by a growing body of research about the differences between the adolescent and adult brain. This research demonstrates that prevention and rehabilitation are more effective than punishment, and speaks to the importance of keeping youth connected to families and communities rather than isolated in separate facilities. As a result, discussions of problems with the

current system often now focus on its lack of a developmental perspective, and discussion of solutions increasingly promote age-appropriate treatment and a greater focus on prevention.

Even with this growing knowledge and shift in orientation, however, juvenile justice reform advocates face steep communication challenges. The issue lies at the crossroads of two complex, abstract systems — criminal justice and adolescent development — and neither is well understood by the public. Lacking understanding of adolescent development, the public finds it easy to assume that "if you're old enough to do the crime, you're old enough to do the time." Lacking understanding of how institutions shape life chances and outcomes at a population level, the public finds it easy to fall back on the familiar American assumption that individuals are entirely responsible for their own fates — and finds it hard to appreciate why we need to change the system.

If advocates are to engage the public as allies in a movement for reform, they must advance a reframed narrative that is sufficiently coherent and persuasive to dislodge folk wisdom and reshape dominant understandings. Strategic Frame Analysis® shows that this can be accomplished by explaining both adolescent development and the justice system in more accessible, more compelling terms. To invite the public into the growing conversation about a more humane and just approach to youth, it is important to adopt a Core Story Approach, anticipating and answering the questions that attend to every social issue. *Why does this issue matter to us all? What are the mechanisms at play here — and what's going wrong? What should we do to move forward?* A truly strategic approach to communications answers these questions systematically, choosing among plausible alternatives by testing for their frame effects; i.e., their ability to move the public toward understandings and attitudes in line with evidence. For juvenile justice, the Core Story recommended in this MessageMemo begins by activating core *Values* that establish why reform of the juvenile justice system is so important to our society, moves on to establish core concepts with *Explanatory Metaphors,* concludes by highlighting *Solutions* frames that specify the kinds of interventions and policies that contribute to prevention and rehabilitation.

Reframing, then, is the act of using a new narrative to take advantage of a moment of public reconsideration and to move it towards a new set of understandings of the need for new policies while marginalizing old ways of thinking and acting. It is worth noting that much of the research that informs this MessageMemo was conducted between 2012 and 2014 — the period between the deaths of Trayvon Martin and Michael Brown — and thus, in a time of a more visible, and changing, public conversation on justice issues. Recent public opinion data suggest that white Americans in particular are becoming more critical about the justice system: questioning whether the system in general is working to good effect, wrestling with how race influences the administration of justice, and acknowledging that Black youth in particular are being singled out for excessive punishments.[3] While this reflection is cause for hope, the science of framing is clear that public opinions are volatile, while patterns of public thinking — cultural models — are durable. Without new ways of conceptualizing how the system should work, to what effect, and for whom in what ways, Americans are unlikely to be able to make the shift to major reforms. In order to seize the moment, advocates must understand and address the persistent "holes" in public thinking that are documented here, as well as the strong default understandings of what constitute "fair" and preventive actions.

To help advocates appreciate both the rationale for the recommended narrative and the narrative itself, this MessageMemo is organized as follows:

We first **Chart the Landscape** of public thinking about juvenile justice by providing a description of the dominant patterns of thinking that are chronically accessible to Americans, and the communications implications of these dominant models.

We then provide an outline of **Redirections,** research-based recommendations that represent promising routes for improving public understanding of juvenile justice.

We end with a cautionary tale of the **Traps in Public Thinking** that must be avoided if reframing is to succeed.

II. Charting the Landscape: Default Patterns of Thinking

In this section, we discuss the most prevalent and highly shared paths, or "cultural models,"[4] that ordinary Americans rely on when asked to think about *what juvenile justice is, what causes juvenile crime, what impedes it,* and *what can and should be done to address it*. It is crucial that communicators who seek to build new understandings become familiar with these default patterns of understanding in order to accurately anticipate what challenges and cultural assumptions their communications must overcome.

FrameWorks uses the metaphor of a "swamp" to describe the ecosystem of cultural models on which people rely on any given topic. Some parts of the swamp threaten to "eat" incoming messages; other places harbor incipient flora and fauna that, if cultivated, can prove beneficial to advocates' messages. Using this metaphor, reframing becomes a "pushing and pulling" exercise: knowing what to avoid and knowing what to cultivate to get your message through the swamp alive.

FrameWorks' research suggests the Swamp of Juvenile Justice looks like this:

Causes of Crime

When reasoning about the causes of crime, Americans fell back on a handful of explanations:

Crime = Rational Decision. Consistent with FrameWorks' research on criminal justice more generally, Americans' top-of-mind explanation for the causes of juvenile crime was a rational-actor model. According to this model, young people weigh the costs and benefits of committing crimes and choose accordingly. Either consciously or unconsciously, they calculate the probability of being held accountable for crimes and then commit those they think they can get away with. Researchers found that the rational-actor model strongly influenced people reasoning about juvenile justice issues, with the capacity for rational discernment seen as a benchmark for whether young people should be tried as adults.[5] People asserted that once a child reaches the "age of reason" and "knows right from wrong," they are, and should be held, fully accountable for their actions. To the extent that people view youth as "fully developed," their responsibility for crime as acts of rational choice is enhanced.

"Rotten Egg, Rotten Parents." People offered another cause of youth crime that mirrored a cause of crime more generally. That is, people assumed that young offenders are "bad people," or fit into a limited set of personality profiles predetermined toward crime. People tended to draw upon a supposition that some individuals are just born with "mental problems" or are "sick in the head," which impairs their judgment and leads them to commit criminal acts. These "rotten-egg" explanations relied on the assumption that there are outlier individuals whose behaviors can't be prevented or rehabilitated, as their mindsets are fixed, deep, and innate. Such explanations were more common than ones that located the cause of crime in less extreme mental illnesses that can be prevented, treated, or managed. In another version of "rotten-egg" reasoning, participants in FrameWorks' research suggested that criminal behavior is something of a heritable trait, blaming parents for passing on "criminal genes."[6]

Negative Experiences, Parents. People also attributed youth criminal activity on children's "upbringing," locating the cause in deficient or negligent parents who failed to ensure the moral development of their children.[7] These assertions, importantly, did not reflect the now-established scientific view of gene-environment interaction; i.e., "nature-nurture" and the continuous shaping of brain architecture by a child's experiences . Rather, it adopted an understanding of the importance of a child's moral development, formed, narrowly, by imitation of his or her parents during the early years of childhood. In discussions where this model was operative, informants focused primarily on upbringing in the home. Their discourse was dominated by a focus on moral development, and how it can go awry if correct parenting is lacking. To summarize the propositional components of this model: If children do not have good parents who help them develop a moral compass, they will grow up without the basic tools required to know whether their actions are right or wrong, and will therefore be more likely to commit crime."[8] While an explicit developmental argument was rarely made, there is some promise for communicators in this model, as it illustrates that the public possesses an implicit awareness that childhood is a formative period.

Children and Youth

When asked to consider how children and youth become involved in the criminal justice system, people used a set of reliable shortcuts to locate causes within individuals and families:

Family Bubble. As we have seen in the models enumerated above, people tend to see young people as contextualized only within their family; far from top of mind are such influences as schools, youth activities, mentors, community resources, etc. This narrow understanding leaves Americans with few options for addressing juvenile crime other than "fix the parents." Moreover, since the family is viewed as a private domain, programmatic and policy interventions, beyond the ultimate punishment, are not seen as germane to juvenile problems. It is important to note that, when other community influences were brought into the discussion by the researchers, most people readily acknowledged their importance; however, as the discussion ensued, people reverted to the dominance of the family bubble for explanation.

Tots or teens, nothing in between. Most people struggle to conceptualize various ages and stages of development. This further complicates their ability to think about prevention, rehabilitation, and recidivism. They can readily talk about children who are too young to "know right from wrong" and teenagers whom they believe to be fully responsible for their actions, but middle schoolers and other "in-between" ages do not come readily to mind. This binary model — those not responsible vs. those responsible — does not allow for a robust discussion about how a young person came to be involved with crime and what might have been done at each point in that trajectory.

FrameWorks' research reveals that few people fully appreciate adolescence as a key developmental stage, separate and distinct from adulthood, nor understand the mechanisms that are in play during this developmental period. Physical maturity is taken as the proxy for psychosocial maturity — in general, children are seen as "little adults" and teens are even more so. Holding young people accountable for their actions is assumed to be an important part of inducting them into adult life.[9]

Teens are morally defective adults. There is considerable evidence that Americans believe "teens today" do not share their values, are less moral and less law-abiding than previous generations. The universal stereotype of the drug-crazed, hedonistic teenager — much reinforced in media[10] — predisposes Americans to see juvenile crime as confirming of a pre-existing assumption, rather than a deviation from their expectations of normal adolescent trajectories. In this sense, adolescents are routinely "otherized" and easily differentiated from the human norm.

Mental health is controlling emotions. With children, as with adults, people express the idea that willpower and self-control are key to overcoming mental health problems. Emotions are not seen as brain-based and influenced by environments and experiences as much as they are deemed issues of character and moral strength — more "hearts and minds" than brain. This puts responsibility upon young people to exert self-control and obscures contributing factors and opportunities for intervention across childhood. It stands in dramatic opposition to the expert view that mental health is constructed over time through healthy brain development.

Fairness

People also draw on the following models of fairness to make sense of juvenile justice issues:

Uniform: Sentencing needs to be consistent. Participants in FrameWorks' research almost universally applied a uniform model of fairness[11] when thinking about 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. Using this model, and lacking a reason to take exception to it, people assert that young people should be held to the same standards as adults. This assertion becomes even more pronounced as children age into teenagers.

Contextual: Responses should take circumstances into account. At the same time, people can discuss the circumstances that contribute to criminal behavior. Issues of poverty and violence are perceived as contributing factors. However, because these factors are only superficially understood in the ways they interact with development, they easily default to a bootstraps narrative in which each person is expected to triumph over adversity through discipline and hard work. Considering the rational actor model and people's default understandings of mental health, these cultural models combine to place responsibility on juveniles' "character" and to downplay the importance of contextual factors, including everything from the resources available in community to support healthy development to the policies and practices of the criminal justice system.[12]

Race and Racism

American thinking about juvenile justice reform is highly structured by dominant understandings of race and racism. The public falls back on the following explanations when thinking about racial inequality.

Historical progress. When asked to think about the role of race in America, the public tends to talk about how far the nation has come, noting that the contemporary period compares favorably with the pre-Civil Rights era. Notably lacking from this historical legacy narrative are the various ways that today's policies and practices reflect structures and systems that, over time, have been deeply imbued with racial distinctions. This historical progress model thereby obscures public responsibility for correcting inequities in the system. Moreover, reasoning from the *Historical Progress* model, Americans conclude that racism is something like an emotion or a belief — an outdated worldview that remains only in the hearts of certain misguided individuals, making it difficult for people to talk about race and racism in systemic terms.

In the studies that inform this MessageMemo, FrameWorks researchers observed that whites were more than willing to acknowledge that the system is biased on the basis of class — noting that wealthy people routinely buy their way out of trouble — but went to great lengths to generate alternative explanations for the idea that the justice system perpetuated racial biases. African-American participants were no more likely to offer explanations that invoked *institutional* or *systemic racism* — inequities that can be perpetuated without the conscious intent of individual actors, and that require structural reform. While

respondents of color were more likely to focus on racial inequity in the criminal justice system, their critiques nonetheless relied on the behavior of individuals, such as racist cops, sadistic prosecutors, crooked judges, or other "rotten eggs" in the system. That is, the strength of individualist understandings about race shapes the criminal justice system, both in terms of the commission of crimes and decisions around policing or prosecution, creates a cognitive blindness to *systemic* racial bias. This blindness constitutes a major communications challenge.[13]

Commentator Charles Blow reflected recently, and eloquently, on the implications of this systems blindness when it comes to the public discourse on harsh, violent, and frequently fatal police tactics:

> *"This deficit of examining systems exists all across this debate. It fails to indict society as a whole… It puts all the focus on the tip of the spear rather than on the spear itself…. We look at the end interaction, examining the officers for bias and the suspect for threatening behavior rather than looking at the systems that necessitated the interactions."*
>
> *- Charles Blow, "Black Lives Matter" and the G.O.P. in The New York Times, August 10, 2015*

Separate fates. Contrary to the assertion that "Black lives matter," many Americans struggle to see this as so. AfricanAmericans are understood to live in worlds that are both geographically and culturally apart from mainstream America. This cultural model is strengthened when crossed with issues of juvenile crime, as juveniles are also understood to be a "tribe apart." When reasoning through this model, the issues young people of color face in the criminal justice system may be regrettable, but have little bearing on the society as a whole.

Minority "culture" (lack of self-makingness). While experts view the disproportionate number of young men of color in the criminal justice system as evidence of systemic inequities, the systemic roots of these disparities are invisible to many Americans. Instead, white Americans tend to ascribe deficient values to other racial and ethnic groups, asserting that African Americans in particular lack the moral compass or the self-control necessary to "resist crime." This was apparent in the media depiction of Michael Brown, killed by a police officer in Ferguson, MO, who was often portrayed as being a "thug" and therefore somehow deserving of the treatment he received. This further invigorates the notion that minority juvenile offenders bear the irrevocable brunt of bad parenting and negative role models.

Solutions

Americans fall back on the following explanations when considering how we should address juvenile justice issues.

What solutions? While experts on social issues see juvenile justice as a major concern and an agenda priority, most Americans did not perceive the criminal justice system as either especially important or broken. Indeed, most people were largely inarticulate on this topic. Furthermore, whereas experts emphasize the need to incorporate a developmental perspective as a key component in addressing this

branch of the criminal justice system, most Americans saw the problem as best addressed through greater parental, not societal, responsibility.[14]

Because people cannot see a "criminal justice system" but rather an assembly of individual "bad actors" and "dirty cops," they are ill-equipped to see any solutions to improving the system.

The system works fine. Confronted by researchers with statistics about rising rates of incarceration, many people concluded that high numbers were evidence of the system's efficacy. Pressed to explain how the system might be improved, people resorted to the one tool in their conceptual toolbox: punishment. If you want to reduce crime, they said, increase punishments.

Fatalism. The cultural models used to think about causes of crime greatly affect which solutions are salient to people. Without priming, people looking for who might be responsible for solutions tend to fall back on notions of ineffective or corrupt government. This, in turn, results in a kind of fatalistic attitude — i.e., that nothing can be done — or a narrow focus on efforts to expunge "dirty" cops from the system.[15] People evinced little sense of the criminal justice system as "man-made" and therefore amenable to reform through policies and practices.

Affect the decision calculus. When individuals employ rational-actor models, they tend to arrive at a very specific and narrow set of solutions that includes making punishments harsher and sentences more uniform. For youth, this assumption drives in the direction of harsher, earlier punishments, which are interpreted as appropriately preventive.

On the other hand, Frameworks' research strongly indicates that, when individuals apply more ecological models to think about public safety and criminal justice, they arrive at contextual, policy, and resource-based solutions to problems in these domains."[16] This is the challenge of reframing — to evoke the more context-based understandings that people have little experience using but which, if given more practice, hold promise for placing young people within a context of environments and experiences that are amenable to societal intervention.

These patterns in understanding constitute the key challenges for communicators — and are therefore the challenges that the prescriptive reframing research must address.

III. Redirections

In order to help Americans support and demand changes in the ways we approach youth development and address youthful offenders, juvenile justice, the issue will have to be reframed to: induce more systems thinking, not merely more salience; establish that prevention and more restorative responses to crime have value to the entire society, not merely to those who would otherwise be punished; and foreground causes and solutions, not merely impacts. For these reframed understandings to dislodge the highly accessible patterns of thinking that are familiar to the public, communicators will need a narrative that is coherent and memorable.

Based on our research, we offer a series of evidence-based recommendations for communicators engaged in advocacy for reforms to treatment of juveniles within our criminal justice system. Importantly, these recommendations should not be interpreted as a grabbag of suggestions, but rather as a storyline that can organize explanations about juvenile justice across advocacy groups. Drawing upon a wide array of evidence across the cognitive and social sciences, FrameWorks conceptualizes an effective narrative for social issues as constructed to address these questions:

- Why does this issue matter to society?
- How does it work?
- What impedes it?
- What promotes it?

We outline below the contours of a reframed narrative about juvenile justice.

Why does juvenile justice matter to society?

Values are broad ideals about what's desirable and good. We know from the social science literature that they act as a starting point on a topic, guiding attitudes, reasoning, and decisions that follow. FrameWorks' original research consistently confirms the effects of priming a discussion with effective values. Opening communications with a value can orient people's thinking on the topic, setting up for success in the interaction that follows. Because values are such strong primes, Strategic Frame Analysis® advises communicators to rely on research to select a tested value that will reliably orient the communication — rather than simply looking to their own deeply-held values or using data points to establish what's at stake.

To identify the most powerful ways of making the case for justice reforms, FrameWorks researchers designed a controlled experiment to investigate the effects of alternative Values frames. The frames tested included two that reform advocates use frequently: *Fairness* (we need a system that is more just, and less racially biased) and *Cost Efficiency* (we must spend resources wisely, and punitive approaches are more costly, and less effective, than alternatives). In addition, researchers hypothesized that the value of *Pragmatism* would evoke a productive, problem-solving mindset that would motivate support for policy change. An example of this frame element is as follows:

Pragmatism

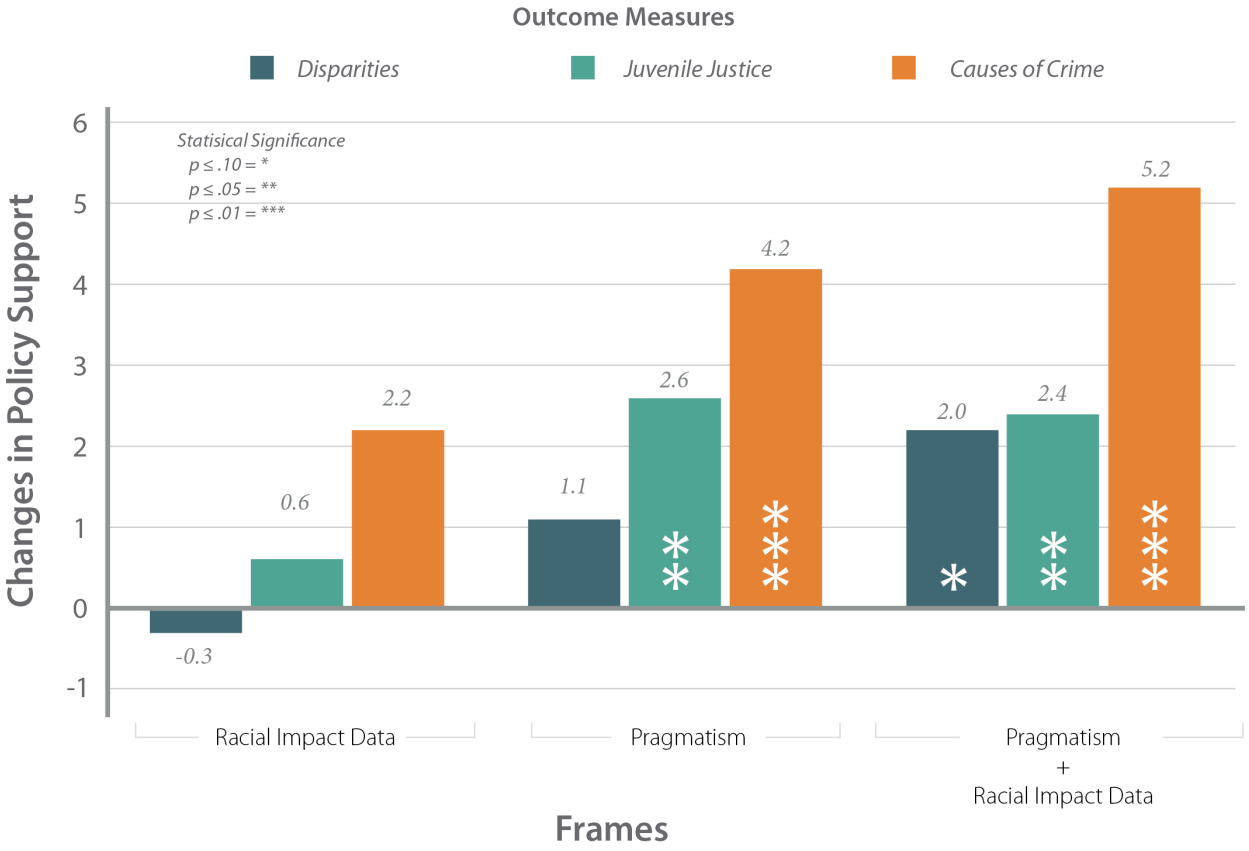
By taking a practical, common-sense approach to solving problems in our criminal justice system and our communities, we can decrease crime, enhance public safety, and make more responsible use of our resources. We know that more children and young adults end up in the system when they are from communities with high unemployment, underachieving schools and lack other resources and social supports. We need to identify the proven alternatives that work to address these issues. Instead, we spend resources sending more people to prison, which does not work and is taking a toll on our society.

The value of *Pragmatism* — or taking a common sense approach to criminal justice — consistently elevated systems-level thinking and policy support in line with expert thinking across several policy domains of interest to the broader criminal justice reform movement. By contrast, *Fairness* and *Cost Efficiency* actually decreased support. On juvenile justice issues specifically, the impacts were even stronger. When primed with the *Pragmatism* value, survey participants demonstrated a statistically significant increase in support for progressive juvenile justice policies and programs that focus on prevention and developmentally appropriate treatment over harsh punishment.

Moreover, the value of *Pragmatism* allows for a positive discussion about racial disparities. When a *Pragmatism* message was paired with facts about the disproportionate number of African Americans in the justice system, survey participants registered a 2 percent increase in their support for systemic solutions to juvenile justice issues and a 2 percent increase in support for measures to address racial disparities in the system. FrameWorks researchers interpret this finding. No other value increased these juvenile justice outcome measures to statistically significant degrees.[17]

Figure 1. Results of experimental survey testing frame effects of messages leading with racial impact data, messages leading with *Pragmatism,* and messages that lead with Pragmatism and follow with racial impact data.

The Power of Values + Facts



The implications for advocacy are clear. Begin communications by reminding people of the *practical goals* that a justice system should serve for society: prevent crimes, protect society from criminal behavior, and successfully rehabilitate people back into society so that they can make a better contribution. Underscore that systems require oversight and reform from time to time to make sure that they are meeting their goals for society. Remind the public that these systems are created by us, for us, and that they can and should be periodically re-examined and remodeled to do better.

In addition to using explicit cues for Pragmatism — such as *common sense, sensible,* or *practical* — we recommend that communicators find other ways to elaborate on the theme and stay within this frame. For instance, rather than talking about "blowing up" the system, consider reaching for a more pragmatic analogy, such as *Remodeling*. In research on the communications aspects of education reform, this Explanatory Metaphor has shown strong effects on people's ability to view reform efforts as accountable and actionable, while simultaneously muting the cynicism that people bring routinely to issues of government and problems with public systems.[18]

How does juvenile justice work?

This is a critical chapter in the new narrative on juvenile justice reform. Unless and until people can see the systems that are at work, they cannot overcome their fixation on individual-level choices and solutions. But this dominant explanation can be dislodged; people also possess an incipient understanding that that childhood is a formative period, and that context matters. To build on these recessive beliefs, communicators need to offer help from careful framing and explaining of two sets of mechanisms at work: that of the developing adolescent brain, and that of the dysfunctional and inequitable juvenile justice system.

Explain Adolescent Development

To make the case for developmentally-appropriate treatment, advocates must be able to effectively explain development itself.

The latest science can be recruited in this effort: it clearly demonstrates that adolescents are biologically "wired" to take risks, predisposed to exercise poor impulse control and judgment, and that these responses are exacerbated by exposure to trauma and violence. As psychologist Larry Steinberg has written: "The capacity for self-regulation is probably the single most important contributor to achievement, mental health, and social success. In study after study of adolescents, in samples of young people ranging from privileged suburban youth to destitute inner-city teenagers, those who score high on measures of self-regulation invariably fare best — they get better grades in school, are more popular with their classmates, are less likely to get into trouble, and are less likely to develop emotional problems. This makes developing self-regulation the central task of adolescence."[19] Weighing against this task are some additional brain-related aspects of adolescent development, such as the "brain's amplified sensitivity to the environment," including stress, and its predilection to "trigger stronger emotions."[20] The antidote to these brain-based proclivities is practice and skills-strengthening. Because adolescents are hyper-attuned to peers and their social environments, their ability to weather this period of human development depends to a great degree on the quality of the communities, adults and peers that support them. "Neurobiological capital," Steinberg concludes, is "the advantage that accrues from having a protracted period of brain plasticity in an environment that is appropriately stimulating."[21]

These findings have clear implications for reform: law enforcement and court officials who regularly interact with adolescents need to understand and respond appropriately to these developmental traits, as do the legislators and others who establish policies and allocate resources. Yet, bringing contemporary neuroscience into advocacy communications can be daunting. Fortunately, reframing tools such as Explanatory Metaphors allow communicators to convey a complex scientific field through a highly accessible mini-story that is both scientifically accurate and "sticky," or memorable and repeatable.[22]

To deepen appreciation for the underlying biological differences between youth and adults, and of the impact of these developmental processes on adolescent judgment and behavior, FrameWorks drew from its significant body of work on how to translate the neuroscience of child development.[23] We updated the child brain story to encompass new research specific to adolescence.[24] And we took two analogies

explaining adolescent development into small group discussions to see whether these communications tools could overcome existing ways of thinking.

Our experiment focused on two Explanatory Metaphors developed in partnership with the National Scientific Council on the Developing Child: *Brain Architecture*, which compares the orderly and sustained process of neurological development to the process of building a house, and *Air Traffic Control*, which compares the cognitive skills of executive function and self-regulation to the coordinating role that air traffic control plays at a busy airport:

> ***Brain Architecture***
> *Our brains get built like the structure of a house — what comes first lays down the foundation for all that follows. So a child's early experiences and environments are critical to the durability of the child's later functioning. But as children grow, they encounter increasingly complex tasks and demands. Like the structure of a house, the brain needs to become functional in different ways to accommodate new expectations and requirements. It gets remodeled. Again, the experiences and environments that adolescents have available to them become the building materials that allow them to adjust to new demands, to support new skills, and to become reliable members of society.*

> ***Air Traffic Control***
> *The mental skills and abilities that a child develops play a huge role later in life. For example, the abilities to focus, pay attention, and ignore distractions are key. These skills begin in early childhood, where they require lots of practice and support, but aren't fully developed and operational until the mid-20s. These abilities are like air traffic control at a busy airport, where lots of things have to be coordinated. Some planes have to land others have to take off, but there's only so much room on the ground and in the air. The human brain also has a mechanism for controlling its mental airspace. It's called executive function. This mechanism enables our brains to create mental priorities and watch over the flow of information so they can focus on tasks and make good decisions. We need to make sure that our systems recognize that these air traffic control systems are still developing in youth and make sure that communities give young people practice and support in using these skills.*

These ideas, used in combination, constitute a mini-story that conveys that youth development is about the brain, not about morals or willpower; that it is an ongoing process; and that contrary to popular belief, adolescent brains are still developing. *Brain Architecture* is used to establish the notion of the brain's plasticity, while the metaphor of Air Traffic Control is used to explain the specific brain functions developing in adolescence — reasoning, planning, and self-regulation. These analogies powerfully reinforce thinking about youth as a developmental period, while simultaneously muting the assumption that once some adult-like capacities are achieved (e.g., language abilities developed by late childhood), youth are "just like adults" in terms of their decision-making ability and therefore, their criminal culpability.

These frames also foreground the central role of environments in development, which serves to advance the idea that it is the responsibility of the community and larger society to provide all youth with access to the environments and experiences that build healthy brain architecture. In this narrative, healthy development is the expectation and juvenile crime is understood as the result of dysfunctional interactions between a young person and his or her community.

Finally, in testing in peer discourse sessions testing, these two metaphors showed promise in accomplishing another important communications task — differentiating juvenile justice issues from other issues in criminal justice reform, without undermining advocacy efforts aimed at addressing the needs of adults. In the absence of framing that directed attention to adolescent development, people failed to appreciate why we might need to create a system that attends to the specific needs of children and youth.

[25]When exposed to these metaphors, people quickly grasped the key ways in which adolescents differ from adults. Asa result, they were able to reassess fair and practical approaches, as illustrated in this quote from a participant: "I feel children can be criminals just like adults can be criminals, -but because we know that children aren't completely developed until they're in their 20s, we need to give them some compassion, we need to teach them other things. I feel the juvenile system should be a giant after-school program for these kids. They need to find their way, they need to find their niche, and they need to find their place."[26]

Explain Systemic Dysfunction

In addition to helping the public reconsider what it means to be a "juvenile," advocates must prompt the public to rethink their assumptions about the "justice system." The specific reframing tasks here are to establish that the current system is dysfunctional in general, and for young people of color specifically. Again, there is a sound research base for this portion of the narrative. In-depth studies of how the criminal justice system operates in communities of color demonstrate how it is designed to catch young people in a series of traps: stop-and-frisk policies that almost exclusively target young men of color begin the involvement; when young people miss a court date because they lack transportation or fear losing their job, punishments escalate rapidly, moving them further into the system.[27] Exits are blocked by a range of policies that reduce opportunities for education or employment, such as school regulations that prohibit re-enrollment in high school after a certain age, or employment policies that frown upon any sort of criminal record, even if it contains only minor violations. These studies further document how, as a result, young people spend an excessive amount of mental energy avoiding the ever-present scrutiny of their lives.

Clearly, wearing a hoodie, stealing $5 worth of groceries, or walking in the street should not result in the detention or death of a young person. Nor should riding in a stolen car or stealing a backpack serve as gateways to a lifetime sentence in prison. Helping people understand how these incidents accumulate and are systematically applied to youth and especially youth of color is an uphill challenge in a society where episodic news and portraiture dominate,[28] the effects of which are to encourage the public to focus on individual character rather than on broader structures. As the exploration of public thinking above demonstrated, once a narrative stresses individual life choices and behaviors, much of the public loses sight of the need for systems reforms, and, instead, rivets its attention upon fixing individuals.

To reframe the system itself, attention must be directed to its structural problems. In work on the communications aspects of criminal justice reform more broadly, FrameWorks researchers developed an Explanatory Metaphor that accomplished this by comparing the system to an exceptionally complex and difficult maze: a labyrinth constructed with too many entrances— mental illness, unemployment, abuse, neglect, racial bias, inability to pay bail — and too few viable exits because of the lack of effective rehabilitative services, the toll of incarceration, impaired employment prospects, and other barriers to successful reintegration into life outside the system. To help people see how the criminal justice system has become dysfunctional for young people specifically, this metaphor might be adapted as follows:

> ***Justice Maze***
> *Even in the most difficult mazes, there's a way to get in and out. But the juvenile justice system is designed without enough paths that come out of the maze. A lot of young people get trapped on a path that goes straight to prison and has no way out. For the system to meet our communities' needs, other routes must be made available, such as paths to mental health services, addiction services, or programs that allow youth to serve sentences in alternative settings. We need to redesign the justice maze so that fewer young people get caught up in it, and so that once youth inside are ready to exit, they can leave it behind, join our communities, and begin productive adult lives.*

This metaphor allows communicators to capture the dynamics of the process that reduces opportunities to promote adolescent well-being as it expands the presence of the criminal justice system in the life of youth.

FrameWorks' research shows that the *Justice Maze* metaphor was effective in helping people to simultaneously entertain two dissonant ideas: there are severe problems with our existing criminal justice system, *and* it can be redesigned or "fixed." The metaphor draws from people's everyday knowledge about mazes — they are built or designed structures; they should be possible to get through — to enable them to reconsider a system that, otherwise, they are likely to assume is serving its purpose.

After making the analogy at a general level, communicators can then assign different problems in juvenile justice to the maze metaphor. Over-policing, racial profiling, mandatory minimums, or criminalization of school infractions become "routes into the maze." They can identify where we are failing to create routes to places other than the maze — by failing to provide positive youth development programs or other preventive approaches. The many ways in which the system causes harm to young people— solitary confinement, social isolation, or lack of effective rehabilitative services — become blocked exits. The metaphor serves as an organizing principle for these varied and nuanced policy and program reforms, inviting the public to consider reforms from a different perspective.

The value of this sort of reframing work should not be underestimated. When we pull back the frame — when we begin to portray the issue with a wide-angle lens — we begin to focus attention on a different protagonist — the system, not the individual. In a media-genic environment that favors heroes, villains, close-ups, and tell-alls, this type of storytelling is often forgotten, but it has been a time-tested and winning strategy for progressive advocacy. In eulogizing juvenile justice pioneer Jerome G. Miller, one scholar

noted that he had "changed the political question from 'What do we do with these bad kids' to 'What do we do with these bad institutions?' By focusing public attention on the harms caused by institutions, he elicited from the public the only logical conclusion: The institutions must be closed. He basically changed the conversation."[29]

What impedes juvenile justice reform?

All of the explanatory metaphors explained above — Brain Architecture, Air Traffic Control, and Justice Maze — allow communicators to show how ill-conceived policies and practices undermine the goals of a practical criminal justice system. For example:

- When society ignores how **Brain Architecture** gets built, through lack of supports for mothers and unaddressed exposures to toxic stress, children start with weaker foundations and will require more intensive preventive and remedial programs to get them back on track for well-being. As this relates to juvenile justice, it means that society needs to intervene earlier in children's lives, and to continue that intervention throughout the adolescent years, to provide programs that offset the effects of disruptive Brain Architecture and that build out strong and stable platforms going forward.
- Effective **Air Traffic Control skills** in the brains of young people are thwarted when their situations are unstable, their contact with caring adults is disrupted, and the risk-taking that is part of the biology of adolescence is not guided in safe community environments.
- When the **Justice Maze** is distorted through impractical and ineffective policies, it creates a monster — a maze with too many ways in and not enough ways out. People are trapped.

What is missing from this story to date is a prompt to get Americans thinking robustly about how positive youth development is undermined, and especially how multiple players — not merely family — need to contribute. Here we offer an explanatory metaphor drawn from FrameWorks' research on child mental health[30] that poses stability as the goal and forces people to inspect the various ways that young people's healthy development can be undermined by unstable conditions and policies.

> ***Levelness***
> *One way to think about children's mental health is that it is like the levelness of a piece of furniture, say a table. The levelness of a table is what makes it usable and able to function, just like the mental health of a child is what enables him or her to function and do many things. Some children's brains develop on floors that are level. This is like saying that the children have healthy, supportive relationships and access to things like good nutrition and health care. For other children, their brains develop on more sloped or slanted floors. This means they are exposed to abuse or violence, they have unreliable or unsupportive relationships, and they do not have access to key programs and resources. Remember that tables cannot make themselves level — they need attention from experts who understand levelness and stability and who can work on the table, the floor, or even both. It's important to work on problems the minute they appear, because little wobbles early on tend to become*

big wobbles later.

Levelness is a way to further underscore the ways in which the criminal justice system ignores brain development in young people. Use Levelness to explain how impaired environments push young people into the system in the first place, but also how the environments inside the criminal justice system further undermines their ability to rehabilitate and re-enter society. When people are focused on a punishment calculus, as FrameWorks' swamp diagram indicates, they are only weighing whether the punishment is sufficiently harsh to deter future crime. The Levelness explanatory metaphor allows communicators to refocus attention on whether the experience in the criminal justice system actually results in outcomes better suited to functioning effectively in the real world. Levelness redirects people's assessment of what the criminal justice system should accomplish.

A second explanatory metaphor allows communicators to demonstrate the inadequacies of current criminal justice policies as they relate to youth. Use Justice Gears to call attention to how short-sighted current approaches to juvenile justice are and how they could be improved through practical reforms.

Justice Gears

Think about how a bicycle is more effective when it uses different gears for different terrains. The same is true for how we respond when young people are involved in situations that could land them in court or even locked up. The gear we should use most often is diversion: keeping youth out of the legal system and instead, turning to approaches that are better suited to address the underlying problem. These might include family counseling, mentoring, or community service that helps youth learn from the situation. In more serious situations, the right gear might be treatment for trauma, substance abuse, or other mental health issues. We've been over-using the confinement gear, even though this doesn't work to rehabilitate youth and does nothing to keep our communities safer. Alternatives to institutional lockup – like probation or house arrest - make more sense even in serious situations, because keeping youth connected to their communities and close to their families is better for their mental health, their safety, and their rehabilitation. When it comes to youth justice, if we get better at switching to the right gears, our society will go a long way toward ensuring that the talents and contributions of all our young people are available to our communities.

The idea of fitting the system to different populations and the issues that assail them is central to this metaphor. For example, in related research regarding gender and criminal justice reform, justice gears encouraged the public to reconsider the appropriateness of custodial punishments for populations with histories of severe physical and sexual abuse.[31] Instead of focusing people on the individual calculus of crime to punishment, this metaphor forces people to inspect the suitability of the criminal justice system to our goals as a society. Communicators can use this metaphor to great effect if they have first established how adolescent brain development works; this second explanatory metaphor can then underscore how unsuitable it is to try and treat adolescents like adults and to ignore the numerous opportunities for prevention and rehabilitation that young people present. By evoking Justice Gears, advocates can vividly explain why the overall criminal justice system needs to be rehauled to promote better outcomes for young

people, and why this is in society's interest.

What promotes juvenile justice?

While many of the explanatory metaphors recommended above — Brain Architecture, Air Traffic Control, More Justice Gears, Levelness — explain how society can do a better job in understanding and addressing juvenile crime, it is imperative that communicators put the emphasis for change on the experiences and environments that shape children's outcomes. The best explanatory metaphor for doing this, and helping people calculate society's investments, is the Resilience Scale:

> ***Resilience Scale***
> *You can think of a child's development as a scale that has two sides. One side gets stacked with negative things, like stress, violence, and neglect, while the other side gets loaded with positive things, like supportive relationships, skill-building opportunities, and stimulating environments. We want children to turn out well, which means we want the scale to be tipped toward the positive. First, we should examine our communities to see how we can prevent the places and experiences that might tip the scale in the negative direction and provide more places that promote well-being. When a child is expelled from school or brought into the criminal justice system, that's like placing an especially heavy weight on the scale — it makes it much harder to tip the scale back towards the positive side.*

Resilience Scale can be used to help people assess the contexts in which children come into the criminal justice system. But it can also be used to assess what happens to them while inside the system. Further abuse and violence, solitary confinement, broken family relations — these routine aspects of the adult criminal justice system constitute heavy burdens on the negative side of the Resilience Scale. By forcing people to see how these policies and practices affect young people's abilities to function in society, communicators can shift attention to the negative consequences that predictably result from our current system.

In sum, the narrative structure associated with the conceptualization of social problems can be filled in using FrameWorks' reframing devices in the following way:

Basic Narrative Template for an Explanatory Campaign

1. Why does this matter to society?	2. How does this work?
Pragmatism	Brain Architecture + Air Traffic Control
3. What impedes it?	**4. What promotes it?**
Levelness	Resilience Scale

In the Toolkit that complements this MessageMemo, we demonstrate numerous ways to use this narrative to advance particular aspects of the juvenile justice reform agenda.

IV. Traps in Public Thinking

In the following section, we list aspects of thinking about juvenile justice reform that trigger models that may be "easy to think" but trap public thinking in unproductive evaluations and judgments. Traps are communications habits of a field and, as such, can be difficult to notice and hard to avoid. Traps are plausible ways of framing an issue that, upon investigation, fail to achieve the desired effect on people's understanding of and support for an issue, or even turn out to do more harm than good. We focus here specifically on traps that are common in science and advocacy communications, as these tend to represent unexamined hypotheses about effective communications.

The Fairness Trap. In FrameWorks' experimental survey, Fairness was far less effective as a value in evoking progressive thinking on juvenile justice measures than was Pragmatism. FrameWorks' qualitative research explains this outcome by the fact that Fairness tends to evoke a set of existing cultural models, or swampy pattern of thinking, in which fairness is equated with treating everyone the same regardless of context. For young people, the effect of this frame would be to encourage people to think that fairness requires adult treatment for youth. To avoid this trap, avoid making explicit appeals to equity or fairness. Instead, use tested frame elements to set up discussions of inequities. Introduce the Value of *Pragmatism,* and then move to data that illustrate disproportional impacts of the system or other inequities. Or, use theJustice Maze metaphor to show how the system leads to unfair outcomes.

The Prevention Trap. This is not to suggest that reform advocates should stop talking about approaches to preventing juvenile involvement with the court system — but rather, that using the theme of Prevention to frame the need for reforms is not the best way of making the case. The Value *Prevention* was less effective than Pragmatism in advancing support for juvenile justice measures in FrameWorks' experimental survey — and its performance dropped further when coupled with data on racial disparities. Again, FrameWorks' qualitative research helps to explain these effects: if people think that the primary cause of crime is individual choice, it is hard to see how those choices might be prevented. Moreover, as many Americans locate the cause of juvenile crime in deficient family values, prevention becomes a matter of "fixing parents," which seems to be an unlikely cure. To stay away from this trap, appeal to Pragmatism to set up why preventive programs matter. Similarly, unpack the logic behind preventive measures using the explanatory metaphors of Justice Gears, Levelness, Air Traffic Control, and Resilience Scale. When people can see how a particular approach or initiative would work to head off a problem before it happens, they are more likely to support it as a sensible reform.

The Black Box Trap. Given the paucity of information people have available about both adolescent development and the juvenile justice system, it is imperative that communicators not mistake assertions for explanations. Be attentive to places where you put in placeholders like "age-appropriate" or "adolescent risk-taking behaviors" – these are mere labels, empty of meaning for the public. Without greater detail about how things work, these cues are likely to lead nowhere. Communicators need to allocate time to explain the mechanisms at work in adolescent development and the juvenile justice systems. This explanatory approach is a better use of communications real estate than the layering on of facts. Indeed, FrameWorks' research demonstrates that facts will be interpreted by the frames into which they are

embedded.

The Mistakes Trap. Advocates are understandably attracted to highlighting the injustice of holding a young person accountable for one infraction against the rules by casting offenses as youthful indiscretions. This strategy is thought to evoke the American value of redemption, or a "second chance." Instead, foregrounding the idea of crime as "mistakes" invigorates the very model that leads people to support highly punitive measures: namely, the *Rational Actor* model. Further, by directing attention to the internal thought processes of the individual, this framing strategies decreases the focus on the ecologies and systems that constrain and shape behavior. To avoid this trap, resist the temptation to retell poignant stories about individuals, and instead, talk more about the social determinants that more fully explain the roots of juvenile crime, such as differential access to resources, different neighborhood contexts, quality of schools, housing, and opportunities for recreation.

V. Conclusion

At this writing, there is enormous momentum both nationally and within specific states toward criminal and juvenile justice reform. High-profile treatment of youth by police and within detention facilities during the past year in particular seems to be focusing the public's attention on the need for reforms, and on the unequal and disproportionately harsh treatment of youth of color within the system. This public attention creates great opportunity for advocates to advance laws and policies mandating more developmentally appropriate treatment of court-involved youth, and to prioritize prevention, rehabilitation, and alternatives to detention.

The recommended narrative that we describe has been tested to determine its ability to advance this wide array of reform measures. Thus, it can be shared by many groups advocating for related but distinct policy changes. Rather than trying to capture the public's attention with dozens of different stories, this narrative puts forward a story structure that can "lift all boats" and map on to multiple policy solutions. It charts a course through the dominant patterns of reasoning employed by the public, identifies the major challenges for communicators, and recommends how communications may be redirected to improve public understanding.

In order to sustain the current momentum, and make the most of the favorable climate for reform, advocates need to use new framing strategies that overcome Americans' "black-box" understandings of both the juvenile and criminal justice system. FrameWorks' research strongly suggests that a new narrative that deepens appreciation and understanding of the foundations for healthy child and adolescent development, and of the failings of the current system to provide those foundations, is within our reach. We urge communicators to expand their explanatory messaging so that ordinary people are able to understand the systemic analysis that experts take for granted. By making use of the reframes and metaphors described in this memo, they can help the public to recognize how the current system fails our young people, and how structural reforms can offer them justice, and a path to a more hopeful future.

About the FrameWorks Institute

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

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Bales, S. N. , Sweetland, J., O'Neil, M. and Wald, J. (2015). *Talking Juvenile Justice Reform: A FrameWorks MessageMemo.* Washington, DC: FrameWorks Institute.

Endnotes

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