



The **Opportunity** Agenda

*Building the National Will  
to Expand Opportunity in America*

# An Overview of Public Opinion and Discourse on Criminal Justice Issues

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## About

# The Opportunity Agenda

The Opportunity Agenda’s mission is to build the national will to expand opportunity in America. We use strategic communications, advocacy, and cultural engagement to grow a large and lasting movement for social justice vision and values, and we promote concrete solutions that fulfill those ideals. Our mission encompasses everyone in the nation, particularly communities facing steep barriers to opportunity, including low-income Americans, people of color, women, and immigrants. Our current issue areas include immigration, economic opportunity, criminal justice, and poverty.

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# Table of Contents

<b>Introduction</b> .....	<b>1</b>
<b><i>Overview of Public Opinion</i></b>	
<b>Executive Summary</b> .....	<b>7</b>
<b>Introduction</b> .....	<b>9</b>
<b>Methodology</b> .....	<b>10</b>
<b>Findings from Opinion Research on Public Safety and the Criminal Justice System</b> .....	<b>11</b>
<b>Conclusion and Recommendations</b> .....	<b>45</b>
<b>Works Cited</b> .....	<b>47</b>
<b><i>Media Coverage of Criminal Justice Reform</i></b>	
<b>Executive Summary</b> .....	<b>51</b>
<b>Introduction</b> .....	<b>53</b>
<b>Methodology</b> .....	<b>54</b>
<b>Findings</b> .....	<b>55</b>

## ***Media Coverage of Racial Justice Issues***

<b>Executive Summary</b> .....	<b>71</b>
<b>Introduction</b> .....	<b>72</b>
<b>Methodology</b> .....	<b>73</b>
<b>Findings</b> .....	<b>74</b>

## ***Criminal Justice and Social Media***

<b>Executive Summary</b> .....	<b>89</b>
<b>Introduction</b> .....	<b>92</b>
<b>Methodology</b> .....	<b>93</b>
<b>Findings from Online Discourse Related to Criminal Justice</b> .....	<b>96</b>
<b>Recommendations and Conclusion</b> .....	<b>108</b>
<b>Appendices</b> .....	<b>110</b>

# Introduction

This series of reports from The Opportunity Agenda describes the American *public discourse* on crime, the criminal justice system, and criminal justice reform. It examines years of public opinion research, mainstream media coverage, and social media content. And it incorporates the input of leaders working in the field of criminal justice reform. Taken together, this body of work is intended to help reform leaders, organizations, and allies to build public support for effective solutions. It also provides useful insights for journalists, news outlets, and commentators who cover—or could cover—this important subject.

Involvement in the criminal justice system can be an opportunity-ending event in people’s lives. The “tough on crime” policies of the past generation—the “war on drugs,” mandatory minimum sentences, “three-strikes laws” and the like—have negatively affected millions of people. In addition to the individuals who are arrested, prosecuted, and incarcerated for long periods under harsh sentencing laws, families and whole communities face racial profiling, mass incarceration, and barriers to re-entry after release from prison. These impediments to opportunity are not spread evenly across the U.S. population. Racial and class bias infects the criminal justice system at every point, from arrest, through prosecution, sentencing, incarceration, and release.

Today, the nation’s experiment with mass incarceration is being scrutinized and critiqued as never before, and criminal justice reform is on the public policy agenda. Our scan of legislative activity across the country indicates that reforms are taking place in red and blue states alike. As one reform leader put it:

*The fiscal crisis that so many states find themselves in has created a space for dialogue about reducing the use of incarceration to solve social issues...This is a very conservative city in a conservative state, and I’m seeing opportunity after opportunity to work across the political spectrum to get criminal justice reform done.*

States are rethinking “zero tolerance” school discipline policies, which often are responsible for racially discriminatory suspensions and “the school to prison pipeline.” Municipalities are adopting “ban the box” policies to remove barriers to the hiring and licensing of people with criminal records. States are adopting “Justice Reinvestment” strategies to reduce corrections costs and reinvest the savings in programs that improve public safety, such as education, public health and job training. At the federal level, the Justice Department has launched its “Smart on Crime” review to bring more fairness to the federal criminal justice system. And the trend towards treating drug use as a public health, rather than a criminal matter is accelerating throughout the country.

Whether based on fiscal concerns about the vast public resources devoted to arresting, prosecuting, and locking up so many people or on concerns about fairness and racial equity, more and more members of the public *and* their political representatives are questioning whether the harsh penalties adopted at both the state and federal levels over the past 40 years are accomplishing what they were intended to accomplish: protecting the public. A growing number of Americans is realizing that the vast majority of people in prison will be released back into the community with few, if any, opportunities to change their lives for the better and that this does not bode well for the nation as a whole.

In spite of these advances, however, the United States has a long way to go before its criminal justice system lives up to constitutional and human rights norms, and creating the political will to bring about real reform is a heavy lift. Elected leaders still fear being labeled “soft on crime,” and the organized opposition, led by district attorney associations and the private corrections industry, is working hard

to block sentencing and other reforms, arguing that public safety is at risk. Most Americans hear about crime through their local television stations, where “if it bleeds, it leads” is still the rule. Increased fear of crime can derail any progress made by the criminal justice reform movement unless the public is “inoculated” with a deeper understanding of the causes of and solutions to crime.

In our conversations with criminal justice reform leaders, we found that while there is widespread agreement that this is a moment of opportunity, there is also concern that the reform movement is not yet in the position to seize it. As one advocate explained:

*I would say there is a good news and a bad news story. The good news is that after decades of really facing a relentless onslaught of overly punitive policies there's a moment and things are shifting...The less good news, or maybe even bad news story, is that I don't know if we are using that momentum to our greatest advantage, meaning we're seeing a lot of states engaged in some constructive conversation around alternatives, but they're not taking it to the level that they would need to take it to undo the problems of the last several decades.*

While the incremental reforms we are seeing across the country are important and good, the researchers, advocates, and philanthropists we have consulted believe that more transformative changes will be required to create a 21st century criminal justice system that is fair, equitable, and humane—an evidence-based system that emphasizes prevention and rehabilitation and uses incarceration only as a last resort. Understanding *today's* public discourse—how Americans think, feel, and communicate about crime and criminal justice—is a predicate for bringing about this paradigm shift going forward.

This report is the culmination of a year of research into the communications and legislative landscape in which criminal justice reform advocates are operating. Based on the research, we make a series of recommendations for improving both the reach and the substance of a new narrative framework for communicating about criminal justice.

The report is divided into four sections:

- ▶ A meta-analysis of existing public opinion research
- ▶ An analysis of how criminal justice reform issues are being covered in the mainstream media
- ▶ An analysis of how racial profiling is being covered in the mainstream media
- ▶ An analysis of how criminal justice reform is being discussed and debated in social media

## Public Opinion Research

We reviewed more than 30 studies conducted between 2001 and 2013 on topics related to criminal justice. The studies measured Americans' attitudes toward the incidence of crime in their own communities and the nation as a whole, the causes of crime, the purpose of the criminal justice system and of prisons, their openness to alternatives to incarceration, their support for reentry programs and re-enfranchisement for formerly incarcerated people, and a range of other criminal justice issues. We looked at variations in opinions held by different demographic groups and identified persuadable audiences.

## Media Analyses

We conducted two media analyses, one on how **criminal justice reform** was being covered and one on how **racial profiling** was being covered in the mainstream media. Using the Nexis service database we gathered a representative sample of close to 200 newspaper articles, broadcast transcripts, and blog

entries published or aired between January and July 2013 in national, regional, and local media outlets. We identified the dominant and competing narratives, the most prominent voices, the types of commentary, and the information that news consumers typically do and do not receive.

## **Social Media Analysis**

Using the Radian6 platform, a tool that archives user-generated content on the web, we assessed the volume and content of discussions about criminal justice in social media between January 1 and September 30, 2013. We examined Facebook, Twitter, blogs, and online comments and identified prominent voices and activism via those platforms.

## **The Public Discourse**

Today's public discourse about crime and criminal justice, as reflected in media coverage and public opinion surveys, is moving in a positive direction. Readers and viewers of mainstream media are learning about nationwide efforts to reduce prison populations, about substandard prison conditions, and about the negative consequences of "zero tolerance" school disciplinary policies, among other things. The idea that change is needed is very much in the air, and circulating. Every editorial in our sample was pro-reform. The trial of George Zimmerman for the killing of Trayvon Martin and the stop-and-frisk controversy in New York City provided an extended teachable moment on racial profiling. Mainstream coverage conveyed the idea that racial profiling is universally rejected as incompatible with American law and values.

However, mainstream media coverage of these issues is sporadic and incomplete. For example, value-based arguments for ending mass incarceration, such as racial equity, fairness, and human rights are rarely invoked, even in quotes by advocates. The almost exclusive reliance on fiscal concerns as the justification for reform is problematic, as is the absence of a long-term vision of what a model criminal justice system would look like. As the economic outlook improves, the fiscal argument will be less effective. Unless resonant value-based arguments are made, the reform movement may find itself back to square one, especially if there is an uptick in the crime rate. Although coverage of racial profiling emphasizes the extent to which it is rejected by people from all walks of life, it also reveals the chasm between people of color and white people in how the term is defined. The role of subconscious bias and racial stereotypes, which was just barely touched upon in the coverage of the Zimmerman trial, is not well understood by white Americans, and the mainstream media coverage did not contribute in any significant way to a deeper understanding.

Public opinion research shows that Americans are in a more pragmatic, less ideological frame of mind when it comes to criminal justice. They believe more strongly than in the past that it is important to address the underlying social and economic causes of crime, and that crime prevention is key. Retribution and punishment are still important, but so are rehabilitation, treatment, education, and support for those caught up in the criminal justice system. Viewed longitudinally, surveys show that growing numbers support alternatives to incarceration for low-level offenders, people with mental health issues, and youth and more educational and rehabilitative services for people in prison. Opposition to mandatory minimum sentencing is growing, along with disenchantment with the death penalty and the "war on drugs."

The racial divide, however, is substantial, especially in perceptions of the fairness of the criminal justice system. While whites acknowledge the existence of racial disparities, they believe that over all the criminal justice system treats people of all races equally. White Americans are much less likely than African Americans and Latinos to think that the police engage in racial profiling. African Americans see racial bias in policing, sentencing, conditions of confinement, and conditions upon release.

## Recommendations

### 1. Narrative Development

- ➔ Work together to build a new shared narrative. Based on our interviews with 25 criminal justice reform leaders representing many “silos” within the criminal justice reform movement, the absence of a shared narrative is recognized as a serious shortcoming. A new overarching narrative should address the problems with the current system, the reasons for supporting fundamental change, and the goals and solutions the nation should be aiming for.
- ➔ The narrative should be broad enough to encompass the entire system from front to back and everything in between. It should serve as an umbrella under which advocates working at different points in the system—policing, sentencing, indigent defense, prison conditions, reentry, etc.—can fit their messages.
- ➔ The new narrative can tap into beliefs the American public already holds. According to The Opportunity Agenda’s new Opportunity Survey, 69 percent of the public thinks the criminal justice system is “not good.” Although a slight majority thinks society would be better served by “stricter punishment for people convicted of crimes,” a strong minority of 46 percent thinks “a greater effort to rehabilitate people convicted of crimes” would be preferable. Indeed, most Americans believe rehabilitation and crime prevention should be among the system’s top priorities, and that these goals are not being met.
- ➔ A new narrative should be based on core values. Advocates are invoking a number of basic values when arguing for reform, including fairness and equal access, racial justice and racial equity, redemption and second chance, human rights, public safety, and community. The public’s decades-long exposure to “law and order” and “tough on crime” rhetoric must be met with value-based language that is equally strong and resonant.

### 2. Talking About Race

- ➔ Work together to develop effective messages about race and the criminal justice system. The prevalence of racial stereotypes is a significant barrier to criminal justice reform. Television news, especially local news, reinforces an association between black males and criminality. The overrepresentation on men and women of color in the country’s prison population serves to reinforce this association. Talking about race in this context is a significant challenge for advocates.
- ➔ A large majority of Americans disapprove of racial profiling. But our analysis of how the subject is covered in the mainstream media shows that in the public discourse, there is much controversy over what constitutes racial profiling. Those who defend police tactics like “stop and frisk” define the term narrowly to apply only when individual racial animus is present. In the aftermath of the acquittal of George Zimmerman for killing Trayvon Martin, the media began to grapple with the role of structural racism and subconscious bias in the context of crime and justice. This national conversation should not be allowed to fade from the radar screen. Ways of explaining how racial bias infects not just policing, but also prosecution, sentencing, prison conditions, and opportunities upon release from prison should be developed. Advocates need to connect the dots for the public.

### 3. Tailor Messages to Audiences

- ➔ Once a new core narrative is developed, it should be customized for different audiences in messages that take into account demographic differences. The value of redemption, for example, plays well in the South, but not as well in other regions of the country. People



between the ages of 18 and 29 years are more likely than other age groups to believe that society would be better served if more of an effort was made to rehabilitate people convicted of a crime. African Americans are very concerned about the unequal treatment of people who have served a prison sentence. Hispanics are strong supporters of crime prevention efforts. Different messages for different audiences can be delivered using the framework of the overarching narrative.

#### **4. Engage the Media**

- Be very proactive in pitching stories that highlight positive solutions—crime prevention programs that are effective in keeping young people out of trouble, alternatives to incarceration programs that reduce recidivism, and new criminal justice models such as restorative justice programs.
- Target local news programs. Most Americans learn about crime and criminal justice from their local TV stations. It's crucial that the reform movement work to place stories on local TV that undermine racial stereotypes and present solutions.
- Develop a social media strategy. Key audiences are relying more and more on social media as a news source. Twitter is popular not only among young adults, but also among African Americans of all ages. Pew Research Center recently found that 22 percent of all African American internet users are on Twitter compared to 16 percent of all white Internet users. A full 40 percent of African Americans between the ages of 18 and 29 use Twitter.<sup>1</sup> Social media platforms offer advocates a huge opportunity to disseminate and reinforce a new story about crime and the criminal justice system and to generate support for specific policy changes.

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<sup>1</sup> Pew Research Center, "African Americans and Technology Use: A Demographic Portrait," January 6, 2014 at <http://www.pewinternet.org/2014/01/06/african-americans-and-technology-use/>



# Overview of Public Opinion

## Executive Summary

Despite America's decreasing crime rates, the country's criminal justice system is larger than ever. The economic and social impact of incarcerating 2.3 million (one in four) Americans leaves no home, family, or community untouched (Chettiar, Eisen, Fortier, & Ross, 2013). American's views on the criminal justice system have shifted, however, creating the environment for key stakeholders in government agencies, the president, and the legislative branch to hear advocates for criminal justice reform and enact positive changes to the system.

The Opportunity Agenda conducted this meta-analysis of public opinion research in order to understand the extent and the direction of America's changing attitudes toward the criminal justice system and the policies that led to the unwieldy system we have today. In addition, we hoped to learn more about the public's attitudes toward people with convictions and the issues that affect them. Finally, we wanted to explore the public's understanding of the disparate impact of criminal justice policies and practices on families and communities of color. This report is important for advocates across the criminal justice reform movement to understand where opportunities exist for an immediate action to shift discourse and where we need to continue to educate the public.

Key findings from this study include the following:

- ▶ Since the 1990s, there has been a notable shift in public views on the criminal justice system and related issues. People are backing away from harsh enforcement and sentencing policies, such as mandatory sentencing, and appear more interested in allocating tax dollars toward rehabilitation, treatment, and support efforts. The public is especially supportive of this for people with low-level drug convictions.
- ▶ A number of trends and developments demonstrate evidence of waning public support for extreme punishment. Most prominently, trends show declining public support for the death penalty compared to life without parole. Voters support laws such as Proposition 36 in California, a change to the "three-strikes law" that made sentences for people with numerous convictions less harsh (e.g., fewer mandatory life sentences in certain cases), and may decrease the number of incarcerated individuals, allowing many to petition for reduced sentences on the new terms.
- ▶ Public support is growing for an array of rehabilitative services for young people and adults with convictions, such as treatment and educational alternatives, and in-prison and reentry services like training and planning for adults with convictions. Americans strongly support job and educational training or assistance during and after incarceration and believe such programs are fundamental to preventing recidivism. They also acknowledge that other assistance like housing and mental health or substance abuse services may be vital to successful reentry.
- ▶ Hesitancy around support for some reentry issues indicates a continued social uncertainty of how to fully accept formerly incarcerated people as deserving and equal citizens. Although the public is willing to assist and forgive individuals who make an effort to change, they do not want

this process to affect them at all, such as by living near a halfway house or paying more taxes. Americans persistently believe that in the grand scheme of things, people with convictions are not entirely worthy of the same rights as those without a record.

- ▶ Perceptions of the fairness of the criminal justice system are still severely polarized around race. Respondents of color, especially African Americans, continue to perceive systemic racial disparities in policing, sentencing, and overall treatment by the system. White respondents acknowledged these disparities to a certain extent, but pluralities continued to believe that the system generally treats people of all races equally.

## Recommendations

- ▶ **Simplify the issue by developing a core narrative and leading with values.** The current drumbeat around reforming the criminal justice system, reflected in public opinion, is that the system is overcrowded and costly. The causes and solutions are muddier to people; they hear conflicting stories and hold conflicting beliefs. Developing a shared narrative about the root causes of dysfunction in the system and reclaiming commonsense, “smart on crime” solutions can go a long way toward clarifying misperceptions of how society treats people with convictions.
- ▶ **Use research to unpack areas of dissonance and misinformation to guide strategic communications.** There is very little recent national-level research on the root causes of crime and what is driving the belief that crime is increasing. People hold dissonant views about the realities of prison, with both sides thinking that it is either too easy or too hard. Americans also have a sense that the system should be fair, and many don’t recognize the racial disparities in enforcement and sentencing practices. Understanding the drivers in some of these key beliefs could inform audience-specific messages that simplify an overly complex bundle of solutions and give advocates the opportunity to “fill in the blanks” and shape attitudes.
- ▶ **Use research to understand the potential long-term effects of short-term messages.** Some effective messages may help achieve wins in the short term but could undermine long-term efforts. It is essential to understand how economic arguments, messages that focus on overcrowding, or messages that focus on nonviolent convictions might reduce support for holistic, inclusive, systemic reform.
- ▶ **Continue exploring effective ways to communicate around racial disparities in the justice system.** People largely disapprove of racial profiling, but many still don’t see how the system is stacked against people of color. Understanding the numerous variables at play, including people’s exposure to the justice system, people’s experiences with crime, and how the media portrays the people who engage in and the people who survive illegal activity, is essential to figuring out how to best communicate around race.
- ▶ **Explore ways to bring people with a conviction into the conversation.** A pronounced stigma is attached to serving a prison sentence, and one constructive way to destigmatize reentry and “de-otherize” is to bring people with convictions into the conversation. Give incarcerated and formerly incarcerated individuals a forum to “come out” and show the world that they also are people. Explore meaningful and constructive ways to talk about people with convictions, rather than avoid them.
- ▶ **Conduct more research into views of crime survivors.** People who survive crimes could be a major ally in communicating about reforming the criminal justice system. We need more national-level research on crime survivors, their attitudes, and their experiences to understand their views and ensure positive reform recommendations are responsive to their needs. Understanding their priorities can help advance criminal justice policies that move away from prison expansion and harsh sentencing practices in the name of “justice for victims.”

# Introduction

Despite America's decreasing crime rates, the country's criminal justice system is larger than ever. The economic and social impact of incarcerating 2.3 million Americans, leaving one in four Americans with a criminal record, touches every home, family, or community (Chettiar, Eisen, Fortier, & Ross, 2013). American's views on the criminal justice system have shifted, however, creating the environment for key stakeholders in government agencies, the president, and the legislative branch to hear advocates for criminal justice reform and enact positive changes to the system.

The Opportunity Agenda conducted this meta-analysis of public opinion research in order to understand the extent and the direction of America's changing attitudes toward the criminal justice system and the policies that led to the unwieldy system we have today. In addition, we hoped to learn more about the public's attitudes toward people with convictions and the issues that affect them. Finally, we wanted to explore the public's understanding of the disparate impact of criminal justice policies and practices on families and communities of color. This report is important for advocates across the criminal justice reform movement to understand where opportunities exist for an immediate action to shift discourse and where we need to continue to educate the public.

In this meta-analysis of public opinion research related to criminal justice reform, we looked at about 50 studies from the past 12 to 15 years to identify trends over time. Many of the studies examined in this report noted a shift in public views on the criminal justice system and related issues since the 1990s. People are backing away from harsh enforcement and sentencing policies, such as mandatory sentencing, and appear more interested in allocating tax dollars toward rehabilitation, treatment, and support efforts. The public is especially in favor of this for people with low-level drug convictions.

# Methodology

This report is based on an analysis of existing attitudinal tracking surveys, recent public opinion studies, literature reviews, and focus group research conducted by reputable, nationally known research organizations, media outlets, and public interest groups. We examined approximately 50 studies over about 15 years. Most of the data are publicly available. These studies meet the standards and best practices for quality and objective public opinion research set by the American Association for Public Opinion Research, including appropriate sample size, a methodologically sound design and research instrument, and inclusion of a balanced questionnaire for surveys.

Because this analysis investigates existing opinion research conducted by third parties, we are limited by the data in our ability to analyze the views of all demographic groups on all issues. Whereas surveys often include adequate samples of African Americans and, more recently, Latinos to disaggregate their views, this is generally not the case with Asian Americans, Native Americans, and other groups, except where intentional “oversampling” of these populations is conducted. Wherever the data allowed, we have analyzed both separately and together the views of each identifiable demographic group for this report.

This analysis uses different terms to describe a racial or ethnic category in an attempt to be consistent with the terminology used in each study cited. The same is true for terms describing individuals who have served a prison sentence (e.g., “offender” or “felon”). This report uses the racial and ethnic categories utilized by the federal government, which have been largely adopted by opinion research:

- ▶ White: any person who self-identifies as white only and non-Hispanic
- ▶ Black or African American: any person who self-identifies as black or African American only
- ▶ Hispanic or Latino: any person of any race who self-identifies as Hispanic or Latino
- ▶ Asian American: any person who self-identifies as Asian or Asian American only

# Findings from Opinion Research on Public Safety and the Criminal Justice System

## Public Attitudes About Crime and Victimization

There is a disconnect between perceived and actual crime rate. Majorities believe crime is increasing despite historic lows within the past five years in the rate of violent crimes. African Americans and women are more likely to believe crime is increasing and are more likely to fear being a victim of crime, although gaps between African Americans and the general public are closing in some key areas.

### Incidence of crime

Americans believe that the amount of crime in the United States has increased or stayed the same but are less likely to say that crime has increased in their own communities. Despite perceptions of rising national crime rates, the public tends to place a very low priority on crime as a national issue compared to other important issues facing the country. Despite the low prioritization of crime, and the more favorable views of community crime rates compared to national rates, many Americans still express concern over the safety of their communities.

Americans believe the amount of crime is increasing or staying the same every year, and no sizable percentage believes it is decreasing (Figure 1).<sup>1</sup> Belief that crime had increased “in the last year” did decline in the 1990s, from 71 percent in 1996 down to 41 percent in 2001, running parallel with the decline in actual violent crime victimization rates (from 65 percent in 1996 to 33 percent in 2001) (Saad, 2013). Shortly after the September 11 attack, however, opinion that crime was increasing quickly shot back up and remained at higher than 50 percent, with a peak of 74 percent in 2009, despite continued lower crime rates. Findings from several studies around the turn of the century, including a report by Building Blocks for Youth, demonstrated a consistent belief in the late-1990s that youth crime was on the rise (Dorfman & Schiraldi, 2001; Belden Russonello & Stewart, 2001).<sup>23</sup>

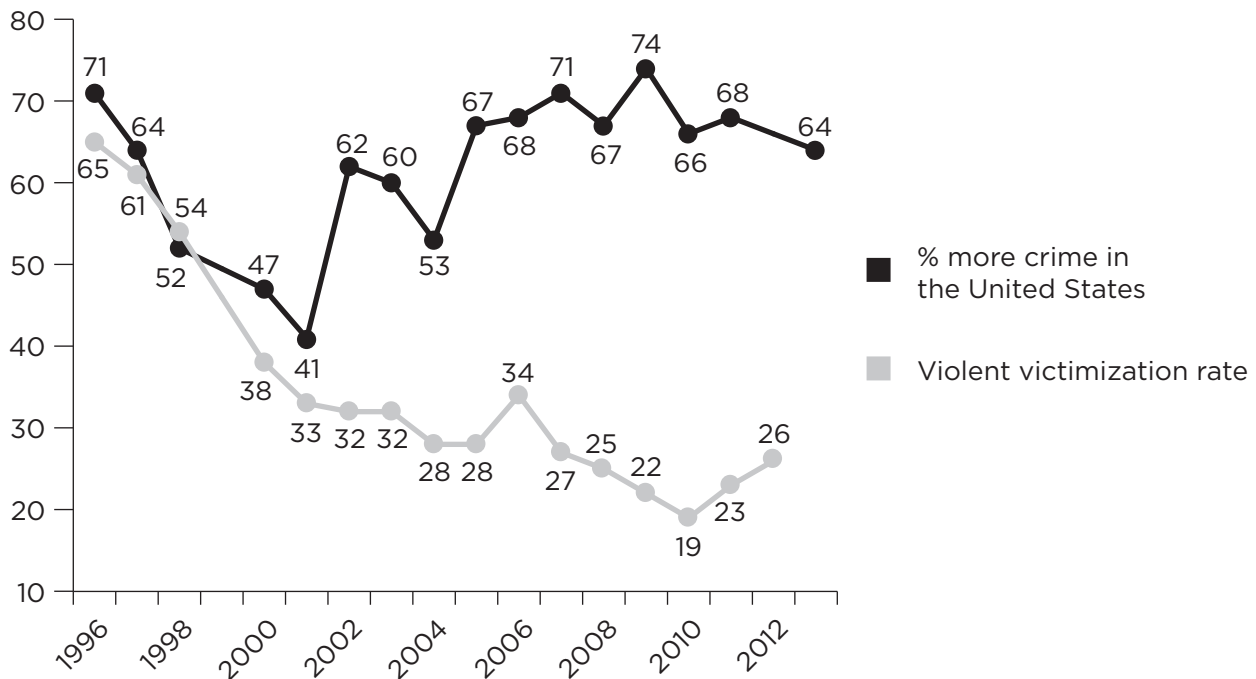
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1 Survey by Gallup Poll. Methodology: Conducted by Gallup Organization, October 3–6, 2013 and based on 1,028 telephone interviews. Sample: National adult. Interviews were conducted with respondents on landline telephones and cellular phones. The sample includes 50 percent landline and 50 percent cell phone respondents.

2 Survey by American Civil Liberties Union. Methodology: Conducted by Belden Russonello & Stewart, January 5–22, 2001 and based on 2,000 telephone interviews. Sample: National adult. Margin of error is  $\pm 2.2\%$ .

3 Research conducted by Dorfman and Schiraldi for Building Blocks for Youth. Methodology: Synthesis and meta-analysis of

FIGURE 1. U.S. VIOLENT CRIME RATE VS. AMERICANS' PERCEPTION OF CRIME



Data from Gallup (Saad, 2013).

Surveys show interesting shifts in the relationship between race and views about the incidence of crime from 2004 to 2011. In 2004 non-whites, and particularly African Americans, were significantly more likely to perceive more nationwide crime than whites. Nearly three in four blacks (73 percent) said there is more crime than there was a year ago, compared to 64 percent of non-whites and 51 percent of whites (Hindelang Criminal Justice Research Center, 2013).<sup>4</sup> In 2011 rates of agreement that crime had increased were equal across the racial and ethnic categories surveyed (70 percent of blacks said there is more crime than there was a year ago, compared to 68 percent of nonwhites and 68 percent of whites).

People with more education and people with higher incomes are less likely to say that crime is increasing. In 2011 just half of Americans with college or postgraduate education (50 percent) believed there was more crime in the United States compared to a year ago, whereas 78 percent of Americans with a high school education or less believed there was more crime (Hindelang Criminal Justice Research Center, 2013). Just more than half (53 percent) of Americans with incomes over \$75,000 felt crime was increasing, compared to three in four Americans with incomes below \$20,000 (74 percent). Republicans have grown increasingly sensitive to perceived crime, with 39 percent believing that crime increased since a year ago in 2004 (compared to 67 percent of Democrats and 54 percent of Independents), and rose to 79 percent of Republicans saying the same in 2011 (compared to 63 percent of Democrats and 66 percent of Independents).<sup>5</sup> Regionally, the West has the lowest percentage of respondents who believe crime is increasing and saw no change in this attitude from 2004 to 2011 (49 percent in 2004 and

existing social science research and content analyses exploring news coverage of crime and depictions of people of color.

4 Data for this question were provided to Sourcebook of Criminal Justice Statistics by Gallup Poll. Source: Gallup, Inc., The Gallup Poll [Online]. Available: <http://www.gallup.com/poll/1603/Crime.aspx> [Jan. 3, 2012]. Table adapted by SOURCEBOOK staff. Reprinted by permission. Sample sizes vary from year to year; the data for 2011 are based on telephone interviews with a randomly selected national sample of 1,005 adults 18 years of age and older, conducted Oct. 6–9, 2011. Non-whites includes blacks.

5 See footnote 4.



48 percent in 2011), unlike the East (53 percent in 2004 and 73 percent in 2011), Midwest (53 percent in 2004 and 72 percent in 2011), and South (57 percent in 2004 and 75 percent in 2011).

The public is less likely to believe that crime has increased in their own communities in the past year. Since 1972 the percentage of Americans who believe there is more crime in their area than a year earlier has fluctuated between 26 percent (in 2001) and 54 percent (in 1981 and 1992) and, most recently, 48 percent in 2011 (Hindelang Criminal Justice Research Center, 2013).<sup>6</sup> There was a shift among Republicans from 33 percent in 2003 to 54 percent in 2011. Less than half of Democrats believe crime increased in their own communities (45 percent in 2003 and 48 percent in 2011), and 42 percent of Independents believed the same in 2003, compared to 45 percent in 2011. Whites are also more likely than other groups to believe crime in their area increased between 2003 and 2011. In 2003, 40 percent of whites, compared to 42 percent of non-whites and 47 percent of blacks believed crime increased in their area; in 2011, it was 50 percent of whites, 43 percent of non-whites, and 50 percent of blacks.

Early studies showed that people were concerned about crime in their area. In local communities, a sizable majority (74 percent) of the public is somewhat or very concerned about crime in their communities (Krisberg & Marchionna, 2006).<sup>7</sup> In a qualitative study, majorities from all backgrounds attribute most of their crime-related concerns in their neighborhoods to drug activity (Immerwahr & Johnson, 2002). Urban dwellers and suburbanites alike were concerned about drugs and vandalism, particularly among local teens.

*I'm only 25 now, and the kids that are in high school now are going out there now, and there's drugs on every street corner now. That bothers me a lot, and there's nothing being done about it. They do it right in the open. You're driving down the street, and you actually see them handing each other money and drugs.* (Immerwahr & Johnson, 2002, p. 5)

Crime survivors may be particularly sensitive to the safety of their surroundings or live in places that put them at increased risk. Researchers conducted numerous state-level studies in California, including a survey with oversamples of crime survivors, because of California's bellwether status on criminal justice issues, having pioneered punitive measures such as "three-strikes laws" and more recently moving away from such measures. In one such statewide survey of California voters, fewer than one in three crime survivors in California, for example, say they live in an area where they feel very safe, and nine in 10 say crime in their neighborhood affects their quality of life (Californians for Safety and Justice, 2013).<sup>8</sup>

### **Public views of the causes of crime**

Few recent studies explore views of the causes of crime. Some studies used to track attitudes about factors could explain the "increasing rate of crime," such as unemployment, failure of the criminal justice system, drugs, media, and crisis of personal values (Roper Center, 1997).<sup>9</sup> The last year polling organizations asked the question was 1994, a point when fewer attributed crime rates to social distress and drugs and more attributed crime rates to failure of the criminal justice system and crisis of personal values.

6 See footnote 4.

7 National survey of likely voters was conducted by telephone. Zogby used validated weighting and sampling procedures. The sample size was 1,039 interviews drawn at random. The margin of error is  $\pm 3.1$  percentage points.

8 The study by Californians for Safety and Justice used two primary sources of data, including existing data about victims and a new survey, the California Crime Victims Survey. Existing data comes primarily from the National Crime Victimization Survey (NCVS), administered by the U.S. Department of Justice's Bureau of Justice Statistics. It is the largest and most comprehensive study on trends in crime victimization in the United States. The NCVS has been administered every 6 months since 1973 and reports about their crime-related experiences in the previous six months. Californians for Safety and Justice commissioned The California Crime Victims Survey. Methodology: Conducted by David Binder Research in April 2013 and based on more than 2,600 phone interviews. Sample: California residents 18 and older, with 500 self-identified crime victims. Margin of error is  $\pm 1.1\%$ .

9 Surveys by Gallup, January 16–23, 1981, September 10–11, 1990; ABC news December 7–18, 1982, August 14–26, 1986, and September 7–9, 1989; and by NBC News/Wall Street Journal, January 15–18, 1994.

TABLE 1. CAUSES OF CRIME

	1981	1982	1986	1989	1990	1994
Unemployment, social distress	37%	58%	26%	12%	8%	8%
Failure of the criminal justice system	33%	20%	14%	11%	6%	20%
Crisis of personal values	19%	15%	14%	12%	6%	30%
Drugs	13%	18%	25%	51%	60%	20%
Media and violence	3%	5%	3%	3%	1%	NA

Data from Gallup, ABC News, and NBC News/Wall Street Journal.

A recent study by Lake Research Partners explored concerns and beliefs behind the opinion that the number of incarcerated individuals was increasing and found the top answers were that violence was on the rise (84 percent), more people are committing violent crimes (80 percent), and more people were being imprisoned for nonviolent drug-related “offenses” (80 percent) (Lake, Gotoff, & Pultorak, 2013). In the qualitative phase of the study, many focus group participants also expressed the belief that the economy played a role in rising crime rates, particularly nonviolent crimes.

In 2011 Frameworks Institute conducted extensive research into attitudes, awareness, and framing of criminal justice issues. Through “Cultural Model” interviews, researchers were able to uncover rich insights into public attitudes of public safety and mental models used to process information about public safety (Bunten, Kendall-Taylor, & Lindland, 2011).<sup>10,11</sup> According to Frameworks, Americans relate to and understand public safety in three ways:

1. **Essentialist Model:** The assumption that there is something fundamentally wrong with people who have convictions. This model suggests some people are “just born that way.”
2. **Ecological Model:** Attributes illegal behavior to exterior economic, educational, cultural, and/or governmental factors. To get at the root cause of crime, you have to explore the contexts of people’s lives.
3. **Moral Development Model:** Belief that childhood upbringing is an important factor, particularly their *moral* upbringing. Parenting is the key to crime prevention within the context of this model.

People are naturally drawn to a “Rational Actor Model,” which posits that individuals commit crimes because they have weighed the costs and benefits and then made a conscious decision to break the law (Bunten, Kendall-Taylor, & Lindland, 2011). Interview subjects saw a strong association between economic hardship and crime, especially regarding poverty and unemployment. This economic explanation often went hand in hand with the rational actor model because it framed crime as a necessity. Related to the economic model is the tendency to cite education as a root cause in that lack of education causes lack of legitimate employment opportunities.

Mental health and mental disabilities are other common explanations for crime, which correlates with calls for therapeutic rather than punitive intervention (Bunten, Kendall-Taylor, & Lindland, 2011). In addition, interview subjects cite community culture as a root cause of crime, such as the amount of crime

10 Frameworks researchers conducted 20 cultural model interviews with members of the general population in three different U.S. cities. Researchers recruited participants to represent a variety of different backgrounds. The interviews are semi-structured with the goal of uncovering patterns during analysis in the ways that people think and talk about issues and the assumptions that people make in their reasoning and conclusions about issues. When a pattern of assumptions emerges, researchers refer to the shared assumption as a “cultural model.”

11 Methodology: Content analysis of expert materials from more than 60 advocacy organizations including nonprofit, academic, and philanthropic organizations; convening with experts in the field of criminal justice reform to refine the expert “core story”; and cultural model interviews with 20 members of the American public.

that already exists in an area and the degree to which the local crime appears to generate some amount of success.

### **Fear of crime and victimization**

Despite perceptions of rising crime rates, the public tends to place a very low priority on crime as a national issue compared to other important issues facing the country. Since 2002 only 1 percent to 3 percent believe crime is the most important problem facing the nation (Hindelang Criminal Justice Research Center, 2013).<sup>12</sup> This was not always the case. Crime and violence as a national priority were low in the 1980s, but the percentage of Americans concerned about crime jumped from 2 percent in 1991 to 5 percent in 1992 and 9 percent in 1993 and then leaped to 37 percent in 1994. It then declined steadily to 9 percent in 2001 before the September 11 attacks and was down to 1 percent in 2002 after the September 11 attacks.

Fear of being a victim of crime may be declining with the actual violent crime rate. Indeed 48 percent of Americans reported fear of walking alone at night near their homes in 1982, but the number was down to 30 percent in 2001 (it stood at 38 percent in 2011) (Hindelang Criminal Justice Research Center, 2013).<sup>13</sup> An early focus group study conducted by Public Agenda reflected a general decline in fear of crime since the 1990s (Immerwahr & Johnson, 2002).

Americans are consistently most concerned about someone breaking into their home when they are not there, followed by someone stealing or vandalizing their car (Hindelang Criminal Justice Research Center, 2013).<sup>14</sup> When the poll introduced an option for identity theft in 2010, however, it subsequently became the most worry-inducing crime by significant margins for all races and sexes. Respondents are consistently least afraid of being assaulted or killed by a coworker while on the job, being murdered, and being the victim of a hate crime, although there were significant differences by race and ethnicity. When asked about specific types of sex-related convictions, a state-level survey in Michigan found respondents were most afraid of people who had convictions for acts against children such as pedophiles and incest registrants (Kernsmith, Craun, & Foster, 2009).<sup>15</sup>

As shown in Figure 2, women and African Americans tend to express more anxiety than the general public about the possibility of being a victim of crime. When asked about a number of different crimes, African Americans were significantly more concerned about being the victims of crimes to their physical well-being (Hindelang Criminal Justice Research Center, 2013):<sup>16</sup>

- ▶ “Being attacked” while driving their car (26 percent of African Americans compared to 19 percent of the general public)
- ▶ “Being murdered” (30 percent of African Americans compared to 20 percent of the general public)
- ▶ “Being the victim of a hate crime” (29 percent of African Americans compared to 17 percent of the general public).

12 Data provided to the Sourcebook by Gallup. Sample sizes vary from year to year; the data for 2012 are based on telephone interviews with a randomly selected national sample of 1,024 adults, 18 years of age and older, conducted March 8–11, 2012. Exact wording of response categories varies across surveys. Respondents may list up to three problems.

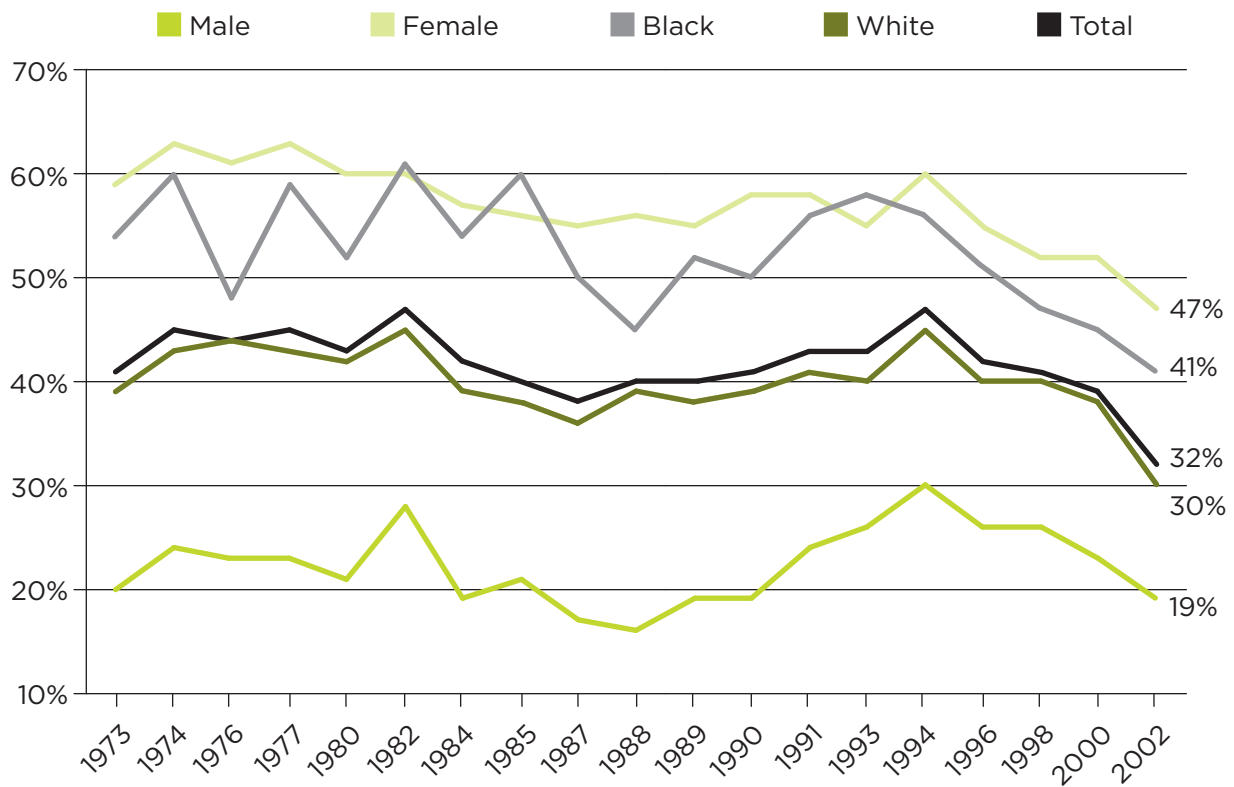
13 See footnote 4.

14 See footnote 4.

15 Survey of 733 Michigan residents 18 and older.

16 See footnote 4.

**FIGURE 2. RESPONDENTS REPORTING WHETHER THEY FEEL AFRAID TO WALK ALONE AT NIGHT IN THEIR OWN NEIGHBORHOOD, 1973-2002**



Data from Hindelang Criminal Justice Research Center, 2011.<sup>17</sup>

African Americans experienced a shift in sense of security from 2003 to 2011, however, with a significant percentage fewer expressing concern over being robbed, harm coming to their children at school, getting mugged, being sexually assaulted, or being assaulted or killed by a coworker (Hindelang Criminal Justice Research Center, 2013).<sup>18</sup> Women experienced greater anxiety about becoming victims across a variety of different types of crime but tended to change along with the general population between 2003 and 2011. A notable shift for women is that far fewer reported fear of “being murdered” in 2011 than in 2003 (from 39 percent in 2003 to 24 percent in 2011).

Table 2 shows the different types of crimes, and highlighted percentage point change indicates where the change experienced by African Americans or women differed substantially by the change experienced by the general population between 2003 and 2011.

17 See footnote 4.  
18 See footnote 4.

**TABLE 2. FEAR OF BECOMING A VICTIM OF CRIME, BY TYPE OF CRIME**

	General population			African Americans			Women		
	2003	2011	Change (point)	2003	2011	Change (point)	2003	2011	Change (point)
Being the victim of identity theft	n/a	67%	n/a	n/a	71%	n/a	n/a	71%	n/a
Your home being burglarized when you are not there	48%	47%	-1	54%	43%	-11	52%	52%	0
Having your car stolen or broken into	45%	44%	-1	49%	43%	-6	47%	50%	3
Your home being burglarized when you are there	30%	30%	0	40%	28%	-12	35%	36%	1
Having a school-aged child of yours physically harmed while attending school	35%	32%	-3	51%	38%	-13	38%	36%	-2
Getting mugged	28%	34%	6	46%	36%	-10	34%	41%	7
Being a victim of terrorism	38%	30%	-8	41%	35%	-6	44%	39%	-5
Being attacked while driving your car	26%	19%	-7	30%	26%	-4	30%	23%	-7
Being sexually assaulted	23%	22%	-1	35%	16%	-19	39%	37%	-2
Getting murdered	18%	20%	2	35%	30%	-5	39%	24%	-15
Being the victim of a hate crime	17%	17%	0	35%	29%	-6	18%	18%	0
Being assaulted or killed by a coworker or other employee where you work	9%	6%	-3	21%	6%	-15	9%	5%	-4

Data from Hindelang Criminal Justice Research Center, 2011.<sup>19</sup>

Early studies show that white Americans overestimate their likelihood of being the victim of a crime committed by minorities, with half (49 percent) reporting that they believe they are more likely to be victimized by a person of color rather than a white person, even though the opposite is actually the case (Dorfman & Schiraldi, 2001).

In a statewide survey of California voters, a state of particular interest to researchers because of its bellwether status on criminal justice issues, African Americans and Latinos are more likely to self-report having been victims of three or more crimes in the past five years (Californians for Safety and Justice, 2013). Crime victims are also more likely to know people who have survived crimes. Three in four crime survivors have friends who have survived crimes, and two in three have family members who have survived crimes in the past five years. Eight in 10 respondents who were *not* victims of crime did *not* have a friend or family member who was a crime survivor in the previous five years.

In the California study, participants reporting that they were victims of violent crime in the previous six months are more likely to be low income, younger than age 30 years, and Latino or African American (Californians for Safety and Justice, 2013). This finding is consistent with the Bureau of Justice Statistics’ National Crime Victimization Survey and the Uniform Crime Report for California (which only collects information on reported crime). Latinos, African Americans, and Native Americans were significantly more likely than whites to have experienced recent violent crime. In addition, 18 to 24 year olds are the

19 See footnote 4.

most likely age group to fall victim to recent violent crime, and men are more likely than women to be a recent victim of violent crime. Women, however, are more likely to experience violent crime by someone they know, whereas men are more likely to be assaulted by strangers. Falling into multiple “high risk” categories (e.g., being a young black male as opposed to being just young or male or black) makes an individual significantly more likely to be a crime victim.

Two thirds of California crime victims report feeling anxiety and stress and having difficulty with sleeping, relationships, or work (Californians for Safety and Justice, 2013). Half of these respondents felt it takes more than six months to recover, but because of the likelihood of recurrence for people who have already been victims of crime, many of these problems may take years of recovery. Four out of five services available to crime victims, such as assistance with accessing victims’ compensation and navigating the criminal justice process, were unknown to the majority of victims. Among those who had utilized these services, nearly half said they were difficult to access. Young victims were most likely to be interested but unaware of most of these services.

## Where the Public Gets Its Information About Crime

Troubling views persist about who commits and survives crimes. Although people self-report that direct exposure to or experience with crime or the criminal justice system shapes their views, some research points to the influence of media and disparate depictions of the people who commit crimes and the people who survive them.

### Depictions of race and crime in the news media

Local news is highly influential in shaping public views on crime and who is involved with crime. Studies have shown that local news follows a pattern that disproportionately portrays crime as violent and the people engaging in violent crime as disproportionately non-white and male (Gilliam & Iyengar, 2000). This type of highly racialized “action news” reporting influences how Americans understand race and crime, bolstering support for punitive approaches to crime and amplifying negative attitudes about African Americans among white audiences. The racial nature of crime coverage in the media, its tendency to portray blacks and Latinos as “criminal and violent,” and the impact of such negative stereotyping is well documented (Entman & Gross, 2008). These disparate media depictions have real-world consequences on life chances for men of color (Topos Partnership, 2012).

Survey results demonstrating that the public uses the news to help form their opinions about crime are consistent with findings from communications research studies that demonstrate the news media shape what people think about, how they think about it, and what solutions seem desirable (Dorfman & Schiraldi, 2001). For example, 80 percent of respondents to a *Los Angeles Times* poll said the media’s coverage of violent crime increased their personal fear of being a victim, and a 1998 report by Public Agenda found a significant majority of frequent Baltimore TV news viewers were more likely to think crime and drugs were the city’s top problem. Other survey statistics cited by Dorfman & Schiraldi include 76 percent of the public says they form their opinions about crime from what they see or read in the news compared to 22 percent who form these opinions from personal experience. Immerwahr and Johnson found this was true of suburbanites and, to some extent, upscale urbanites, whom they described as “well read.”

### Exposure to the criminal justice system

Studies have shown that people often cite personal experience as a source of information about crime (Dorfman & Schiraldi, 2001). A 2002 focus group study found that inner-city residents spoke more from having friends or acquaintances who had spent time in prison (Immerwahr & Johnson, 2002). More recently, a study of Latinos found just more than half of Latinos reported some interaction they or

their families have had with the criminal justice system (Hugo Lopez & Livingston, 2009). This includes reporting a crime, being questioned by police, attending court on a “criminal” matter, being arrested, going through the corrections system, serving on a jury, or being a witness. For nearly all of these measures, native-born and citizen Latinos were nearly twice as likely to report this engagement with the criminal justice system than immigrants or non-citizens, with the exception of those saying they have been arrested (18 percent of native-born compared to 13 percent of foreign-born).

Tendency to report a crime varies by demographics. Latinos are less likely than other racial groups to report crime, even though they experience more crime than whites (Hugo Lopez & Livingston, 2009). According to 2006 data, blacks are the most likely to report a crime (Latino, 41.6 percent; white, 48.3 percent; black, 55 percent). Property crime victimization rates were higher for Latinos than for both blacks and whites, but the share of Latino victims who reported the crime was less than the other two racial groups. State-level data of California voters found that Californians say the reason they report a crime is to prosecute the person responsible for committing the crime, to prevent future crime, or to create a record for insurance filing (Californians for Safety and Justice, 2013). People who did not report a crime failed to do so because of the time and effort involved, especially among individuals who doubted the police could or would do anything.

## Purpose of the Criminal Justice System and Prisons

Americans tend to believe that prisons should rehabilitate and treat rather than punish, especially when the person has a nonviolent conviction. Public support is growing for an array of rehabilitative services for adults and young people with convictions, such as treatment and educational alternatives and in-prison and reentry services like training and planning for life after prison. Americans strongly support job and educational training or assistance during and after incarceration and believe such programs are fundamental to preventing recidivism. The public does sense, however, that the prison system does not work as it should, and many give poor ratings to various elements of the prison system.

### Punishment vs. rehabilitation

In the past, Americans have viewed prevention, punishment, enforcement, and rehabilitation as the four main ways by which the criminal justice system addresses crime (Peter D. Hart Research Associates, Inc., 2002).<sup>20</sup> In a 2002 study, a plurality of 37 percent of Americans preferred the idea of “prevention,” such as education and youth programs, as the top criminal justice goal. A majority (54 percent) prioritized either prevention or “rehabilitation,” such as education and job training for people with convictions (17 percent favored rehabilitation). About one in five Americans preferred “punishment,” such as longer sentences and more prisons (20 percent) or “enforcement,” such as putting more police officers on the streets (19 percent). Many early studies identify rehabilitation, such as treatment and support, as the top purpose of the criminal justice system in the public’s eye. Americans believed that if rehabilitation, treatment, education, and support are not the main purposes of the criminal justice system, then they should be one of the system’s core goals and operating principles (Belden Russonello & Stewart, 2001; Peter D. Hart Research Associates, Inc., 2002).

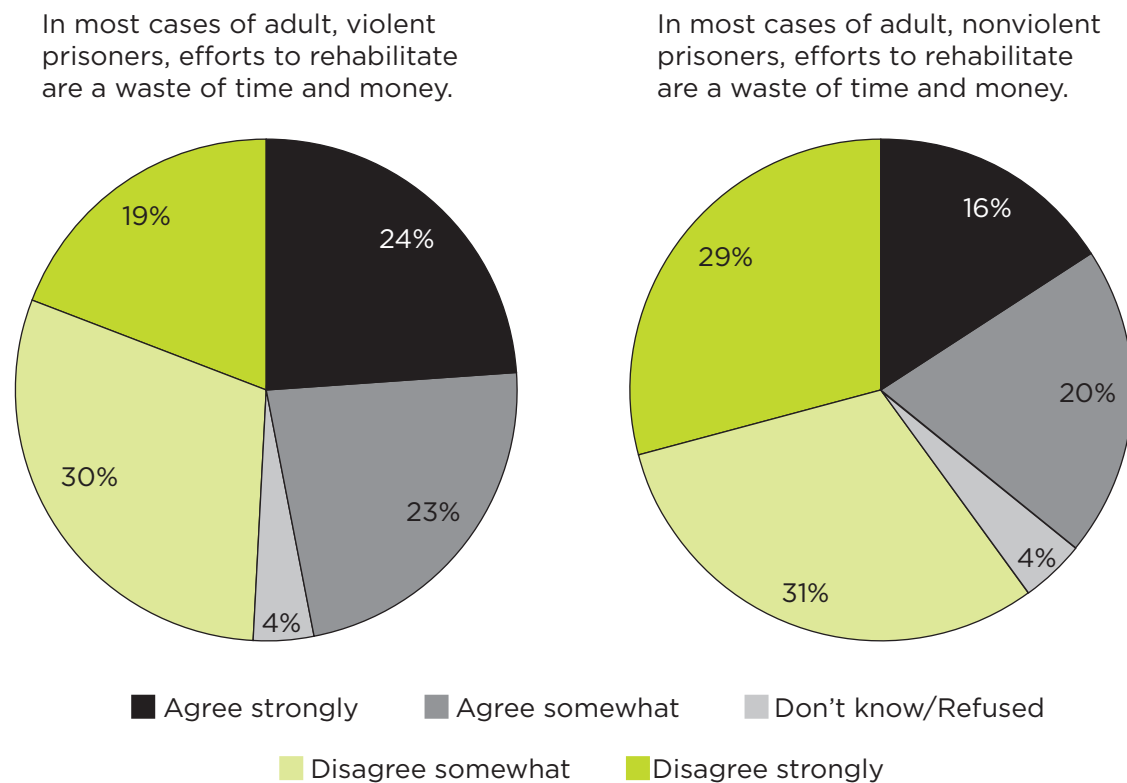
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20 The first stage of this multi-phase study consisted of a series of six focus groups in Columbus, OH; Philadelphia, PA; and Atlanta, GA, with white swing voters, political professionals, and criminal justice professionals. The affiliated survey methodology: Conducted by Peter D. Hart Research Associates, Inc., September 6–17, 2001 and based on 1,056 phone interviews. Sample: National adult, with an oversample of African Americans and Hispanics. Margin of error is  $\pm 3.5\%$ . It should be noted that a majority of the interviews were conducted before the terrorist attacks on 9/11/01; thus, this study is treated as a “pre-9/11” measure of criminal justice attitudes. A follow-up study in December 2001 revealed little or no movement on questions measuring core criminal justice attitudes, indicating the validity of the findings from the September study.

Earlier studies have also shown that Latinos are the strongest supporters of crime prevention, and African-American men put treatment and support as a top priority, although a plurality of all gender, age, and racial groups put rehabilitation as the top purpose of the criminal justice system (Krisberg & Marchionna, 2006; Sims & Johnston, 2004; Pinaire, Heumann, & Bilotta, 2001). Approximately one in five (21 percent) believed the main purpose of prison is to punish, one in five (21 percent) believed it is to protect society, and 12 percent believed it is to deter others from committing crimes (Belden Russonello & Stewart, 2001).

A new study by The Opportunity Agenda found that just more than half of Americans (54 percent) believe society is better served by harsher punishment for people convicted of crimes, and 46 percent believe society is better served by a greater effort to rehabilitate people convicted of crimes (Figure 3) (The Opportunity Agenda, 2014). Those who are more likely to agree with rehabilitation include liberals (64 percent), 2012 Obama supporters (60 percent), college graduates (58 percent), blacks (53 percent), and Asian Americans (53 percent).

**FIGURE 3. REHABILITATION FOR PEOPLE WITH VIOLENT AND NONVIOLENT CONVICTIONS**



Data from Belden, Russonello, and Stewart, 2001.

Earlier studies found that Americans were optimistic about rehabilitation, treatment, and support, particularly for people with nonviolent convictions.<sup>21</sup> Three in five (60 percent) adults disagreed that efforts to rehabilitate people with nonviolent convictions are a waste of time and money (Belden Russonello & Stewart, 2001). Responses were split for people with violent convictions (47 percent agreed rehabilitation is a waste of time and money and 49 percent disagreed). The public supports funding

<sup>21</sup> The definition of nonviolent, nonserious “offender” changes slightly from study to study and survey to survey but generally it is understood to be someone convicted of nonviolent/nonsexual crimes in which the value of property lost was of a relatively minimal amount (Krisberg & Marchionna puts this at less than \$400).



for drug treatment programs and mental health services (Ridder/Braden Inc., 2001; Garland, Wodahl, & Schuhmann, 2013; Immerwahr & Johnson, 2002).<sup>22</sup> Focus group participants expressed the belief that programs focused on drug treatment would only work when a person is truly motivated and persistent (Immerwahr & Johnson, 2002).

*No one is going to take treatment if they don't want it.... Drugs are in there, too. But what I'm saying, there's a lot of people who stopped in prison cold turkey compared to where you go to a treatment center where, if you're not going to want to stop, you're going to wind up doing it again anyway. —Upscale urban male*

Victims may be even more supportive than the general public about preventive measures such as rehabilitation, treatment, and support to combat crime. An early study found that crime survivors were more likely than others to say that prevention and rehabilitation should be the top goal of the justice system (60 percent to 52 percent) (Peter D. Hart Research Associates, Inc., 2002). In addition, nearly three quarters of crime survivors (74 percent) agreed that the best way to reduce crime is to “rehabilitate” people with convictions, compared to 64 percent of others.

Earlier studies also found that supports such as education and job training, frequently framed as “rehabilitation,” were consistently the most popular prison programs with the public (Peter D. Hart Research Associates, Inc., 2002; Krisberg & Marchionna, 2006; Immerwahr & Johnson, 2002). Qualitative study participants expressed views of work as a mode of attaining structure, meaning, identity, self-esteem, and redemption (Immerwahr & Johnson, 2002). More recent focus group research found participants voiced support for system reform around “rehabilitation efforts” and alternative methods of “handling non-violent offenders” (Lake, Gotoff, & Pultorak, 2013).

*[M]aybe if we give them...reform and let them participate like in a program, to where they're able to get a skill and maybe it will give them the desire to maybe change their habits in life and contribute to society. —Latina woman, San Antonio (Lake, Gotoff, & Pultorak, 2013)*

The importance of training and skills development for incarcerated individuals cannot be understated, particularly in reference to preventing recidivism. Early studies found strong support for requiring prisons to teach inmates skills to reduce the likelihood and incidence of recidivism (88 percent of Americans agree) (Belden Russonello & Stewart, 2001). Other studies found greater support for education and job training so that formerly incarcerated individuals have the tools to turn away from crime (66 percent favor) (Peter D. Hart Research Associates, Inc., 2002). Rehabilitation, treatment, and support had broad backing with solid majorities for whites (63 percent rehabilitation, 31 percent sentencing), fundamentalist Protestants (55 percent rehabilitation, 36 percent sentencing), and Republicans (55 percent rehabilitation, 38 percent sentencing). A majority (66 percent) of study participants believed that a general lack of skills, which may have put an individual in prison, will ultimately lead them back to prison (Krisberg, Craine, & Marchionna, 2004). An overwhelming majority (82 percent) of respondents believed that the lack of job training was significant in contributing to recidivism (Krisberg & Marchionna, 2006). Focus groups respondents spoke about lack of skills leading to a “revolving door” for repeat convictions (Immerwahr & Johnson, 2002).

*They're not helping these prisoners get jobs. They're not helping them put a foundation down for them to have money in their pockets so they don't commit this same crime again. If you just locked up a guy for robbery, and he gets out and he's broke, and he doesn't have any money, what do you think he's gonna do? He's gonna rob to get money. If you're not teaching*

22 Study by Garland, Brett, et. al. Methodology: Paper questionnaire. Sample: Random sample of 1,000 Missouri adults, May 2008.

*this guy that he needs to work to get his money, then he's gonna do some of the same stuff he did before to get money.* —Interview participant (Bunten, Kendall-Taylor, & Lindland, 2011)

Punishment becomes the goal of prison the closer the person with a conviction comes to violating another person's health, safety, or personal property. An early study found strong majorities supported prison time when the sentence was framed in terms of the need for stringent social and legal consequences for malfeasance or in gaining justice for victims (Belden Russonello & Stewart, 2001). This may be a logical response to the rational actor model of causation; the logical rationale to decrease crime with this model is “to increase the cost element of the decision equation” (Bunten, Kendall-Taylor, & Lindland, 2011). This mental model deters illegal behavior through creating fear of the system and imprisonment and generates solutions like increasing the quantity and visibility of cops on the street, implementing neighborhood watch programs, and punishing crimes more harshly.

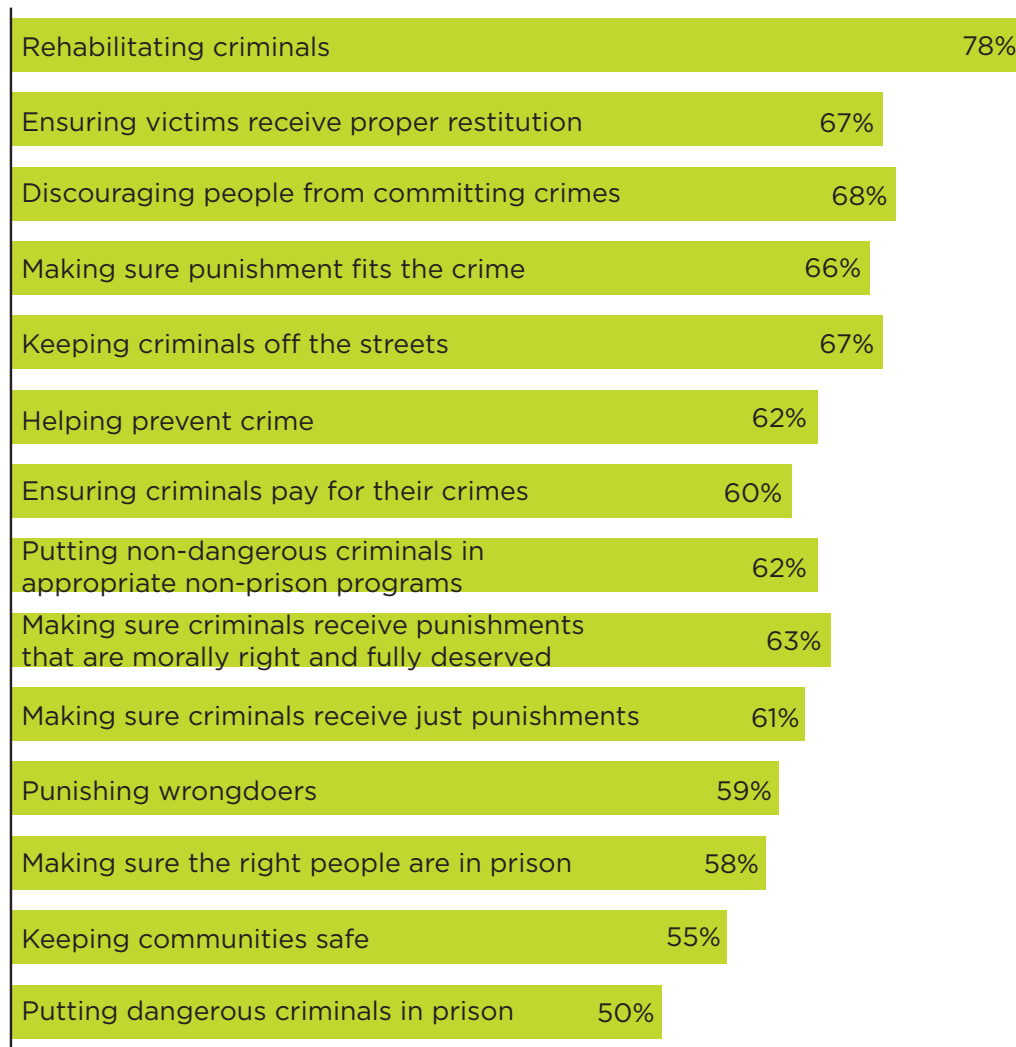
### **Performance of the criminal justice system**

Despite the popular notion that the purpose of prisons is rehabilitation, treatment, and training, 40 percent of Americans believed in a 2001 study that prisons do this ineffectually (Belden Russonello & Stewart, 2001). A 2014 survey by The Opportunity Agenda found that 69 percent of Americans felt the criminal justice system needed major improvements (50 percent) or a complete redesign (19 percent) (The Opportunity Agenda, 2014). Black women (31 percent) were much more likely than the general population (19 percent) to believe the criminal justice system needs a complete redesign. On the other side, college graduates (37 percent) are much more likely than the general population (27 percent) to believe that the criminal justice system only needs minor improvements. The public has a strong sense that the U.S. correctional system actually does not work as it should (Bunten, Kendall-Taylor, & Lindland, 2011). Majorities ranked the system as “fair” or “poor” on a list of items, including keeping communities safe, punishing wrongdoers, and helping prevent crime (Figure 4) (Lake, Gotoff, & Pultorak, 2013).<sup>23</sup>

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<sup>23</sup> Study commissioned by Open Society Foundation. Methodology: Conducted by Lake Research Partners. Sample: 1,201 likely U.S. voters, June 3–9, 2013. Oversample of African American and Latino voters. Margin of error  $\pm 2.8$  percentage points.

FIGURE 4. RATING THE CRIMINAL JUSTICE SYSTEM, PERCENT SAYING “JUST FAIR” OR “POOR”



Data from Lake, Gotoff, and Pultorak, 2013.

## Public Safety and Prevention

Americans believe that public safety is the responsibility of individuals, communities, and governments and prefer preventive measures that attack social and economic root causes of crime through education and job training. People don’t want to spend money on prisons and tend not to support reallocating funds from other public programs, such as education, health, and infrastructure, to fund prisons or prison expansion. Americans tend to trust the police, although they disagree with the practice of “stop and frisk,” especially when the definition includes an element of racial profiling.

### Responsibility for public safety

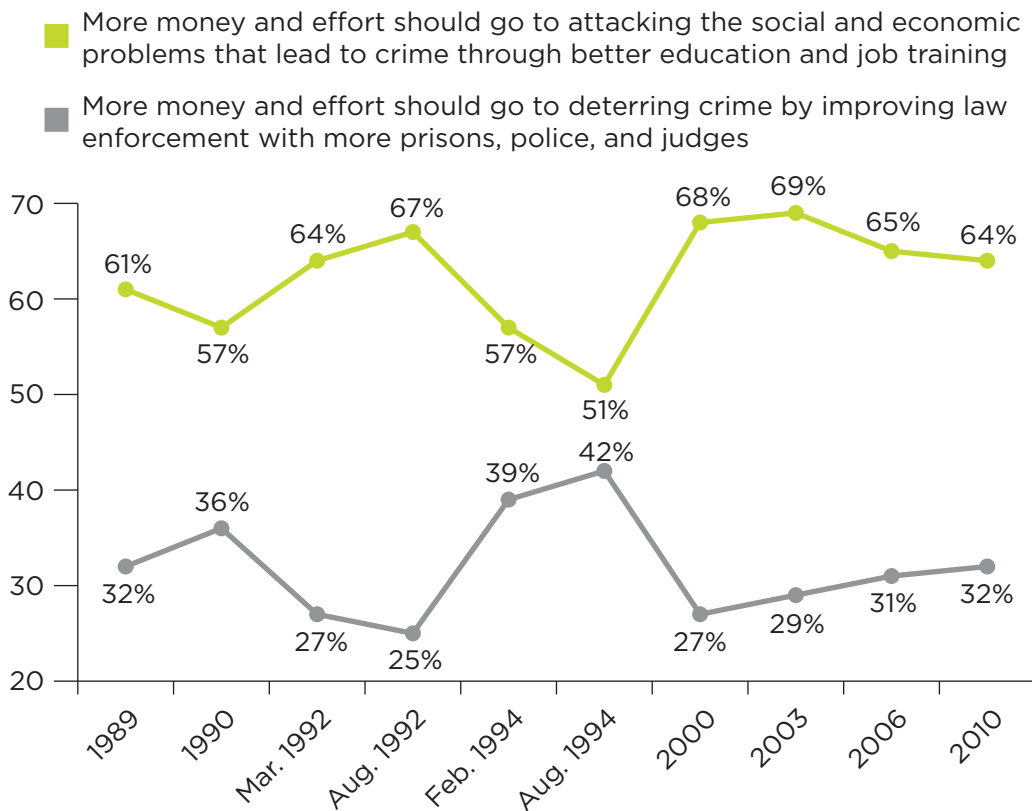
Qualitative research studies demonstrate that Americans believe public safety is the shared responsibility of government, local communities, and citizens (Bunten, Kendall-Taylor, & Lindland, 2011). People believe governments are responsible for maintaining and addressing public safety through the allocation of resources, whereas local communities are responsible for public safety by encouraging members to

report crime through neighborhood watch programs and promoting cohesive community practices such as knowing your neighbors and maintaining a clean local environment. Individual citizens are responsible for reporting and responding to crime, elevating incidents to the proper authorities, and contributing to a safe public space. Another qualitative study found that in regard to the government’s role, the most visible signs of government related to responsibility for public safety included police officers, firefighters, and emergency medical providers and infrastructure concerns such as road or public transit safety (Gilliam F. D., 2011).<sup>24</sup>

**Approaches to combating crime**

Enforcement and punishment-oriented approaches to crime have been perceived as politically appealing over the past 30 years, but in recent years these policies have not matched up with public ideas of an effective criminal justice system. Earlier studies show that Americans believe an effective criminal justice system is based on preventing crime before it happens and rehabilitating incarcerated individuals to prevent recidivism (Peter D. Hart Research Associates, Inc., 2002). Majorities have consistently preferred reducing the crime rate by attacking social problems through education and job training over deterring crime through more law enforcement (see Figures 5 and 6) (Hindelang Criminal Justice Research Center, 2013).<sup>25</sup>

**FIGURE 5. PREFERRED APPROACH TO LOWERING CRIME**

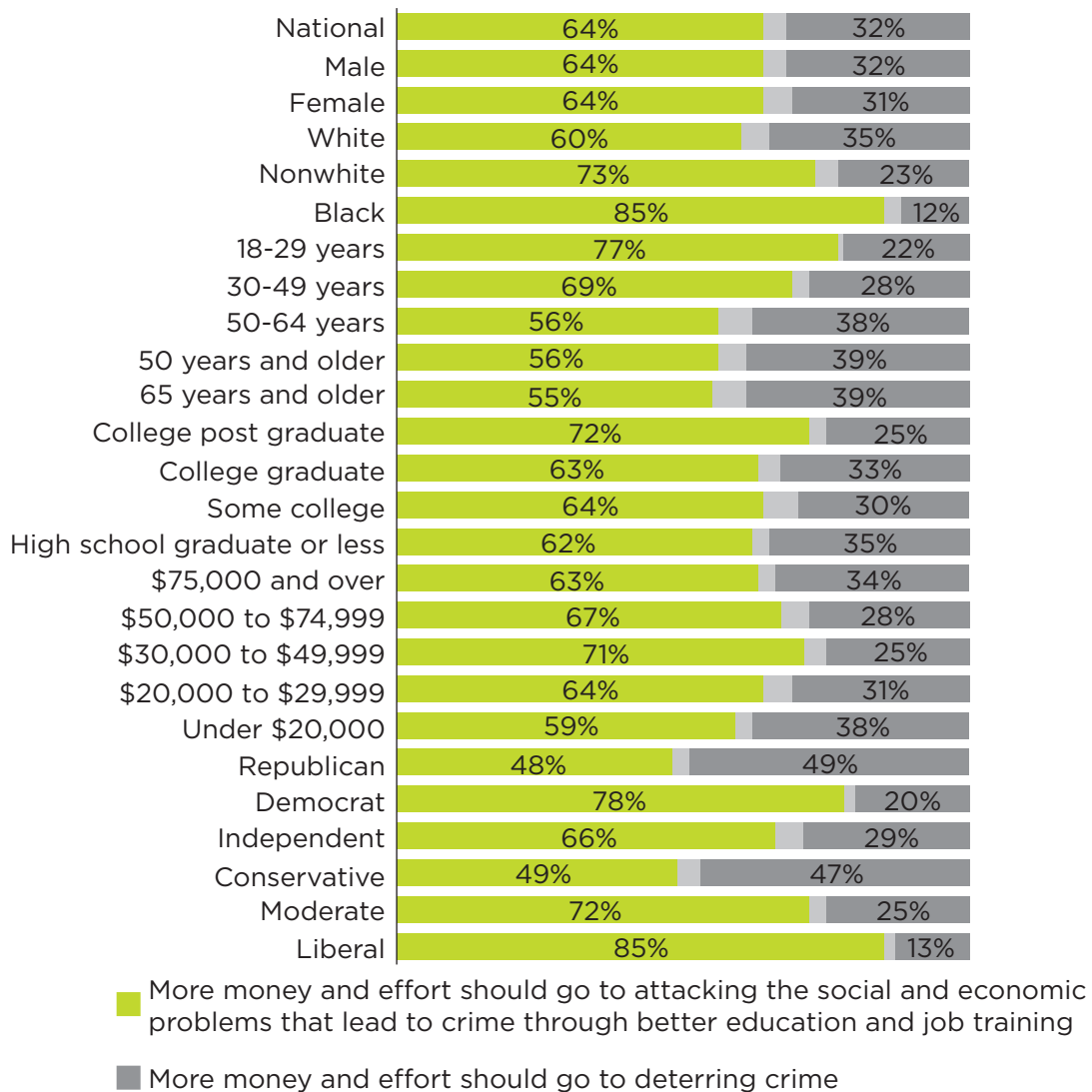


Data from Hindelang Criminal Justice Research Center, 2011.

24 Study by Frameworks Institute. Methodology: Conducted by Gilliam, Frank. Analysis of expert materials submitted by advocates and identified through Internet, website, and literature searches.

25 Data provided to the Sourcebook by Gallup. Sample sizes vary from year to year; the data for 2010 are based on telephone interviews with a randomly selected national sample of 1,025 adults, 18 years of age and older conducted Oct. 7–10, 2010.

**FIGURE 6. PREFERRED APPROACH TO LOWERING CRIME, BY DEMOGRAPHIC GROUP (2010)**



Data from Hindelang Criminal Justice Research Center, 2011.

Earlier studies demonstrated that Americans believed strongly in addressing the underlying social and economic causes of crime, rather than the “symptoms” of crime, and that prevention should hold priority over harsh enforcement of punishment (Peter D. Hart Research Associates, Inc., 2002). In 1994 the public was fairly split, with 48 percent agreeing that we need a “tougher approach” to addressing the root *causes* of crime, emphasizing training, counseling, and neighborhood activity centers; 42 percent believed that we need a tougher approach to *crime* itself, emphasizing stricter sentencing, increasing capital punishment, and reducing paroles. In 2001 this shifted to 65 percent in favor of addressing the root causes of crime and 32 percent in favor of punitive measures. Change primarily occurred in groups that traditionally favor punitive criminal justice: men, whites, people with less than a college degree, and people older than age 35.

Americans made a connection between lower crime rates and improving schools, generating employment opportunities, and providing other public services. Early studies show Americans perceived preventative measures, such as education and youth programs, as the best strategy to fight crime (37 percent say it is the top priority for dealing with crime) (Peter D. Hart Research Associates, Inc., 2002). The same survey found one in five (20 percent) Americans prioritize punishment, such as longer sentences and more prison beds; 19 percent prioritize enforcement, such as more police on the streets; and 17 percent prioritize treatment and support, such as education and job training.

*It's always very popular politically to say, "I put them away." Who wants to deal with a criminal? I don't want to deal with a criminal. Get them out of my face, put them behind bars. But that doesn't address the problem. It satisfies my anger, nothing else.*  
—Retired teacher, Philadelphia, PA. (Peter D. Hart Research Associates, Inc., 2002)

*If you have more services available for people in terms of good schools, welfare services, housing. I think that would be a big one, housing...just everything that people need to feel comfortable in life. The more you have of that, the safer your community would be.*  
—Interview participant (Bunten, Kendall-Taylor, & Lindland, 2011)

Although more than half of Americans (54 percent) prioritized preventative or alternative policies, Republicans favored punitive measures or stricter enforcement (50 percent prioritized punishment or enforcement, compared to 42 percent prioritizing prevention and rehabilitation) (Peter D. Hart Research Associates, Inc., 2002). Three quarters of Americans (76 percent) believed there is too little emphasis on prevention. Hispanics are the strongest supporters of prevention (46 percent of Hispanics agree, compared to 34 percent of whites and 38 percent of blacks). African Americans also placed emphasis on “rehabilitation” (34 percent of blacks, compared to 15 percent of whites and 13 percent of Hispanics), with African-American men rating “rehabilitation” as their top priority. College graduates are twice as likely to choose prevention or “rehabilitation” (65 percent) over enforcement or punishment (30 percent), whereas Americans with a high school degree or less are evenly divided (46 percent to 45 percent, respectively).

### **Role of race**

Earlier studies found evidence of racial stereotyping and implicit bias around support for harsh enforcement or sentencing measures. Researchers conducted experiments to examine whether TV viewers responded differently to stories that include a “mug shot” of young people with convictions depending on the young person’s race. One study found that even brief exposure (five seconds) to an image of African-American or Hispanic youth with convictions increases viewers’ fear of crime for all groups (Dorfman & Schiraldi, 2001). For white and Asian-American viewers, this translated to increased desire and support for more punitive policies.

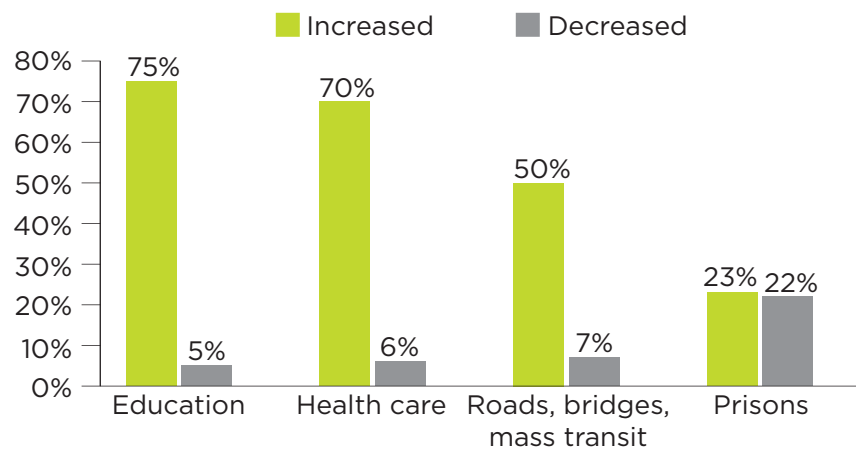
### **Investing in crime prevention or prisons**

Early studies show that Americans do not like spending money on prisons, and people frequently identify the prison system as an area where states can cut their budgets (Peter D. Hart Research Associates, Inc., 2002). At the same time, majorities expressed that the government spends too little to halt the rising crime rate (56 percent in 2002) (Hindelang Criminal Justice Research Center, 2013).<sup>26</sup> More recently, half of U.S. voters (52 percent) reported feeling that society spends too much money on prisons (Lake, Gotoff, & Pultorak, 2013). Decreasing funds in other areas such as education, health, and infrastructure to fund prisons or prison expansion has minimal support (Ridder/Braden Inc., 2001; Garland, Wodahl, & Schuhmann, 2013; Sims & Johnston, 2004; Mellman Strategies, 2012; FM3, 2012).

26 Data provided to the Sourcebook by National Opinion Research Center, General Social Surveys, 1972–2002.

Some evidence from early qualitative studies suggests that the public would rather spend money on post-release programs than on prisons (Figure 7). In a focus group study, participants said they would spend 80 cents on the dollar for post-release support programs (Immerwahr & Johnson, 2002). There is also evidence from early studies that the public would prefer to invest in prevention. Americans support investing in public schools and community development programs as a preventative measure that would reduce the need for (and thus cost of) prisons in the long run (Peter D. Hart Research Associates, Inc., 2002). A recent study of state-level data of California voters found a large majority of California voters (86 percent) support allocating resources toward preventing crime and giving judges more discretion to limit incarceration rates for people with nonviolent, nonserious convictions as a means to limit over-incarceration (FM3, 2012).<sup>27</sup> Crime victims prefer investments in public education over prisons by a 3-1 margin (Californians for Safety and Justice, 2013).

FIGURE 7. SHOULD SPENDING BE INCREASED OR DECREASED?



Data from NCSC *Sentencing Attitudes Survey* (Princeton Survey Research Associates, 2006).

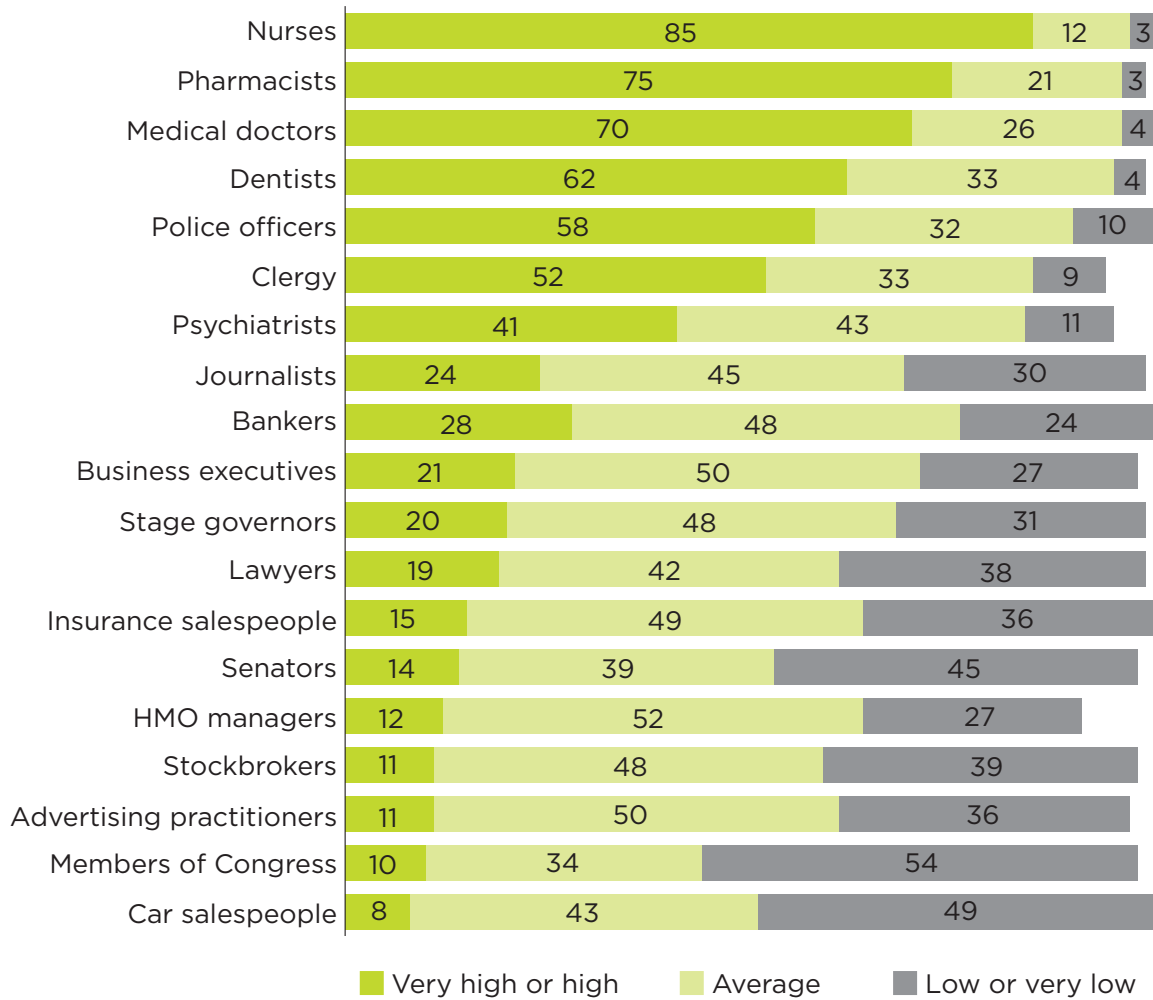
### Policing and racial profiling

The public generally feels that police do their job well and that failure tends to come from lack of resources or not enough police on the street. Between 1999 and 2011, police maintained a consistent “very high” or “high” rating of honesty and ethical standards, with a minimum margin between “average” and “high”/“very high” of 14 percent in 1999 and a maximum margin of 42 percent in 2001 (Hindelang Criminal Justice Research Center, 2013).<sup>28</sup> Americans rank the honesty and ethical standards of police highly compared to other groups (Figure 8). In interviews, some study participants alluded to a “corrupt police system,” but overall, study participants subscribed more to the notion that a “bad apple” cop did not represent the police system as a whole (Bunten, Kendall-Taylor, & Lindland, 2011).

27 Survey by Californians for Safety and Justice. Methodology: Conducted by FM3, November 7–12, 2012 and based on 1,301 telephone interviews. Sample: California voters, with an oversample of 100 Latinos, 100 African Americans, 100 Asian Pacific Islanders, 100 voters in the City of Los Angeles, 100 voters in Riverside County, and 100 voters in San Bernardino County. Margin of error is ±3.5%.

28 Data provided to the Sourcebook by Gallup. Sample sizes vary from year to year; the data for 2012 are based on telephone interviews with a randomly selected national sample of 1,015 adults, 18 years of age and older, conducted Nov. 26–29, 2012.

FIGURE 8. HONESTY AND ETHICAL STANDARDS, 2012



Data from Hindelang Criminal Justice Research Center, 2011.

A large majority of white Americans (78 percent) agree that community police do a good job enforcing the law, but fewer, albeit still majorities, of Latinos (61 percent) and African Americans (55 percent) agree (Hugo Lopez & Livingston, 2009). Early studies found that when provided with a list of a variety of performance measures for police, such as responding quickly to calls for help, not using excessive force, treating people fairly, and preventing crime, majorities of Americans rated police as either “pretty good” or “excellent (asked in 2000 and 2002 only) (Hindelang Criminal Justice Research Center, 2013).<sup>29</sup> In 2002 two thirds of Americans (66 percent) rated police highly (“pretty good” or “excellent”) on treating people fairly.

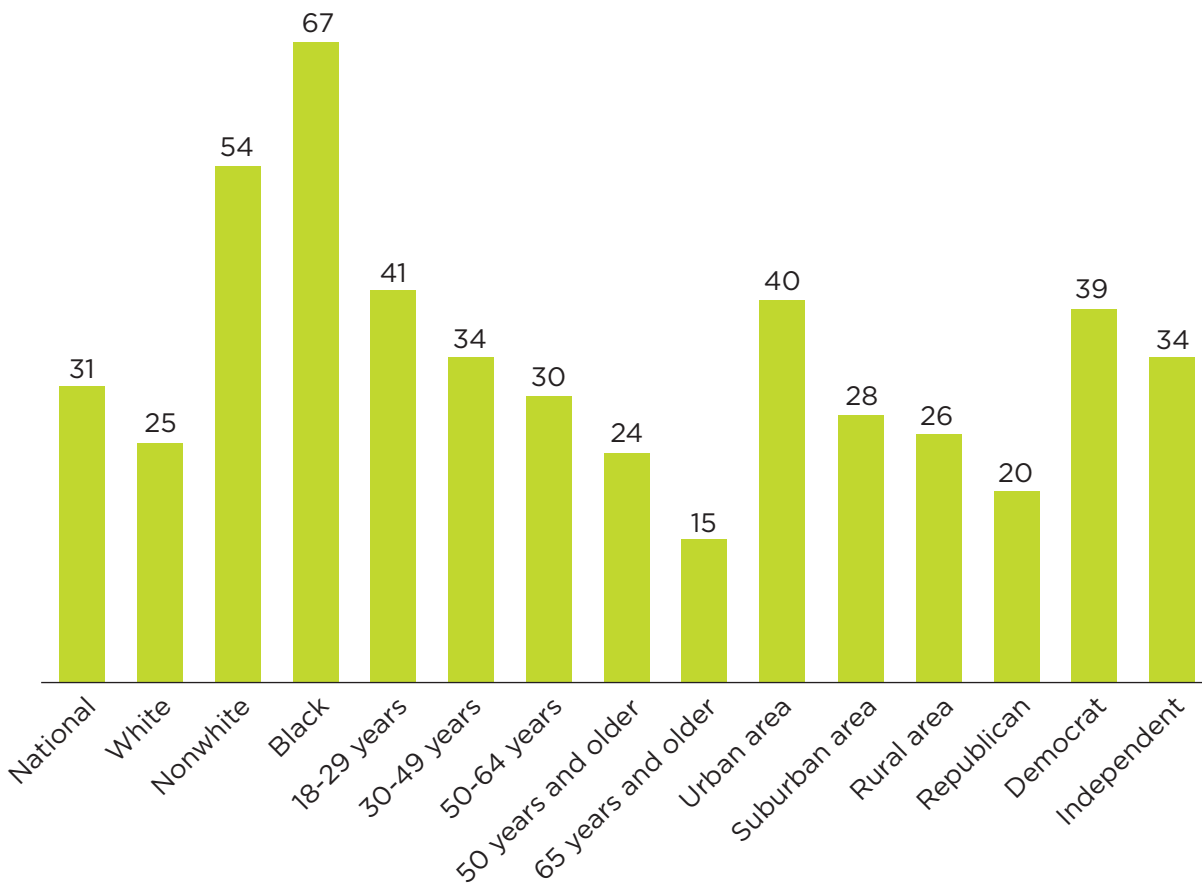
On excessive force by police officers, early studies showed a disparity in beliefs about use of excessive force across racial and ethnic groups and residential area. Blacks and non-whites were more likely than whites to believe police brutality occurs in their area (asked in 2005; Figure 9) (Hindelang Criminal

<sup>29</sup> Data provided to the Sourcebook by The Harris Poll® (New York: Harris Interactive Inc). Sample sizes vary from year to year; the data for 2002 are based on telephone interviews with a randomly selected national sample of 1,021 adults, 18 years of age and older, conducted Feb. 13-19 2002. “Non-whites” includes blacks.



Justice Research Center, 2013).<sup>30</sup> People living in urban areas were more likely to say they think police brutality occurs in their area (40 percent of urban residents said “yes” compared to 28 percent of suburban residents and 26 percent of rural residents). More recently, white Americans overwhelmingly expressed confidence (73 percent, a great deal or a fair amount) that community police will NOT use excessive force on people suspected of illegal behavior (Hugo Lopez & Livingston, 2009). Latinos were more split on the subject, with 47 percent expressing confidence that police will not use excessive force and 46 percent exhibiting “just some” or “very little” confidence. African Americans were more likely to express little confidence in community police to avoid excessive force (38 percent just some or very little confidence).

**FIGURE 9. PERCEPTIONS OF POLICE BRUTALITY (2005)**



Data from Hindelang Criminal Justice Research Center, 2005.

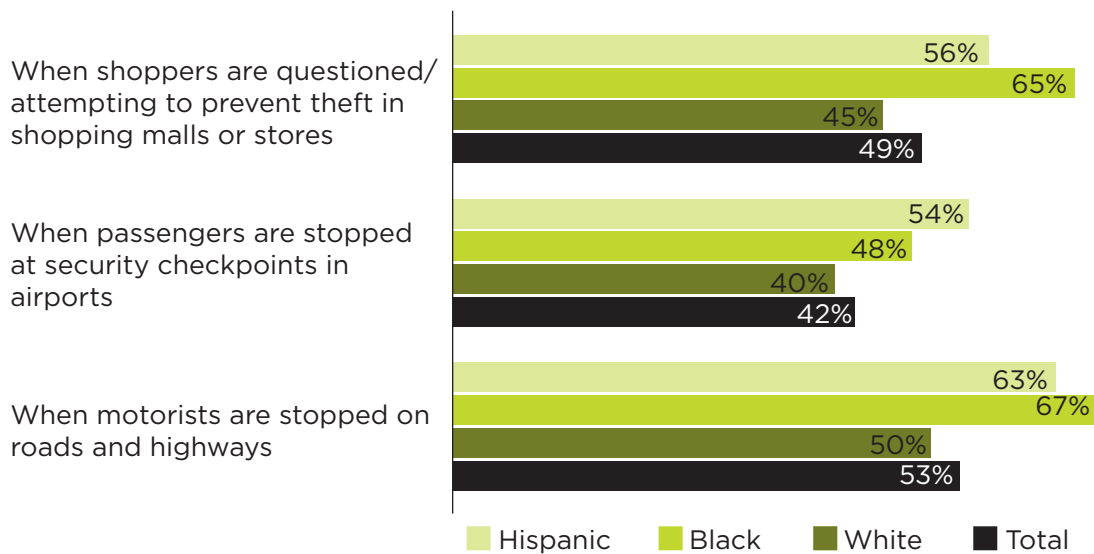
Fear of police may deter crime reporting. More than three in four citizen and noncitizen Latinos said they would report to the police if they were the victim of a violent crime (Hugo Lopez & Livingston, 2009). Five percent, however, said they definitely would NOT report being a victim of a violent crime. Of these “non-reporters,” nearly three in 10 cited a fear of repercussions such as immigration enforcement or discrimination and more than one and four “non-reporters” perceived a lack of police response. These reasons were higher for immigrant than for native-born Latinos.

<sup>30</sup> Data provided to Sourcebook by Gallup. Sample sizes vary from year to year; the data from 2004 are based on telephone interviews with a randomly selected national sample of 1,012 adults, 18 years of age and older, conducted Oct. 11-14, 2004. The sample size for 2005 is 1,012 and the survey was conducted Oct. 13-16, 2005.

A vast majority of Americans (86 percent) believe the police practice of stopping and searching people solely because of their race or ethnicity should be restrained (23 percent) or that policies should be put in place to prevent such practices (63 percent) (The Opportunity Agenda, 2014). Surveys of likely voters in New York show opinions are consistently against stop-and-frisk policing practices,<sup>31</sup> although trends over time do indicate some fluctuation, with occasional ambivalence and more of a split in opinion (Quinnipiac University Polling Institute, 2013).<sup>32</sup> Opposition to “stop and frisk” ranged from 49 percent to 55 percent in 2012 and 2013. There is a partisan divide on the issue, with 88 percent of Republicans approving of stop-and-frisk practices (just 12 percent disapprove), whereas 37 percent of Democrats approve (58 percent disapprove). Blacks and Hispanics are more likely than whites to disapprove of stop-and-frisk practices (67 percent blacks, 58 percent Hispanics, and 35 percent whites).

An early study showed notable differences among whites, blacks, and Hispanics over prevalence and justification for racial profiling (Figure 10).<sup>33</sup> When provided with options of where racial profiling may occur, blacks were the most likely to acknowledge that profiling occurred and Hispanics are more likely than whites but generally less likely than blacks to acknowledge that racial profiling occurred (asked in 2004) (Hindelang Criminal Justice Research Center, 2013).<sup>34</sup> Blacks were the least likely to say profiling is justified, and Hispanics were inconsistent about whether racial profiling is justified in different cases (Figure 11).

**FIGURE 10. AGREE WHETHER RACIAL PROFILING IS WIDESPREAD, BY RACE/ETHNICITY**



Data from Hindelang Criminal Justice Research Center, 2011.<sup>35</sup>

31 The survey presented stop-and-frisk practices as instances “where police stop and question a person they suspect of wrongdoing and, if necessary, search that person.”

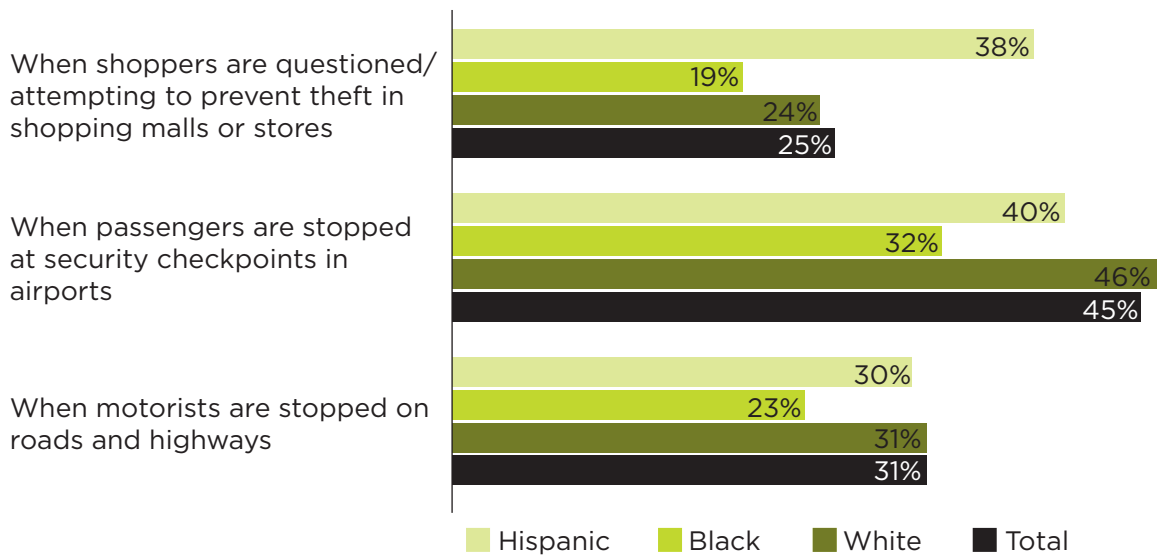
32 Methodology: Conducted by Quinnipiac University Polling Institute, October 16–19, 2013 and based on 973 interviews. Sample: New York City likely voters. Margin of error ±3.1 percentage points.

33 The survey question defined racial profiling as an instance when “police officers or security guards stop people of certain racial or ethnic groups because these officials believe that these groups are more likely than others to commit certain types of crimes.”

34 Data provided to Sourcebook by Gallup. Data are based on telephone interviews with a randomly selected national sample of 2,250 adults, 18 years of age and older, conducted June 9–30, 2004, including oversamples of black and Hispanic respondents that are weighted to reflect their proportions in the general population.

35 See footnote 34.

FIGURE 11. AGREE WHETHER RACIAL PROFILING IS JUSTIFIED, BY RACE/ETHNICITY



Data from Hindelang Criminal Justice Research Center, 2011.<sup>36</sup>

## Incarceration Rates, Sentencing, and Drug Policy

People recognize that the prison population is high, and many understand this through the frame of prison overcrowding. Americans believe high incarceration rates result from increased incidence of crime or better policing. Alternative sentencing, however, resonates as a commonsense solution to overcrowding, particularly for people with nonviolent or victimless crimes. The “one-size-fits-all” approach of mandatory minimum sentences is unappealing to the public. On capital punishment, in recent years attitudes have shifted toward opposing the death penalty.

### High incarceration rates

Half of U.S. voters (51 percent) believe too many people are in prison (Lake, Gotoff, & Pultorak, 2013). A solid majority of Democrats (64 percent), African Americans (59 percent), and Latinos (58 percent) agree. U.S. voters are twice as likely to agree than to disagree that the country relies too much on incarceration.

In a qualitative study examining gaps between knowledge and perceptions of public safety and the criminal justice system, experts attributed the growth of incarceration rates to lack of accountability and transparency in the system; the use of the criminal justice system as a proxy for social services; and the failure of public policy to effectively address the eco-systemic and cultural determinants of crime such as health, education, employment, and social support (Bunten, Kendall-Taylor, & Lindland, 2011). The public found the high rates of incarceration more difficult to explain, however, and tended to attribute large prison numbers to better policing, a more effective criminal justice system, and an overall increase in the population of the nation. When researchers presented a list of items, vast majorities said increasing violence in society (84 percent), more people committing crimes (80 percent), and imprisoning people who commit nonviolent drug offenses (80 percent) contributed “a lot” or “somewhat” to large prison numbers (Lake, Gotoff, & Pultorak, 2013).

36 See footnote 34.

## Fairness in sentencing and the criminal justice system

Historically, a majority of Americans felt the criminal justice system was fair (70 percent say “completely” or “mostly”) (Pinaire, Heumann, & Bilotta, 2001).<sup>37</sup> This tracks with other studies that show about 66 percent of Americans agree the criminal justice system is very or somewhat fair (asked in 2003) (Hindelang Criminal Justice Research Center, 2013).<sup>38</sup> In the 2003 study, just less than half (46 percent) of African Americans and 39 percent of other non-whites believed the criminal justice system is somewhat or very unfair, compared to 30 percent of whites and 32 percent of the nation. A vast majority of Americans agree strongly (85 percent) that fair treatment in the justice system is a human right (Belden, Russonello, and Stewart, 2007).<sup>39</sup>

People judge fairness in the criminal justice system a couple different ways. Some believe in a “consistent model of fairness” and assume the law is applied uniformly (Bunten, Kendall-Taylor, & Lindland, 2011). Others have more of a “contextual model of fairness,” which takes into account the unique circumstances of a crime and the individual’s upbringing, history of illegal behavior, medical history, and intent, among other things. The consistency mode in particular can be a communication challenge, given the way it is used to justify inflexible sentencing practices such as mandatory minimum sentencing.

*The law needs to be applied equally. He’s being treated like a white-collar criminal but meanwhile the little guy in the street is being treated like the felon street hood.*  
—Interviewee; consistency model of fairness.

*“I would probably be a lot more lenient on somebody who was stealing to feed their family than somebody who’s stealing for their own financial benefit.”*  
—Interviewee; contextual model of fairness.

People of different racial and ethnic backgrounds perceive and process events differently, including crime-related news. High-profile interracial crimes, such as the killing of Trayvon Martin and the subsequent Zimmerman trial, draw a great deal of attention from African Americans (Pew Research Center, 2013). The case had greater interest than other high-profile interracial crimes, particularly among African Americans who consistently showed significantly more interest in every aspect of the case (from shooting to trial verdict) than whites. Nearly three times as many whites than blacks said they watched none of the trial. These differences in engagement across racial and ethnic groups were more pronounced than the OJ Simpson trial and the Rodney King incident and subsequent riots.

Generally respondents were split over whether the jury made the right decision in the Zimmerman case, but there were significant differences along racial and ethnic lines. An overwhelming majority of black respondents disapproved of the verdict (Pew, 86 percent; Gallup 85 percent; ABC, 86 percent), a plurality or majority of white voters approved (Pew, 49 percent; Gallup, 54 percent; ABC, 51 percent), and a majority of Latinos disapproved (Pew, 58 percent; ABC, 50 percent) (Pew Research Center for the People and the Press, 2013; Newport, 2013; Langer, 2013).<sup>40,41,42</sup>

37 Survey of a random sample of 503 national adults from May 16 to June 6, 2001.

38 Data provided to the Sourcebook by Gallup. Sample sizes vary from year to year; the data for 2003 are based on telephone interviews with a randomly selected national sample of 1,017 adults, 18 years of age and older, conducted Oct. 6–8, 2003. “Non-whites” includes blacks.

39 Survey by The Opportunity Agenda. Methodology: Conducted by Belden Russonello and Stewart June 20–July 8, 2007 and based on 1,633 telephone interviews. Sample: National adult with an oversample of 106 Asian Americans.

40 Survey by Pew Research Center for the People & the Press. Methodology: Conducted by Princeton Survey Research Associates International, July 17–21, 2013 and based on 1,480 telephone interviews. Sample: National adult. 750 respondents were interviewed on a landline telephone, and 730 were interviewed on a cell phone, including 382 who had no landline telephone.

41 Methodology: Conducted by Gallup Organization, July 16–21, 2013 and based on 2,541 telephone interviews. Sample: National adult. Interviews were conducted with respondents on landline telephones and cellular phones. The sample includes 50% landline and 50% cell phone respondents.

42 Methodology: Conducted by ABC News/Washington Post, July 18–21, 2013 and based on 1,002 telephone interviews.

## Alternatives

A plurality of Americans (48 percent) believe that use of alternative sentencing programs<sup>43</sup> for people with nonviolent convictions should be increased (The Opportunity Agenda, 2014). Groups that are more likely than the general population to favor increasing alternative sentencing programs include liberals (59 percent), people older than 65 years (56 percent), college graduates (56 percent), and upper-class Americans (60 percent). A number of alternatives to incarceration resonate with American voters. Vast majorities of voters support the following (Lake, Gotoff, & Pultorak, 2013):

- ▶ Sending people with serious mental health concerns to mental hospitals and institutions for treatment rather than sending them to prison (88 percent support, 67 percent strongly)
- ▶ Providing non-prison alternatives such as drug treatment, community service, or probation for drug and other “victimless,” nonviolent offenses (84 percent support, 59 percent strongly)
- ▶ Using alternatives to prison for kids who commit crimes and are age 17 years or younger (79 percent support, 51 percent strongly)
- ▶ Expanding the use of incentives to follow prison rules and complete treatment, educational, vocational training to get out earlier (79 percent support, 51 percent strongly)

A majority of Americans favor treatment (67 percent) over prison (26 percent) for people who use illegal drugs like heroin and cocaine (Doherty, Menasce Horowitz, & Suls, 2014). A majority of Americans (52 percent) believe it should be legal to possess marijuana for personal use (The Opportunity Agenda, 2014). Among those who say it should be illegal:

- ▶ 73 percent believed drug treatment was an appropriate penalty
- ▶ 69 percent believed a fine was an appropriate penalty
- ▶ 56 percent believed community service was an appropriate penalty
- ▶ 53 percent believed a prison sentence was an appropriate penalty
- ▶ 47 percent believed probation was an appropriate penalty

State-level data of California voters, who some consider criminal-justice trendsetters, showed that crime victims in California want greater focus on supervised probation and treatment rather than prison and jail time by two to one (Californians for Safety and Justice, 2013). Although support for these alternatives among victims was broad, it was particularly strong among African Americans, Latinos, and low-income crime survivors. Seven in 10 crime victims prefer investments in drug and mental health treatment over incarceration, especially women, younger crime victims, African Americans, Latinos, low-income crime survivors, and victims of multiple crimes.

There is broad support for alternative sentencing, particularly for youth and the mentally ill. Early studies showed a vast majority of Americans (85 percent) supported prevention programs that teach job skills, encourage moral values, and boost self-esteem for youths, and 82 percent supported placement in mental health facilities over prison for individuals who are mentally ill (Peter D. Hart Research Associates, Inc., 2002). More recent qualitative research found that when assigning responsibility and culpability for a crime, study participants saw individuals as wholly responsibly for their crime if it was “the product of a rational decision” (Bunten, Kendall-Taylor, & Lindland, 2011). If the individual is lacking in rationality

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Sample: National adult. The survey was produced for ABC News by Langer Research Associates. The survey was produced for *The Washington Post* by Capital Insight. Interviews were conducted by Abt-SRBI. The interviews included landline and cell-phone-only respondents.

<sup>43</sup> For the purposes of this study, alternative sentencing programs were defined as probation, treatment, counseling, and payment of damages instead of jail time.

because of mental illness or substance abuse or because they are too young to discern right from wrong, respondents felt they could not be held fully responsible for their crime.

In addition to reducing rates of incarceration, Americans see a number of benefits to prison alternatives. Perks of alternatives to incarceration include increased safety for corrections officers—as a result of less prison crowding, decreased costs to state governments, more appropriate and humane treatment of young people in the prison system, and decreased recidivism (Krisberg & Marchionna, 2006). State-level data from California found strong majorities of California voters who supported Proposition 36<sup>44</sup> believed the measure will save California millions of dollars per year and reduce prison overcrowding to make room for more “serious felons” (FM3, 2012).

### **People with violent versus nonviolent convictions**

Studies show that Americans made a big distinction between people with violent and nonviolent convictions (Mellman Strategies, 2012; Lake, Gotoff, & Pultorak, 2013). In an early qualitative study, numerous participants expressed the belief that violent crimes deserved harsher punishment (Immerwahr & Johnson, 2002). In a more recent qualitative study, interview participants from the general public and criminal justice experts held different understandings of what constituted “violent” and “nonviolent” crime (Bunten, Kendall-Taylor, & Lindland, 2011). For instance, interview participants from the general public saw the act of buying drugs as a crime that inflicts violence upon a community because of aggressive tendencies that accompany drug use, such as owning and erratically using a gun or stealing for drug money.

### **Alternatives for people with nonviolent, nonserious convictions**

Americans support sentencing alternatives to prison for incarcerated individuals with nonviolent, nonserious convictions, given appropriate supervision and effective programming (Krisberg & Marchionna, 2006; Peter D. Hart Research Associates, Inc., 2002; Krisberg, Craine, & Marchionna, Attitudes of Californians toward Effective Correctional Policies, 2004; Ridder/Braden Inc., 2001). One early study found eight in 10 (77 percent) U.S. adults believed an appropriate sentence for individuals with nonviolent, nonserious convictions is supervised probation, restitution, community service, or treatment (Krisberg & Marchionna, 2006). There is broad support across regions and political affiliation for shifting focus to community-based corrections programs like probation or parole (Mellman Strategies, 2012). Shortening sentences, especially for good behavior, also has strong support. Qualitative studies showed a sense among the public that we shouldn’t waste prison beds on people with low-level convictions, but rather focus prison resources on people with violent convictions (Bunten, Kendall-Taylor, & Lindland, 2011; Immerwahr & Johnson, 2002).

In an early study, more than 70 percent of study participants supported a shift toward treatment options to keep the individual in the community (Ridder/Braden Inc., 2001). Another early study showed the public described drug abuse as a medical problem that should be handled mainly through counseling and treatment (Peter D. Hart Research Associates, Inc., 2002).

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44 Proposition 36 (passed CA, 2012): (1) Revises the three-strikes law to impose a life sentence only when the new felony conviction is “serious or violent;” (2) Authorizes re-sentencing for offenders currently serving life sentences if their third-strike conviction was not serious or violent and if the judge determines that the re-sentencing does not pose unreasonable risk to public safety; (3) Continues to impose a life sentence penalty if the third-strike conviction was for “certain non-serious, non-violent sex or drug offenses or involved firearm possession;” 4) Maintains the life sentence penalty for felons with “non-serious, non-violent third strike if prior convictions were for rape, murder, or child molestation.” From ballotpedia.org.

## Mandatory minimums and three-strikes policies

Early studies found that, especially for individuals with nonviolent, nonserious convictions, Americans considered a “one-size-fits-all” measure inappropriate, and a slim majority favored eliminating three-strike laws that impose extreme terms for people with repeated convictions (Peter D. Hart Research Associates, Inc., 2002). A recent study found that 63 percent of Americans say that moving away from mandatory prison sentences for “non-violent drug crimes” is a good thing (Doherty, Menasce Horowitz, & Suls, 2014). In addition, 65 percent of Americans believe mandatory minimum sentences for minor offenses have contributed either somewhat or a lot to large prison numbers (34 percent say “a lot”) (Lake, Gotoff, & Pultorak, 2013). More than two thirds of Americans (68 percent) support eliminating mandatory minimum sentences and allowing judges to use more discretion when sentencing (42 percent strongly support).

In 2012, California voters passed Proposition 36 by a two-to-one margin in nearly every county. State-level data from a survey of California voters found the ballot initiative, which modified California’s three-strikes law and reduced sentences for many individuals in the prison system, had majority support from all demographic groups, including Republicans (FM3, 2012). Supporters of the ballot initiative felt life sentences should not be given to individuals with nonviolent, nonserious convictions (FM3, 2012). Three in four (74 percent) believe this is a good start but more needs to be done to make California’s criminal justice system more fair, more effective, and less costly. A survey of crime victims found that victims supported Proposition 36 by a greater margin than California voters as a whole, and victims of violent crime were even more likely than property crime victims to support the initiative (Californians for Safety and Justice, 2013).

A majority of Proposition 36 supporters believe Public Safety Realignment<sup>45</sup> is a good idea and that counties should focus their funding on crime prevention and alternatives to incarceration over expanding jail capacity (FM3, 2012). Two thirds (65 percent) of California crime victims support the Realignment law (Californians for Safety and Justice, 2013).

## Changing views on the death penalty

Numerous studies report that support for the death penalty is on the decline (Figure 12) (Hindelang Criminal Justice Research Center, 2013; Lipka, 2014; Sims & Johnston, 2004; ORC International, 2011).<sup>46</sup> Although general support for the death penalty “for persons convicted of murder” is still high (62 percent as of 2011 and 55 percent in 2013), this is down from a historic high of 78 percent in 1996 (Pew Research Center, 2012; Lipka, 2014).<sup>47</sup> Preference for the death penalty is consistently lower when a second option is provided, such as life without parole (Hindelang Criminal Justice Research Center, 2013). Between 1985 and 2010, life without parole appears to have gained support (Hindelang Criminal Justice Research Center, 2013).<sup>48</sup> By 2011 opinion was split between support for death penalty (48 percent) or life without parole (50 percent) (ORC International, 2011).<sup>49</sup>

45 Public Safety Realignment, in the context of California, refers to a law passed in response to a federal court mandate to reduce state prison overcrowding by shifting management of people with nonviolent, nonserious, non-sex-related convictions from state prisons and parole to county jails and probation.

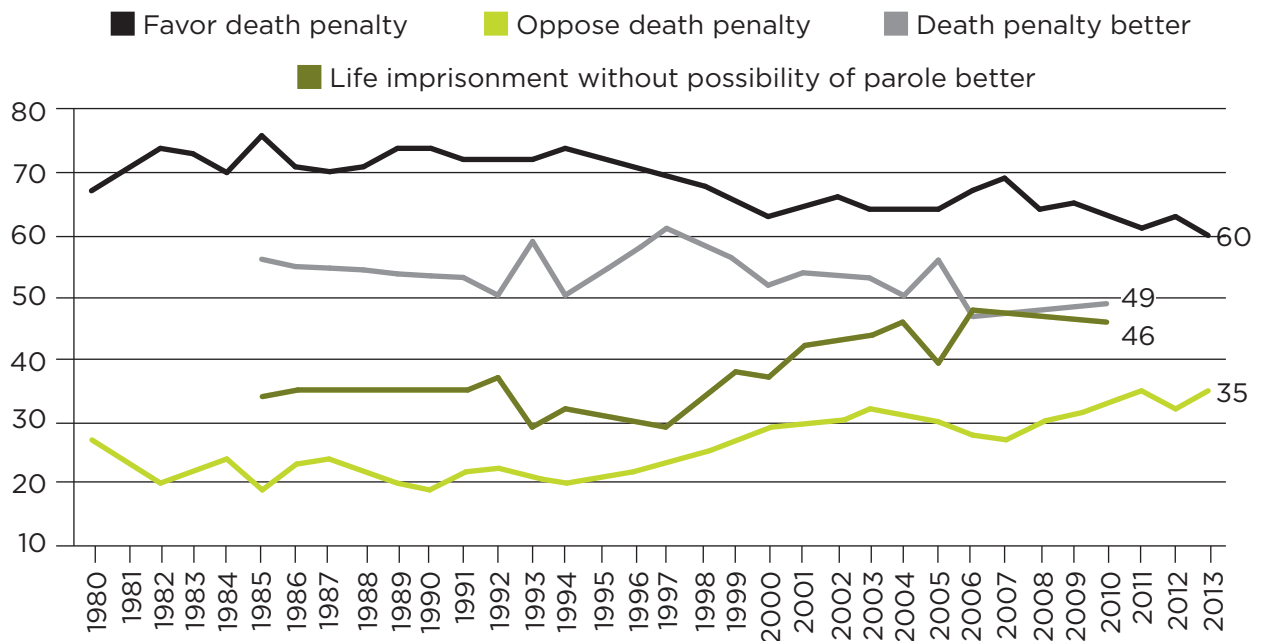
46 Data provided to the Sourcebook by Gallup. Sample sizes vary from year to year; the data for 2013 are based on telephone interviews with a randomly selected national sample of 1,028 adults, 18 years of age and older, conducted Oct. 3–6, 2013.

47 Survey by Pew Research Center’s Religion & Public Life Project. Methodology: Conducted by Princeton Survey Research Associates International, March 21–April 8, 2013 and based on 4,006 telephone interviews. Sample: National adult. 2002 respondents were interviewed on a landline telephone, and 2004 were interviewed on a cell phone.

48 Data provided to the Sourcebook by Gallup. Sample sizes vary from year to year; the data for 2010 are based on telephone interviews with a randomly selected national sample of 1,025 adults, 18 years of age and older conducted Oct. 7–10, 2010.

49 Survey by Cable News Network. Methodology: Conducted by ORC International, September 23–25, 2011 and based on 1010 interviews. Sample: National adult.

FIGURE 12. SUPPORT FOR DEATH PENALTY FOR “PEOPLE CONVICTED OF MURDER”



Data from Hindelang, 2013.

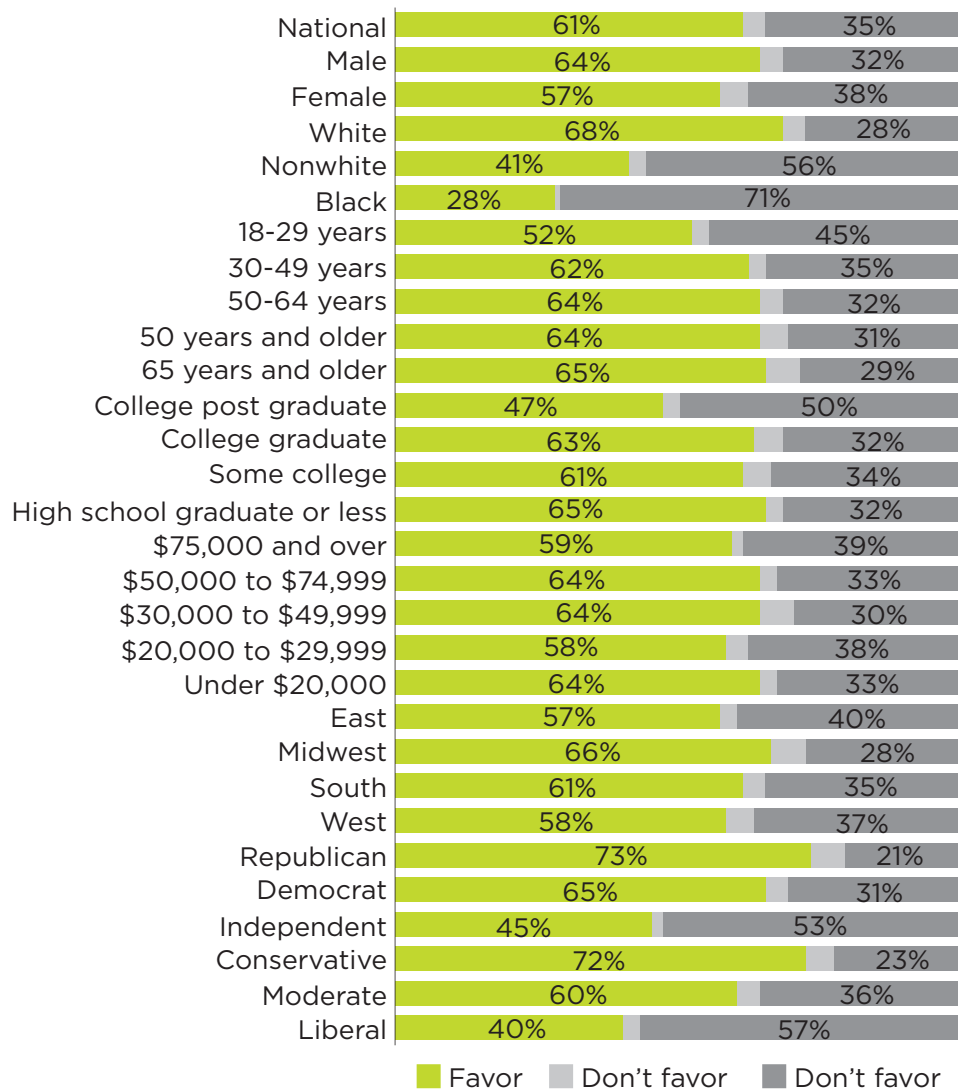
During this period, the reasons stated for opposition have shifted significantly toward acknowledgements of problems within the criminal justice system rather than a general belief that it is wrong or immoral to kill someone. DNA evidence has done a great deal to erode public confidence in the justice system to fairly and effectively use the death penalty, with 60 percent of study participants reporting that exonerations lessened their support for or lessened their opposition to the death penalty (Dieter, 2007). A vast majority (87 percent) believe innocent people have been executed. The percentage of Americans citing belief that an innocent person has been executed as a reason to oppose the death penalty increased between 1991 (11 percent) and 2003 (25 percent) (Hindelang Criminal Justice Research Center, 2013).<sup>50</sup> A majority of the public believes that even under the tightest scrutiny and restrictions, reforms to the death penalty will not entirely eliminate wrongful convictions (Dieter, 2007). In addition, people feel that states are spending a huge amount on capital cases that rarely come to fruition.

Numerous studies find that whites support the death penalty more than other racial groups and that African Americans support it least (Figure 13) (Sims & Johnston, 2004; Hindelang Criminal Justice Research Center, 2013). Further, earlier studies showed white support of the death penalty was linked to racial prejudice against blacks. In whites, antipathy and stereotyping toward blacks along with conservatism were casual predictors of death penalty support (Barkan & Cohn, 1994). A statistically significant relationship was seen between racial prejudice and support for the death penalty, suggesting support for the death penalty serves as an outlet for expressing anti-black attitudes (Aguirre & Baker, 1993).

50 See footnote 38.



**FIGURE 13. CONTOURS OF SUPPORT OR OPPOSITION TO DEATH PENALTY**



Data from Hindelang, 2013.

## Prisons and Incarcerated Individuals

Despite support for alternatives to incarceration and support for reentry, there is still some social uncertainty regarding how to fully accept current and formerly incarcerated people as deserving and equal citizens. Americans believe prisons are too comfortable, and many believe that currently incarcerated individuals could safely be released to reduce overcrowding.

### Prisons and people with convictions

Early studies found that two fifths of Americans (42 percent) believed life in prison is “not harsh enough,” with just 10 percent saying life in prison is too harsh (Belden Russonello & Stewart, 2001).<sup>51</sup>

51 This question was asked: “From what you know, do you think life in prison is too harsh, not harsh enough, or about right?” Although the question did not specify any type of crime, it followed a question specific to people with nonviolent convictions, which

A plurality of Americans (45 percent) believed incarcerated individuals have too many rights, whereas 36 percent believed they have just the right amount (Pinaire, Heumann, & Bilotta, 2001). A more recent qualitative study found the notion that prisons couldn't meet their ideal functions because they are "too comfortable" and "too easy" was common among members of the general public who participated in interviews (Bunten, Kendall-Taylor, & Lindland, 2011).

Nearly half (45 percent) of the public believes too many people are in prison, and they believe about 20 percent of incarcerated individuals could be safely released (Mellman Strategies, 2012). Qualitative interviews demonstrated there is a sense that people with nonviolent convictions may be unnecessarily adding to overcrowding (Bunten, Kendall-Taylor, & Lindland, 2011). Focus group participants seemed to be more aware of prison overcrowding than of high incarceration rates overall (Lake, Gotoff, & Pultorak, 2013).

## Juvenile Justice

Although Americans support positive reforms for young people with convictions, there doesn't appear to be a great sense of urgency or awareness around the issue. Americans do believe that young people need treatment and support and that young people with convictions can change. The public does not want to see young people incarcerated next to adults with convictions. There is a sense among the public that young people of color and young people from low-income families are treated differently than young people who are white or from middle-income families.

### Public opinion of youth crime and the juvenile justice system

Criminal justice reform experts see juvenile justice as an agenda priority and emphasize the need to bring a developmental perspective to bear in this aspect of the criminal justice system (Bunten, Kendall-Taylor, & Lindland, 2011). The public, however, did not see this as a major issue, and the study participants had more difficulty discussing juvenile justice compared to other issues. People tended to see the misdeeds of children with convictions as the responsibility of their parents, not society at large.

Studies show strong support for multiple reforms related to juvenile justice, including the following (GBA Strategies, 2011):

- ▶ Independent oversight to protect against abuses while in custody (84 percent favor)
- ▶ Increased funding to provide more public defenders (71 percent favor for defenders who work specifically with youth)
- ▶ Efforts to reduce ethnic and racial disparities

### Public preferences for treatment alternatives for young people with convictions

Americans support reforms that rehabilitate young people with convictions and believe young people with convictions can and should be rehabilitated (Piquero & Steinberg, 2007, Pimlott Kubiak & Allen, 2008).<sup>52</sup> Study participants express that incarceration without treatment and support is the same as giving up on youth (Center for Children's Law and Policy, 2007). Three in four (78 percent) support prevention and rehabilitation, 76 percent believe young people with convictions can change positively, and 71 percent believe rehabilitation will prevent recidivism and future crimes committed by young people (GBA Strategies, 2011). Americans also support practices that ensure youth remain in contact

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may have primed responses. That question was, "In general, would you say criminals who commit non-violent crimes in the US are not punished enough, are adequately punished, or are punished too harshly?"

52 Telephone survey of 750 Michigan residents 18 and older from May 5, 2005 to July 12, 2005, and a second telephone survey of 640 Michigan residents 18 and older from March 30, 2006 to July 23, 2006.

with their families (86 percent for weekly family visits, 77 percent for incarceration in a facility close to their family) and that treatment plans are designed with the young incarcerated person's family (86 percent) (GBA Strategies, 2011).

There is a strong preference (70 percent) among the public for rehabilitation, treatment, and support instead of incarceration of young people in adult prisons (Center for Children's Law and Policy, 2007). More than half (56 percent) think youth facilities for young people with convictions are more appropriate than adult prisons, and 57 percent believe putting them in adult prisons will make them more likely to return to unlawful behavior once released (GBA Strategies, 2011).

### **Unequal treatment of juveniles based on status**

Two in three Americans believe poor youth receive worse treatment by the criminal justice system than middle-income youth arrested for the same offense (Center for Children's Law and Policy, 2007). About half of respondents believe African-American youth receive worse treatment than white youth arrested for the same crime. The public is more split on treatment of young Latino people compared to young white people with convictions, with 47 percent saying Latinos receive worse treatment and 41 percent saying they receive the same. People acknowledge language and cultural barriers in dealing with Latino juveniles and their families, and seven in 10 people support funding programs to address these obstacles.

## **Reentry and Formerly Incarcerated Individuals**

A number of values interact to form attitudes of people who have served a sentence and programs designed to help them reenter society. People are concerned about social welfare and equality, but there is also a sense of self-interest and awareness of how people coming out of the criminal justice system may affect their own communities and families. In addition, Americans believe strongly in individual responsibility, and this manifests in the value of retribution and the belief that people with convictions should be held accountable for their actions. Americans tend to support limited education and job training programs for formerly incarcerated individuals and reinstating the right to vote. Support is weaker for people with violent, repeat, or sex-related convictions.

People are aware of a kind of tradeoff between support programs for formerly incarcerated people and rates of recidivism, and although they don't want anyone to turn back to illegal behavior, they also believe that when times are tough for public spending or job programs, individuals without convictions should be prioritized over people who have convictions. At the same time, people sense that prisons are an inefficient way to spend public funds, and good reentry programs could be cheaper in the end.

### **Values guiding attitudes toward reentry**

#### ***Social welfare principle***

People will support reentry programs that assist formerly incarcerated individuals on the pathway to being productive and law-abiding citizens (Garland, Wodahl, & Schuhmann, 2013).<sup>53</sup> Further, 60 percent of Americans believe unequal treatment that disadvantages people who have served a prison sentence is a serious problem (The Opportunity Agenda, 2014). Groups that are more likely than the general population to say this is a serious problem include liberals (71 percent), non-white women (73 percent), black men (74 percent), and black women (89 percent). An early qualitative study found that respondents expressed a clear desire to assist people who were trying to make a better life for themselves (Immerwahr & Johnson, 2002).

<sup>53</sup> It should be noted that the academic study by Garland, Wodahl, and Schuhmann (2013) surveyed Missouri residents only but is nonetheless a unique and rigorous examination of attitudes around values and the criminal justice system and thus merited inclusion.

### ***Self-interest***

People are aware that formerly incarcerated individuals will be returning to the same environment and the same, or possibly even more limited, economic situation than when they were incarcerated. A sizable majority of Americans (79 percent) are concerned about the annual release of thousands of people with convictions into their communities (Krisberg & Marchionna, 2006). An early study indicated that support for reentry programs may have been based on beliefs of fairness and “a pragmatic sense of self-interest” rooted in the realistic view that most people in prison will be released someday (Peter D. Hart Research Associates, Inc., 2002). People feel this gives formerly incarcerated individuals little choice but to resort to crime to support themselves (Peter D. Hart Research Associates, Inc., 2002; Garland, Wodahl, & Schuhmann, 2013). Yet many people also take the “not in my backyard” stance, particularly when proximity to halfway houses and individuals registered as having sex-related convictions may override social welfare values (Garland, Wodahl, & Schuhmann, 2013; Kernsmith, Craun, & Foster, 2009).

### ***Retribution***

Some studies suggest that Americans expect people with convictions to be held accountable for their actions through the ongoing imposition of stiff penalties, such as harsher sentencing policies for people with repeat convictions and voting rights for formerly or currently incarcerated individuals (Garland, Wodahl, & Schuhmann, 2013). Evidence suggests that these attitudes hold for individuals who have served their sentence, which tracks with the notion of “least eligibility,” or the belief that currently and formerly incarcerated individuals should not be entitled to or have access to the same goods or services the general public enjoys. This is demonstrated by public views of deservingness in allocation of public funds and the differences in preferences given the nature of a crime and the history of illegal behavior of an individual with a conviction (e.g., there is usually more support for stricter penalties for individuals with repeat convictions, for people with violent convictions, and for people with sex-related convictions).

We see public ambivalence around whether people who have served their time should return to society as full citizens (50 percent agree) (Garland, Wodahl, & Schuhmann, 2013). Early studies showed people were uncertain about their place in society, tended to view them as “second class” citizens, and were reluctant to readmit formerly incarcerated individuals as “full citizens” (Pinaire, Heumann, & Bilotta, 2001). Conflicting ideas of deservingness also emerged in focus group research. Study participants expressed agreement that people can change their lives and deserve a second chance, and they want to give people the support they need to do that (Immerwahr & Johnson, 2002). Many study participants simultaneously expressed a strong belief that people with convictions have violated basic social norms and deserve to be punished.

### **Voting rights for incarcerated and formerly incarcerated individuals**

Early studies showed voting rights were a lower priority for many, with only one in four agreeing that reinstating the vote was very important to reintegration efforts for people with convictions (Krisberg & Marchionna, 2006). There was overwhelming support for restoring voting rights for people with convictions, but no clear consensus as to when in the criminal justice system this should be done (Pinaire, Heumann, & Bilotta, 2001). People were split whether voting rights should be restored “after imprisonment” or “after full completion of sentence.” Support for voting rights was high (80 percent) for formerly incarcerated individuals generally, whereas 60 percent support voting rights for probationers and parolees (Manza, Brooks, & Uggen, 2004). Support dropped to 31 percent for currently incarcerated individuals. Qualitative study participants expressed surprise when they learned that numerous states restricted formerly incarcerated people from voting (Immerwahr & Johnson, 2002).

## Ongoing support for formerly incarcerated individuals

The public supports education and job training programs that will enable formerly incarcerated individuals to realistically provide for themselves. Two thirds of Americans (67 percent) support increased spending on job training and placement programs for formerly incarcerated people. Support is especially strong among Independents (83 percent), Democrats (75 percent), people who are 65 or older (74 percent), college graduates (73 percent), blacks (82 percent), and Hispanics (72 percent). Majorities also support tax incentives for employers to hire people who have served a prison sentence (55 percent) and laws restricting discrimination in hiring people who have served a prison sentence (56 percent).

Some studies may indicate, however, that support drops considerably when asked if we should strive to assist them to be middle class. A vast majority of study participants (76 percent) agreed that society should strive for formerly incarcerated people reentering society to make a stable living, whereas 40 percent agreed that society should strive for formerly incarcerated people to earn “as much money as the average middle-class citizen” (Garland, Wodahl, & Schuhmann, 2013).<sup>54</sup> Survey participants showed higher support for assistance obtaining a high school diploma or GED (92 percent) than for help obtaining a two-year technical degree (75 percent) or a four-year college degree (49 percent). Support for training in areas like food services (75 percent) and carpentry (86 percent) was higher than for areas like computer programming (62 percent) or business management (50 percent).

In an early study, focus groups participants expressed a sense of unfairness about providing free higher education for incarcerated or formerly incarcerated individuals:

*I'm not so thrilled about that idea of a college education. It almost sounds like you're rewarding him. If a prisoner is getting something that a youngster who tows the line and behaves himself and can't afford...we're giving special [privileges]...*  
—Upscale urban male (Immerwahr & Johnson, 2002)

*You're working hard for your money to send your kids to college. Here you have a person just coming out of prison for whatever type of crime, and all of a sudden they can get free education for four years when you're struggling, trying to put your kids through college and getting scholarships and everything.* —Upscale urban male (Immerwahr & Johnson, 2002)

Other early focus groups from 2001 demonstrated the ways people connected training and support, rather than stricter enforcement measures, to crime prevention (Peter D. Hart Research Associates, Inc., 2002). People worried that individuals with convictions were frequently in a worse situation upon reentry because of the limiting effects of a prison record, and there would be little choice for formerly incarcerated individuals but to resort to crime to support themselves.

*You just sort of hold them in limbo for five, ten, fifteen, twenty years and then put them right back where they started. I mean, we have to, by law, parole them back to the same place that their charges originated from. So we're putting them right back in the same environment. We're putting them right back in the same family problems. We're putting them back in the same low employment or distressed neighborhoods with a couple extra strikes against them than they had before they started. I think there should be more of a balance in recognizing that there is the punishment, but at some point we have to live next door to these folks again, and they have to reintegrate. We need to be prepared for that or we're just going to continue to perpetuate a population that goes in and out of prison. And if we're willing to pay for that and be the victims of their crimes, fine, but otherwise we might need to come up with a better idea.* —Research analyst, Philadelphia, PA (Peter D. Hart Research Associates, Inc., 2002)

54 This survey was conducted among a random sample of 1,000 Missouri residents 18 and older.

Despite preferring rehabilitation, treatment, and support, there is still a sense among Americans that recidivism is inevitable and prison is a breeding ground for more illegal behavior. Generally, the public believes incarcerated individuals who reenter society are more likely or just as likely to commit future crimes (GBA Strategies, 2011; Krisberg & Marchionna, 2006; Krisberg, Craine, & Marchionna, 2004).<sup>55</sup> Americans believe prison reinforces and expands illegal behavior in incarcerated individuals, and 59 percent believe this is a major contributor to high rates of recidivism (Krisberg, Craine, & Marchionna, 2004). Participants in an early focus group referred to prisons as “school for crime” (Immerwahr & Johnson, 2002).

The general skill deficit that initially landed someone in prison will contribute to their eventual return to prison, and 66 percent believe this is a major reason for recidivism (Krisberg, Craine, & Marchionna, 2004). Another study showed the overwhelming majority (82 percent) agreed lack of job training contributed to recidivism (Krisberg & Marchionna, 2006). Focus group respondents felt that lack of skills created a “revolving door” of frequent “prisoners” (Immerwahr & Johnson, 2002).

### **Factors influencing support for certain reentry programs**

Support for housing and job assistance drops dramatically for people with repeated convictions (Garland, Wodahl, & Schuhmann, 2013). A vast majority of study participants (89 percent) agreed that it’s a good idea to help people who are “coming out of prison” readjust to life in society, but just 19 percent agree that people who have “been in prison multiple times” are “just as deserving” of employment assistance as someone who is “leaving prison for the first time.” More than half of study participants (58 percent) agreed that helping formerly incarcerated individuals find a place to stay should be a high priority, but one in four (26 percent) agree that “people who have been in prison multiple times” are “just as deserving” of such housing assistance.

Garland and colleagues also found that support for “transitional” housing assistance diminished when researchers presented respondents with specific types of convictions (2013). Half of the study participants (50 percent) agreed with transitional housing programs in their city broadly, but the number dropped to 34 percent in support of transitional housing programs in their city for people with drug-related convictions and just 24 percent in support of people with violent convictions. Support for assisted or halfway housing dropped by as much as half when they are in close proximity to a respondent’s residence. Half of study participants (50 percent) agreed to transitional housing programs in “my city,” whereas 25 percent agree to such programs in “my neighborhood.”

The majority of study participants say housing and employment preference should go to people without convictions during economic hard times. More than three out of five study participants (63 percent) agreed that when the economy is down, employers should give preference to people without a “prison record” in hiring decisions (Garland, Wodahl, & Schuhmann, 2013). Housing was especially salient, with 75 percent of participants agreeing that during a housing crisis, people “who have never been in prison” should receive preference for housing assistance. In addition, Americans are unwilling to support reentry services if they become too much of a tax burden. A vast majority of study participants (92 percent) support programs that provide formerly incarcerated individuals with substance abuse treatment, but fewer (47 percent) agreed to the same if it meant paying higher taxes.

### **Public views of reentry in relation to crime and their communities**

Early studies found the public acknowledged several obstacles to successful reentry apart from job training, such as access to medical care and affordable housing and ability to pay debts such as student

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55 Survey by Campaign for Youth Justice. Methodology: Youth Justice System Survey, Conducted by GBA Strategies, September 27–October 2, 2011 and based on 1,000 telephone interviews. Sample: National adult. Margin of error is ±3.1%.

loans (Krisberg & Marchionna, 2006). Participants expressed the need for incarcerated individuals to plan for reentry. For people with nonviolent, nonserious convictions, 44 percent of Americans felt planning should begin at sentencing and 27 percent thought this should happen 12 months prior to reentry. Focus group participants readily admitted the challenges for individuals facing reentry, including joblessness, minimal education, no place to live, and very little support or monitoring (Immerwahr & Johnson, 2002). Participants in this qualitative study expressed favorable views of post-release planning while still incarcerated.

Study participants have expressed support for graduated application of supervision and sanctions during the reentry process. Many support more work release programs and halfway housing in transitioning to full reentry (Immerwahr & Johnson, 2002; Garland, Wodahl, & Schuhmann, 2013). The public also supports strict sanctions for people who breach parole that do not lead to reincarceration for minor first-time offenses (Mellman Strategies, 2012; Garland, Wodahl, & Schuhmann, 2013).

Americans do perceive societal benefits from providing services for people with convictions. One early study found a plurality of Americans believed governments will save money in the long run by providing services for people with convictions during incarceration and after release (Krisberg, Craine, & Marchionna, 2004). There is overwhelming support for funding community reentry programs over correctional institutions (Garland, Wodahl, & Schuhmann, 2013).

### **Management programs and registry for individuals with sex-related convictions**

Studies showed mixed results around public fear of individuals with sex-related convictions, measured after attending community meetings to learn more about a “registered sex offender” or to find out if a registered “offender” lived in the participant’s community (Kernsmith, Craun, & Foster, 2009). In response to enactment of statewide notification laws, some study respondents said they learned more about sex-related charges and how people with sex-related convictions “operate” and felt safer *knowing* that a formerly incarcerated individual with a sex-related conviction might live in their community (Center for Sex Offender Management, 2000). There is overwhelming public support for public access to names and photos of formerly incarcerated individuals with sex-related convictions in registries (95 percent support) and community notification laws (80 percent support) (Kernsmith, Craun, & Foster, 2009).

### **Research on Talking About the Criminal Justice System**

Recent message testing research from Lake Research Partners/Open Society Foundation tested two positive message frames for engaging in conversation around criminal justice reform (Lake, Gotoff, & Pultorak, 2013). The goal of this research was to identify the best way to communicate around reducing the prison population. Both messages mention the high incarcerations rates, a comparison to other industrialized countries, the costs today compared to 30 years ago, and the fact that so many incarcerated individuals are in prison for nonviolent offenses. The “economic message” frames the system as “bankrupting” the country and proposes the “commonsense solution” for reducing the prison population by focusing on nonviolent individuals, saving the country money. The “safety message” frames the cost of incarceration as a misuse of resources that could be better used for targeting “dangerous and violent criminals,” mentions the tendency for the prison system to harden individuals with convictions, states rates of recidivism, and invokes “public safety” as the outcome of reassessing individuals with nonviolent convictions. The most powerful element was embedded in both frames: “People convicted of nonviolent offenses make up over 60 percent of our prison and jail population” (28 percent most resonant in the Economic argument, 37 percent most resonant in the Safety argument). One in four (24 percent) found the recidivism message in the Safety frame resonant (“Today, four in 10 ex-cons leave prison and commit another crime, making our communities less safe”). Both messages effectively bolstered support for reducing the U.S. prison population.

Frameworks conducted experimental message testing with a number of message “treatments” applying different value and fact combinations (Simon & Gilliam, 2013). The goal of both recent Frameworks studies is to identify the best way to discuss criminal justice reform to shift people toward systemic thinking. They examined unframed facts and confirmed that facts alone do little to galvanize support for reform. The values they incorporated into the messages included pragmatism (i.e., a commonsense approach), prevention (i.e., crime reduction and public safety), efficiency or cost effectiveness (i.e., cost and return of public investment in the system), and fairness or equal treatment (i.e., the traditional moral appeal for reform). Researchers examined facts that were neutral (i.e., general statements about incarceration), racialized (i.e., builds in an explicit comparison between whites and blacks), and international (i.e., builds in an explicit comparison between the United States and other countries). Almost every combination of values and facts triggered systemic thinking about *causes of* criminal justice issues, but the most effective message on this front was the combination of “pragmatism” with a racialized fact about the criminal justice system. None of the value/fact combinations moved support for measures designed to increase cost efficiency of the system, although the combination of pragmatism and racialized facts performed the best on solutions and overall was the most powerful combination tested. Values to avoid in any combination or form include fairness and efficiency.

Frameworks conducted a second framing and messaging study that examined the effectiveness of different metaphors when communicating about criminal justice reform (Kendall-Taylor, 2013). They tested numerous “explanatory metaphors,” and the two that stood out were “Justice Gears” and “The Justice Maze.” Justice gears analogizes the criminal justice system to a bike; to work efficiently, bikes need multiple gears to use in different situations and the current approach to criminal justice is like riding a bike with only one gear. This metaphor intuitively connected the issue to mechanic thinking, which led to systemic thinking, and highlighted the inefficiencies of the system without overwhelming people. Notably, it effectively shifted people away from individual “rational actor” lines of reasoning toward outcomes-oriented thought processes around public safety. The “Justice Maze” metaphor likened the current criminal justice system to a maze that doesn’t have enough paths leading to the exit. It presents the idea of designing a criminal justice system with multiple clear routes so that once people are in the system, they have options to get where they need to go as efficiently as possible. This metaphor effectively got people thinking structurally about causes and solutions to criminal justice issues and reform.



# Conclusion and Recommendations

Despite decreasing crime rates, the country's criminal justice system is larger than ever, and the economic and social impact of mass incarcerating leaves no home, family, or community untouched. American's views on the criminal justice system have shifted, however, and a number of developments demonstrate evidence of waning public support for extreme punishment. Public support is growing for an array of preventive, alternative, and rehabilitative services for young people and adults with convictions. Now is the time for key stakeholders to hear advocates for criminal justice reform and enact positive changes to the system.

There are a number of ongoing challenges, however, and work still needs to be done to address areas of dissonance in public attitudes, particularly around root causes of crime and the realities of the justice system, including the systemic racial disparities. It is not particularly clear from the present data why the shift toward treatment and support is occurring, but opinions of people with convictions aren't improving and Americans aren't sure how to fully accept formerly incarcerated people as neighbors and equal citizens. It is also unclear to what extent the shifting views toward treatment are connected to public knowledge of prison overcrowding, awareness of state budget crises, opinions of the War on Drugs, or general lack of confidence in effective governance and the impact the drivers in attitudes may have on the longer-term goals of the movement.<sup>56</sup>

## Recommendations

- ▶ **Simplify the issue by developing a core narrative and leading with values.** The current drumbeat around reforming the criminal justice system, reflected in public opinion, is that the system is overcrowded and costly. The causes and solutions are muddier to people; they hear conflicting stories and hold conflicting beliefs. Developing a shared narrative about the root causes of dysfunction in the system and reclaiming commonsense, “smart on crime” solutions can go a long way toward clarifying misperceptions of how society treats people with convictions.
- ▶ **Use research to unpack areas of dissonance and misinformation to guide strategic communications.** There is very little recent national-level research on the root causes of crime and what is driving the belief that crime is increasing. People hold dissonant views about the realities of prison, with both sides thinking that it is either too easy or too hard. Americans also have a sense that the system should be fair, and many don't recognize the racial disparities in enforcement and sentencing practices. Understanding the drivers in some of these key beliefs could inform audience-specific messages that simplify an overly complex bundle of solutions and give advocates the opportunity to “fill in the blanks” and shape attitudes.
- ▶ **Use research to understand the potential long-term effects of short-term messages.** Some effective messages may help achieve wins in the short term, but could undermine long-term efforts. It is essential to understand how economic arguments, messages that focus on overcrowding, or messages that focus on nonviolent convictions might reduce support for holistic, inclusive, systemic reform.

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<sup>56</sup> This research question was beyond the scope of the present study, and additional research should be done to understand the drivers of attitudes and the shift in opinions over time. A review of academic literature and statistical methods such as regression and time series analysis of survey data may provide insight into what is driving the shift in attitudes.

- ▶ **Continue exploring effective ways to communicate around racial disparities in the justice system.** People largely disapprove of racial profiling, but many still don't see how the system is stacked against people of color. Understanding the numerous variables at play, including people's exposure to the justice system, people's experiences with crime, and how the media portrays the people who engage in and the people who survive illegal activity, is essential to figuring out how to best communicate around race.
- ▶ **Explore ways to bring people with conviction into the conversation.** A pronounced stigma is attached to serving a prison sentence, and one constructive way to destigmatize and de-otherize is to bring people with convictions into the conversation. Give incarcerated and formerly incarcerated individuals a forum to "come out" and show the world that they also are people. Explore meaningful and constructive ways to talk about people with convictions, rather than avoid them.
- ▶ **Conduct more research into views of crime survivors.** People who survive crimes could be a major ally in communicating about reforming the criminal justice system. We need more national-level research on crime survivors, their attitudes, and their experiences to understand their views and ensure positive reform recommendations are responsive to their needs. Understanding their priorities can help advance criminal justice policies that move away from prison expansion and harsh sentencing practices in the name of "justice for victims."

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# *Media Coverage of Criminal Justice Reform*

## **Executive Summary**

To learn how the mainstream media are covering criminal justice reform issues, we analyzed the content of 25 mainstream print news outlets, five broadcast outlets, and six news blogs. We randomly selected a final sample of 89 articles, transcripts, and blog entries from 978 stories published during our time frame of January 1–June 30, 2013. Major findings include:

- ▶ Reform policies, ideas, and language are in the air and circulating and criminal justice advocates have the wind at their backs for the first time in decades. Pro-reform voices outnumber anti-reform voices in all formats by a wide margin, with state policymakers and advocates predominating.
- ▶ Most stories about criminal justice reform focus on (1) reducing the nation’s prison population, (2) overcrowding and other poor prison conditions, and (3) the treatment of adolescents in the criminal justice system. Our search terms produced very few stories about the death penalty, re-entry issues, indigent defense, or policing.
- ▶ The main impetus and reasons for reform, according to the media coverage in our sample, are the high cost of incarceration and the inability of state governments to sustain their huge corrections costs in a time of budget shortfalls. Largely missing from coverage are value-based arguments for ending mass incarceration. Racial justice, fairness, and human rights were rarely invoked or mentioned, even by pro-reform advocates.
- ▶ The solutions to the problem of over-incarceration as described in the media are incremental in nature, such as the expansion of drug courts, alternatives to incarceration for “nonviolent offenders,” and shorter jail terms for probation violators.
- ▶ Prisons are depicted as expensive but broken institutions that fail to rehabilitate the people under their care and supervision and sometimes cause severe physical and emotional damage to inmates.
- ▶ Coverage of youth caught up in the criminal justice system is largely sympathetic. Pro-reform advocates are actively publishing commentary that “zero tolerance” school discipline policies and racial bias disproportionately negatively affect young people of color.
- ▶ Several topics were missing from the media coverage. For example, there was no exploration of the country’s over-reliance on incarceration for problems better handled by other institutions, such as mental illness and drug addiction. The problem of racial disparities was not included in stories about reducing the prison population, although it was addressed in the context of “zero tolerance” and “the school to prison pipeline.” In our sample there was little discussion of how or why the prison population has grown exponentially over the past three decades.

- ▶ Our analysis shows that the media are communicating a narrative composed of several themes that, when taken together, convey the idea that the criminal justice system is dysfunctional and needs to be changed: (1) there is widespread agreement among policymakers, editorial boards, and reform advocates that there are too many people in our nation's prison system; (2) overcrowding has led to inhumane prison conditions resulting in violence, suicide, and an increase in the use of administrative segregation (solitary confinement); and (3) "zero tolerance" school disciplinary policies have led to a disproportionate number of young people of color entering the juvenile justice system.
  
- ▶ Although the mainstream media narrative is moving in a positive direction, the story needs to be deepened to bring about a shift in the public discourse about crime and criminal justice. The story being told is incomplete and fails to connect the dots for the reading and viewing public. The causes of the prison population explosion are unexplored, as are the links between race, poverty, and crime. The impact of policing policies and practices on driving up the incarceration rate is not receiving the media's attention. Finally, a clear, value-based argument for more fundamental reform is missing.



# Introduction

Reforming the criminal justice system is finally on the public policy agenda. A speech delivered by Attorney General Eric Holder to the American Bar Association on August 12, 2013, is emblematic of this development. In it he stated:

*While I have the utmost faith in—and dedication to—America’s legal system, we must face the reality that, as it stands, our system is in too many respects broken. The course we are on is far from sustainable. And it is our time—and our duty—to identify those areas we can improve in order to better advance the cause of justice for all Americans.*<sup>1</sup>

Until recently, state and federal policymakers had appeared to be unwilling to discuss positive criminal justice reforms publicly, perhaps for fear of appearing “soft on crime.” For more than thirty years, criminal justice reform advocates have faced enormous obstacles in their efforts to block counterproductive and discriminatory legislation or bring about even small, incremental reforms in sentencing, juvenile justice, corrections, and other aspects of this huge and complex system.

This was beginning to change before Attorney General Holder’s speech. Faced with skyrocketing corrections costs and diminishing resources during a period of economic setbacks and low crime rates, state executives and policymakers in particular have been joining with reform advocates to promote (and sometimes pass) a range of reforms, many under the rubric of “justice reinvestment.”<sup>2</sup> New and influential allies have come on board; some leaders in the conservative movement are embracing criminal justice reform as a way to scale back “big government.”<sup>3</sup>

Our objective in conducting this analysis is to understand if, what, and how the readers and viewers of mainstream media are learning about the realities and problems within the criminal justice system, as well as the proposed and actual changes in policing, sentencing, juvenile justice, and corrections that are currently taking place in states throughout the country. Are the media covering these developments? How are reporters and spokespeople framing them, and what are their key arguments? Are the voices of reform prominently featured in news coverage, and if so, what values, implicit or explicit, are embedded in their messages? What opposition messages are the media relaying, and who are the opposition messengers? What is the overarching narrative the public is receiving about these developments, and what are the strengths and weaknesses of that narrative in terms of winning the public’s support for meaningful reform?

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1 <http://www.justice.gov/iso/opa/ag/speeches/2013/ag-speech-130812.html>.

2 According to a January 2011 report by the Council of State Governments Justice Center, justice reinvestment” is a “data-driven approach to reduce corrections spending and reinvest savings in strategies that can decrease crime and strengthen neighborhoods.” The purpose of justice reinvestment is to manage and allocate criminal justice populations more cost-effectively, generating savings that can be reinvested in evidence-based strategies that increase public safety while holding offenders accountable. (See <http://csgjusticecenter.org/jr/>.) In Idaho, for example, the senate recently voted in favor of a justice reinvestment bill that would invest in reforms to the state’s probation and parole system and community treatment programs while moving to prioritize prison space for more violent offenders. (See <http://legislature.idaho.gov/legislation/2014/S1393.pdf>.) In Nebraska, the state legislature is considering an approach that places a greater emphasis on diverting nonviolent criminals from prison, thereby releasing prison beds for more serious and violent offenders. For those in prison, the approach emphasizes treatment, training, and transitioning back into society once sentences are served. (See <http://nebraskalegislature.gov/laws/statutes.php?statute=28-1501>

3 See, for example, Right on Crime: <http://www.rightoncrime.com/>.

# Methodology

This media analysis is based on an examination of the content of 26 mainstream print news outlets, five broadcast outlets, and six news blogs. In addition to national news outlets, we included local and regional newspapers covering states where criminal justice reform legislation has recently been in process.

Our survey’s time span covers January 1 through June 30, 2013. We entered the following search terms into the Nexis database: “criminal justice reform” OR “criminal justice policy” OR “criminal justice system” AND “prison reform” OR “prison policy” OR “prison system” AND “sentencing reform” OR “sentencing policy” OR “sentencing system.” A final sample of 100 pieces was drawn from an overall pool of 978 articles, transcripts, and blog entries by applying a random sequence generator to ensure that it was representative of all pieces picked up by the scan. Eighty-nine of those pieces were found to be usable.<sup>4</sup>

Given this methodology, the report does not analyze trends within the larger body of crime coverage in these and other news outlets. We sought in this analysis to understand coverage and public discourse on reforms to our systems of criminal justice.

The following are news services included in the search.

## Newspapers

Argus Leader (Sioux Falls, SD)
Associated Press (national)
Atlanta Constitution (GA)
Austin American (TX)
Baltimore Sun (MD)
Boston Globe (MA)
Charleston Gazette (WV)
Charlotte Observer (NC)
Chicago Tribune (IL)

Columbus Dispatch (OH)
Ft. Worth Star Telegraph (TX)
Houston Chronicle (TX)
Indianapolis Star (IN)
Kansas City Star (MO)
Lincoln Star Journal (NE)
Los Angeles Times (national)
Miami Herald (FL)
New York Times (national)

Oakland Tribune (CA)
Oregonian (OR)
Providence Journal Bulletin (RI)
Richmond Times Dispatch (VA)
San Francisco Chronicle (CA)
St. Louis Dispatch (MO)
Times-Picayune (LA)
Washington Post (national)

## Broadcast

ABC News
CNN
Fox News
MSNBC
NPR
PBS NewsHour

## Blogs<sup>5</sup>

Business Insider
Gawker
The Huffington Post
Mashable
Mediaite
Politico

<sup>4</sup> The 11 pieces that were not usable mentioned the search terms only in passing.

<sup>5</sup> These news blogs were chosen because they have high Technorati Authority scores. Technorati Authority measures a site’s standing and influence in the blogosphere. See <http://technorati.com/what-is-technorati-authority/>.

# Findings

Half of the stories in our final sample focus on one aspect of the criminal justice system: corrections. Most of these are about the efforts to reduce state prison populations, and primarily describe various legislative reforms debated during the spring 2013 legislative sessions; quotes from policymakers predominate. According to this coverage, the need to control costs is the driving force behind the reforms. Most of the policymakers quoted are Democrats, although some influential Republicans also are quoted, including the governors of Georgia and South Dakota, who also carry the reform banner.<sup>6</sup> Mentions of costs other than financial—such as human costs, societal costs, and moral costs—are rare. Reporters and spokespeople make references to alternatives to incarceration such as “community-based programs,” but these concepts are undeveloped.

1. Stories about substandard prison conditions are also well-represented in our sample. The plight of prisoners with mental health concerns or disabilities has some traction in mainstream coverage in our sample, with corrections officials and guards quoted about the difficulties of supervising inmates with mental illnesses in the absence of adequate mental health services. More than in any other group of articles, family members of prisoners are quoted in these pieces. With few exceptions, specific policy prescriptions for improving conditions focus on adding more guards, improving mental health services, and questioning the use of solitary confinement.
2. Stories about “zero tolerance” policies in schools and conditions of confinement faced by adolescents who are incarcerated represent about 16 percent of the sample. This is a topic on which reform advocates have been active, both as bloggers and broadcast guests, and they emphasize the fact that “zero tolerance” school policies result in students of color being treated more harshly than whites are.<sup>7</sup> The news stories about conditions for youth in both adult corrections facilities and juvenile facilities are sympathetic and discuss policy alternatives to incarceration, including community-based programs. This coverage reflects a departure from the “juvenile super-predator” narrative of the past.<sup>8</sup> The message conveyed in these stories is that these youngsters need help and support to stay out of trouble.
3. Relevant topics receiving very modest coverage include racial disparities and racial bias in the criminal justice system, the death penalty, re-entry, indigent defense, and policing.
4. Our randomly selected sample of 89 print media articles, blog entries, and broadcast segments suggests that some important issues receive inadequate media coverage. In our sample there is practically no discussion of fundamental reforms such as reducing the length of sentences for those convicted of more serious offenses, repealing mandatory minimum sentencing, and decriminalizing drugs. Little attention is paid to the country’s over-reliance on incarceration

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6 Greg Bluestein and Bill Rankin, “Georgia to focus on inmate rehabilitation.” *Atlanta Journal-Constitution*, April 26, 2013; John Hult, “Justice Reform to Cost \$2M More,” *Argus Leader*, January 17, 2013.

7 A number of studies have shown that school discipline is meted out in a racially discriminatory manner. See, for example, Rebecca Gordon, Libero Della Piana, Terry Keleher, “Facing the Consequences: An Examination of Racial Discrimination in U.S. Public Schools,” A Project of the Applied Research Center, March 2000; and Russell J. Skiba, Robert S. Michael, Abra Carroll Nardo, and Reece L. Peterson, “The Color of Discipline: Sources of Racial and Gender Disproportionality in School Punishment,” *Urban Review*, Vol. 34, No. 4, December 2002.

8 The term “super-predator” was coined in the mid-1990s by John DiIulio, a professor at Princeton’s Woodrow Wilson School of Public and International Affairs, who warned that juvenile crime was a “demographic crime bomb.” In November 1995 the conservative *Weekly Standard* published DiIulio’s article, “The Coming of the Super-Predators,” in which he wrote, “a new generation of street criminals is upon us—the youngest, biggest and baddest generation any society has ever known.” The article caught the mass media’s attention and created a wave of fear that laid the political groundwork for the passage of harsh sentencing laws for young people, including state initiatives to move juveniles into adult prisons.

for problems better handled by other institutions, such as mental illness and drug addiction. Nor is there much discussion of how or why the prison population in this country increased so greatly over the past 30-plus years. In our sample, the steep increase in criminalization and penalties for unlawful drugs is not mentioned. In items in our sample focusing on the two most prevalent topics—reducing the prison population and prison conditions—race is not mentioned. Our randomly selected sample also did not include any articles, blogs, or transcripts focusing on gender, sexuality, sexual offenders, or violence against women.

5. Also absent from the coverage are value-based arguments for ending “mass incarceration” (a term found only twice in our sample of articles). Racial justice, fairness, and human rights are seldom invoked, even in quotes by advocates, as a reason to bring about reform. An exception is conservative commentator Richard Viguerie’s op-ed in which he writes:

*But it’s not just the excessive and unwise spending that offends conservative values. Prisons, for example, are harmful to prisoners and their families. Reform is therefore also an issue of compassion. ... These three principles—public safety, compassion and controlled government spending—lie at the core of the conservative philosophy.<sup>9</sup>*

6. State policymakers and reform advocates are the most frequently quoted spokespersons in print media. Reform advocates and family members of people in prison are the most frequently quoted speakers in broadcast segments. Federal policymakers are rarely quoted.
7. Only 6 percent of the quotes in our sample come from people opposed to reform, and they are almost without exception prosecutors, often representing state district attorney associations. These quotes are found in articles about pending reform bills that prosecutors oppose on public safety grounds.
8. The idea that changes are needed in the nation’s criminal justice system is now part of the mainstream media discourse, but the narrative being communicated is incomplete. The dominant media narrative fails to connect the dots for the reading and viewing public. The story the media are telling about criminal justice reform is that policy changes are taking place to reduce the prison population because, if not curtailed, corrections costs will bankrupt state governments. But the links between mass incarceration, police policy, racial bias, and poverty are not receiving enough media attention to move the public discourse in the direction of more fundamental reforms.
9. The analysis indicates that reform policies, ideas, and language are represented in print and broadcast news items. Every editorial in our sample is pro-reform; the editorials come from both “red” and “blue” states. Criminal justice reform advocates have the wind at their backs for the first time in decades. But the emphasis on the high financial cost of incarceration as the only reason for reform is problematic, as is the absence of a long-term vision of what a model criminal justice system would look like and a clear statement of the values underlying this vision.

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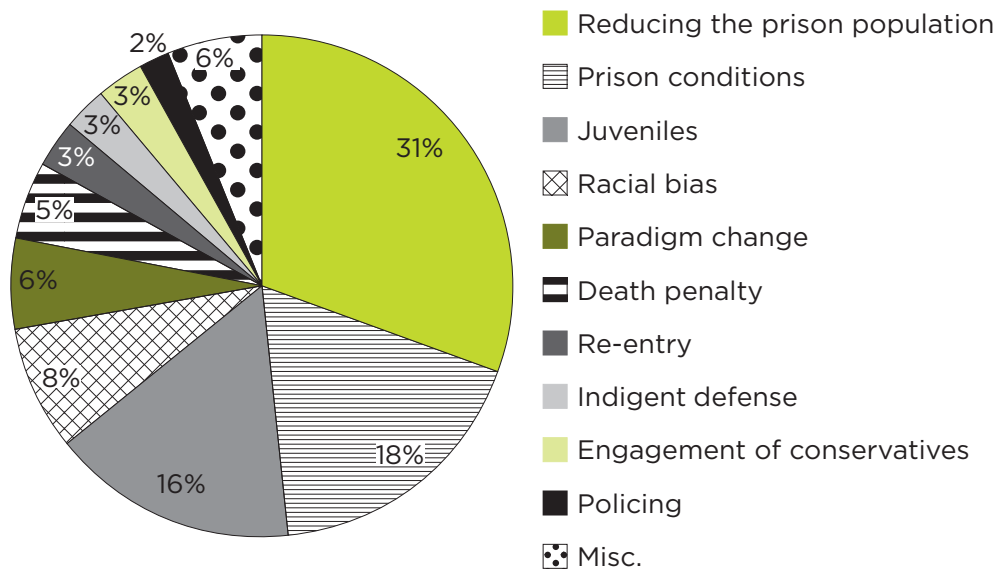
9 Richard A. Viguerie, “A Conservative Case for Prison Reform,” *New York Times*, June 10, 2013.

## Storylines

Overall the news coverage of criminal justice reform is thematic rather than episodic.<sup>10</sup> This is to be expected because our search terms included the words “system,” “policy,” and “reform.” Articles may begin with an individual’s story, but these pieces quickly shift their focus to the larger, systemic picture, and government entities and actors are clearly designated as the parties responsible for the problems and their solutions. We found very few in-depth investigative pieces in the print media sample; most of the articles have fewer than a thousand words (Figure 1).

Of the blogs we included in the search, only *The Huffington Post* had a significant number of entries, most of them authored by reform advocates. MSNBC dominated the broadcast category, with several in-depth segments by Melissa Harris-Perry and Chris Hayes.

FIGURE 1. STORYLINES



### Reducing the prison population (29)

Almost one-third (29 pieces) of all articles, blog entries, and broadcasts in the scan are about the need and efforts to reduce state prison populations. In the case of California, efforts reported on in our sample were largely in response to litigation and a federal court order,<sup>11</sup> and articles during the first six months of 2013 emphasize the dispute between Governor Brown, on the one hand, and advocates of prison reform and the court-appointed monitor on the other hand, about whether further population reduction should be required.

Coverage in other states focuses on efforts to shrink prison populations through various incremental reforms. Cost is by far the most often-cited reason for reducing the prison population, with state lawmakers

<sup>10</sup> Episodic frames highlight the individual experiencing a situation and tend to promote the idea that the individual is responsible for what happens to him or her. Thematic frames highlight the conditions that lead to a situation and encourage an understanding that broader social or systemic reasons and decisions of outside entities and people are responsible for the situation. See Shanto Iyengar, “Is Anyone Responsible? How Television Frames Political Issues,” University of Chicago Press, 1991.

<sup>11</sup> *Brown v. Plata*, a long-running lawsuit first filed in 1990, charges that overcrowding in California’s state prisons amounts to cruel and unusual punishment in violation of the Constitution’s Eighth Amendment. In May 2011 the U.S. Supreme Court affirmed an order by a special three-judge federal court requiring state officials to reduce the prison population to 110,000 from its then-current population of 140,000.

and editorial boards emphasizing the impossibility of sustaining such huge corrections budgets during hard economic times. All three of the randomly selected editorials argue forcefully in favor of further reductions in prison population. Pulling no punches, one newspaper editorial is headlined, “Shrink prison system to save money.”<sup>12</sup> Another newspaper editorialized, “The Department of Corrections budget is bloated. Prisons are full. There’s no money for education, health care or roads.”<sup>13</sup> An illustrative news story on the issue cites a report by the Oregon Governor’s Commission on Public Safety, finding that “Over the last 15 years, public safety spending in Oregon has sharply increased and now consumes a larger share of the state’s budget, crowding out spending on education and human services.”<sup>14</sup> The intentional emphasis on fiscal arguments by proponents of reform is reflected in the following exchange reported in the *Atlanta Journal-Constitution*:

*“This is the first time in 25 years we’ve seen significant changes and policy concerns about this issue,” said Doug Ammar, executive director of the Georgia Justice Project, which provides legal defense, counseling and rehabilitation for clients. “I can’t tell you how pleased we are.” The conversation shifted partly because [Governor] Deal and his allies portrayed the criminal-justice measures as steps that would save Georgia hundreds of millions of dollars over five years ... [emphasis added] “We’ve been getting a horrible return on our corrections investments,” said [Judge Michael] Boggs, who co-chaired Deal’s criminal-justice reform council.*<sup>15</sup>

Spokespeople sometimes justify legislative reforms as good for public safety. The governor of South Dakota’s “criminal justice reform package, designed to save money in the long-term through alternatives to incarceration,” is entitled “The Public Safety Improvement Act.”<sup>16</sup> A reform advocate combines cost and public safety as reasons to support the Georgia reform package: “Gov. Deal and the bipartisan group of lawmakers who worked together to enact this new safety valve deserve a great deal of credit. This common-sense reform will keep Georgians safe and save money.”<sup>17</sup> In his op-ed, “A Conservative Case for Prison Reform,” Richard Viguerie points out: “The current system often turns out prisoners who are more harmful to society than when they went in, so prison and re-entry reform are issues of public safety as well.”<sup>18</sup>

The efficacy of alternatives to incarceration is occasionally hinted at in the above pieces, but little detail is provided about how those alternatives work or the fact that studies indicate they are good for public safety. For example, a spokesman for [Gov.] Kitzhaber [said,] “The Legislature is working its way toward a solution that bends down the cost curve on corrections, keeps the public safe *and reinvests in community corrections programs* [emphasis added] that will help avoid the need to build expensive, new state prisons.”<sup>19</sup> *The St. Louis Post-Dispatch* editorialized, “The Pew Center for the States has been funding a corrections reform agenda across the country based on empirical research showing that *there is a better way to deal with crime ... by creating an atmosphere in which some nonviolent offenders are steered away from the state prison system.* [emphasis added]”<sup>20</sup>

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12 Editorial Board, “Shrink Prison System to Save Money,” *Austin American-Statesman*, February 12, 2013.

13 Editorial Board, “Smart on Crime: Our View—Lawmakers Need to Keep Pushing for Prison Reform,” *St. Louis Post-Dispatch*, January 28, 2013.

14 Lauren Gambino, “Oregon Lawmakers Won’t Touch Measure 11 Minimums,” Associated Press, May 30, 2013.

15 Greg Bluestein, Bill Rankin, “Criminal Justice: Prison Reform’s Aim: Inmate Rehab,” *The Atlanta Journal-Constitution*, April 26, 2013.

16 John Hult, “Justice Reform to Cost \$2M More,” *Argus Leader*, January 17, 2013.

17 Greg Bluestein, Bill Rankin, “Criminal Justice: Prison Reform’s Aim: Inmate Rehab,” *The Atlanta Journal-Constitution*, April 26, 2013.

18 Richard A. Viguerie, “A Conservative Case for Prison Reform,” *New York Times*, June 10, 2013.

19 Lauren Gambino, “Oregon Lawmakers Look for Backing on Sentence Bill,” Associated Press, May 31, 2013.

20 Editorial: More reforms needed to fix Missouri’s criminal justice system. *St. Louis Post-Dispatch*, Jan. 28, 2013.

The takeaway from this coverage is that states are experimenting with a range of incremental reforms designed to decrease their prison populations. Readers and viewers learn about the expansion of drug courts, drug treatment, and alternatives to incarceration such as reform legislation in Georgia that “emphasizes rehabilitating relatively low-risk nonviolent offenders in community-based supervision programs rather than sending them to prison.”<sup>21</sup>

Also receiving coverage is another set of reforms that reflects less punitive approaches to probation and parole violations. For example, an article in the *Kansas City Star* reports that in response to a study showing that probation revocations were driving up the Kansas prison population, the legislature passed a new law giving probation officers the power to send violators to jail for short stints (two or three days).<sup>22</sup>

### **Prison conditions (16)**

The stories about prison conditions are overwhelmingly negative in tone. They tell of overcrowding, the lack of medical and mental health care, killings, solitary confinement, suicide, and corruption. The “tough on crime” arguments of the past, used by policymakers to justify the cancellation of educational programs and other prisoner services, are not part of the picture that emerges from these pieces. Today’s media depict prisons as expensive but broken institutions that not only fail to rehabilitate the people under their care and supervision, but also cause severe damage, up to and including death. The headlines tell a bleak story:

- ▶ “Killings Persist in Maryland Prisons”<sup>23</sup>
- ▶ “Why Ending Prison Rape Won’t Be Easy”<sup>24</sup>
- ▶ “High Rate of Suicide in Prison Isolation”<sup>25</sup>
- ▶ “23 Years of Solitary: Beyond ‘Cruel and Unusual’”<sup>26</sup>

Our sample came up with quite a few stories by bloggers in *The Huffington Post* describing prison conditions. In one, the author leads with the story of an inmate with mental health issues who committed suicide while in solitary confinement.<sup>27</sup> In another, the sister of a prisoner who has been in solitary confinement for decades explains that his placement is reviewed only once every six years and that her brother spends 22 ½ hours a day in a “cramped, windowless cell.”<sup>28</sup> A post entitled “Why Ending Prison Rape Won’t Be Easy” reports that there is an average of 209,000 incidents of sexual violence in lockup every year.<sup>29</sup>

One of the few investigative newspaper articles in our sample is a 2,724-word piece about administrative segregation (solitary confinement) and suicide in the Texas prison system. The *Austin American-Statesman* conducted its own analysis and found that the rate of suicide among inmates in administrative segregation was more than 10 times that of the general prison population. It also found that a quarter of Texas inmates held in administrative segregation had a diagnosis of mental illness or developmental disabilities. “The deaths add to the debate over confining mentally ill inmates for long periods in relative isolation,” the reporter writes. “[E]xperts say evidence suggests that prolonged periods of isolation can worsen psychiatric symptoms in some and initiate them in others.”<sup>30</sup>

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21 Kate Brumback, “Georgia Lawmakers Eye More Adult Justice Reforms,” Associated Press, January 15, 2013.

22 Brad Cooper, “Corrections Officials in Kansas Face at Least \$5.6 Million in Cutbacks,” *The Kansas City Star*, June 9, 2013.

23 Kevin Rector, “Killings Persist in Maryland Prisons,” *Baltimore Sun*, April 14, 2013.

24 David Chura, “Why Ending Prison Rape Won’t Be Easy,” *Huffington Post*, January 23, 2013.

25 Eric Dexheimer, “High Rate of Suicide in Prison Isolation,” *Austin American-Statesman*, May 26, 2013.

26 Marie Levin, “23 Years of Solitary: Beyond ‘Cruel and Unusual,’” *Huffington Post*, March 15, 2013.

27 Alana Horowitz, “Mental Illness Soars In Prisons, Jails While Inmates Suffer,” *Huffington Post*, February 4, 2013.

28 Marie Levin, “23 Years of Solitary: Beyond ‘Cruel and Unusual,’” *Huffington Post*, March 15, 2013.

29 David Chura, “Why Ending Prison Rape Won’t Be Easy,” *Huffington Post*, January 23, 2013.

30 Eric Dexheimer, “Texas Prison suicide rates high among inmates in isolation,” *Austin American-Statesman*, May 25, 2013.

With only a few exceptions, policy proposals and solutions to improve these terrible conditions are not presented in these pieces. One blogger calls for investing in community-based mental health services so that “the next generation of mental-health patients does not have to end up in prison.”<sup>31</sup> There was also coverage of a bill introduced in the Texas House seeking to establish “a new, independent agency to monitor [prison] conditions and investigate complaints in state prisons.”<sup>32</sup> But in general, reporters and bloggers do not inform readers of solutions to these life-and-death problems that seem endemic in the country’s prisons.

Here, too, social values receive little mention. Race and racial justice are not mentioned in our sample’s stories on prison conditions. Very few stories include quotes that allude to human rights values, such as “dignity and respect,”<sup>33</sup> and “they’re still human beings.”<sup>34</sup> The “constitutional right to be free from cruel and unusual treatment” is briefly cited in two of the articles.<sup>35</sup>

### **Juveniles (14)**

The disproportionate impact of “zero tolerance” disciplinary rules on students of color is the subject of six of the randomly selected pieces in the category of “juveniles,” including four blog posts, one news article, and one broadcast interview. Such school policies are blamed for severely penalizing students for minor infractions, up to and including involvement in the criminal justice system. The term “school-to-prison pipeline” or “schoolhouse-to-jailhouse pipeline” is found in a number of opinion pieces and blog posts.

Texas Applesseed’s Deborah Fowler, a guest on Melissa Harris-Perry’s show, describes the lawsuit her organization is participating in that challenges Dallas County’s policy of prosecuting students for truancy.<sup>36</sup> Sherrilyn Ifill of the NAACP Legal Defense and Educational Fund, in an article published by *Politico.com*, charges the nation’s schools with misuse of law enforcement resources and stark racial disparities.<sup>37</sup> A *Huffington Post* article describes the agreement reached between parent–student activist group Padres y Jovenes Unidos and the city of Denver that puts limits on police in public schools, with the aim of reducing the number of students moving between area schools and the juvenile justice system.<sup>38</sup> The sole news report in this batch reports on the Texas senate’s approval of a bill that would “limit the practice of issuing tickets for minor classroom offenses” and would “replace misdemeanor citations with counseling referrals and punishments such as community service performed on the school grounds.”<sup>39</sup>

The reasons given for reforming zero tolerance policies and practices in the schools include saving taxpayer money, preventing young people from being “saddled with the long-term consequences” of an arrest,<sup>40</sup> and ensuring that students get the counseling and other services they need. Alternatives to zero tolerance are cited in several articles. One advocate urges school districts:

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31 Nora Demleitner, “Locking Mental-Health Patients Away in Prisons: Is There a Way Forward?” *Huffington Post*, February 21, 2013.

32 Mike Ward, “Supporters Seek Agency to Monitor Prison Life,” *Austin American-Statesman*, March 14, 2013.

33 Carol Evans, “Son’s mental illness led to life term in prison,” *The Indianapolis Star*, January 8, 2013

34 Kevin Rector, “Killings persist in Maryland prisons; Families want answers, protection for inmates,” *The Baltimore Sun*, April 14, 2013.

35 Allan Turner, “Courts; Prison system sued after 4 inmates die of heat problems Law sets maximum temp at 85 degrees,” *The Houston Chronicle*, June 14, 2013; Jennifer Medina, “California Sheds Prisoners but Grapples With Courts,” *The New York Times*, January 22, 2013.

36 MSNBC, Melissa Harris-Perry, June 15, 2013.

37 Sherrilyn Ifill, “Stop Turning Kids into Criminals,” *Politico.com*, March 12, 2013.

38 Janell Ross, “As School-To-Prison Pipeline Continues to Swallow Students, Denver Works to Stem Flow,” *Huffington Post*, February 21, 2013.

39 Michael Brick, “Senate Approves Bill to Limit Ticketing Youth,” Associated Press, April 5, 2013.

40 Michael Brick, “Senate Approves Bill to Limit Ticketing Youth,” Associated Press, April 5, 2013.



to look to proven alternatives that promote a positive school climate and reduce the alienation and criminalization of youth—such as hiring school psychologists, counselors and social workers, as well as using graduated systems of discipline that do not needlessly slap children with criminal records ... increasing police presence threatens to hurt the very children we are trying to protect.<sup>41</sup>

Another cites a county program that provides family assistance, tutoring, and mentoring to at-risk children resulting in “new life experiences, better grades and healthy friendships with their mentors.”<sup>42</sup>

The other pieces in this group focus on the sentencing and detention of young people and cover much the same territory as the articles about adult prison conditions—sexual assaults, solitary confinement, and the treatment of people with mental health concerns. The circumstances of juveniles in adult facilities were the subject of a hard-hitting investigative report by Ted Koppel for NBC News. Anchor Brian Williams introduces the segment:

*We’re back with a report tonight on the subject most folks just don’t want to walk around thinking about every day. It’s about solitary confinement as a form of punishment. And in this case it’s where juvenile offenders are held while being told it’s for their own protection. It’s what can happen when juveniles are sent to serve time with adults. There are roughly one hundred thousand young people locked away in prisons and jails with a mostly adult population.*

What follows is an on-camera interview with Kevin Demott, a Michigan juvenile with a bipolar diagnosis whom prison officials held in solitary confinement, hog-tied, and otherwise mistreated. Also interviewed by Koppel are Ian Kysel, author of a report for the American Civil Liberties Union and Human Rights Watch, and Bryan Stevenson of the Equal Justice Initiative. Koppel’s concluding words are, “[The treatment of those with mental health issues in prison is a national disgrace.”<sup>43</sup> A few days later, *The Huffington Post* carried an opinion piece by the Rev. Richard L. Killmer, executive director of the National Religious Campaign Against Torture, referencing the Koppel report and promoting bills in Florida, California, Montana, and Texas to limit or eliminate juvenile solitary confinement.<sup>44</sup>

Alternatives to incarceration for juveniles are the subject of a couple of regional newspaper reports. *The Atlanta Journal-Constitution* reported on Governor Deal’s signing of House Bill 242, under which Georgia will lock up fewer juvenile offenders, send those accused of less serious crimes to community-based programs, and “seek to address the root causes of minor offenses.”<sup>45</sup> *The Indianapolis Star* features Indiana’s Youth Assistance Program, an alternative to the incarceration program, which “includes counseling, tutoring and mentoring in an effort to put children on the right track.”<sup>46</sup> And an upbeat CNN segment features “this week’s CNN hero,” a former juvenile corrections officer who started a café run by “at-risk kids.” “I am Teresa Goines,” she says on-camera. “I started the old school café, a supper club run by at-risk youth that gives them the skills and the opportunity to change their lives.”<sup>47</sup>

### **Racial bias/racial disparities (7)**

Racial bias in the criminal justice system is addressed head-on in seven pieces in our sample, including a column that appeared in the *Richmond Times Dispatch* describing a gathering sponsored by the Virginia

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41 Sherrilyn Ifill, “Stop Turning Kids into Criminals,” *Politico.com*, March 12, 2013.

42 Karisa Reichard, “Fending Off Trouble at Early Age,” *Indianapolis Star*, February 21, 2013.

43 NBC News, *Rock Center with Brian Williams*, March 22, 2013.

44 Richard Killmer, “Putting Kids in Solitary Confinement: A Cruel and Unwise Decision,” *Huffington Post*, March 25, 2013.

45 Rhonda Cook, “Juvenile Justice: State to Jail Few Young Offenders,” *Atlanta Journal-Constitution*, May 3, 2013.

46 Karisa Reichard, “Fending Off Trouble at Early Age,” *Indianapolis Star*, February 21, 2013.

47 CNN Newsroom, May 18, 2013.

Alliance Against Mass Incarceration “to discuss mass incarceration, the war on drugs and their effect on the black community.” The columnist noted the influence of Michelle Alexander’s book, *The New Jim Crow* (2012), and writes that “the toll of drug offense-fueled incarcerations on the black community has even conservative churchgoers exploring all options.”<sup>48</sup>

Melissa Harris-Perry and Chris Hayes of MSNBC both featured a report released by the ACLU showing severe racial disparities in marijuana possession arrests throughout the United States. Chris Hayes observed, “Even though white people and black people are possessing marijuana at a similar rate, one group gets busted a whole lot more than the other.” His guest, Kevin Powell of BK Nation, talks about the “War on Drugs” and the policy of “stop and frisk”<sup>49</sup> as “twin evils” that are “an effort to criminalize an entire community, specifically the black community.”<sup>50</sup> Melissa Harris-Perry cited some of the report’s findings and observed, “In exchange for your money, here’s what you get from drug policy: a complete failure to decrease the availability or use of marijuana and hundreds of people disproportionately African-American whose lives are often irrevocably changed by entering the criminal justice system.”<sup>51</sup>

The third broadcast segment is from National Public Radio in which Michel Martin of “Tell Me More” interviews two experts about a new study from the University of Wisconsin showing that the incarceration rate for African-American men was 12.8 percent, the highest in the country. In response to her question, “Why are so many black men behind bars in Wisconsin?” her guests Marc Mauer, executive director of The Sentencing Project, and Lena Taylor, Wisconsin senator, attribute the situation to the War on Drugs and the fact that “drug law enforcement has been very concentrated in disadvantaged communities.”<sup>52</sup> (The term “racial profiling” was not used by the host or the guests.)

### **Paradigm change (5)**

As noted above, most of the pieces about reducing the nation’s prison population reported or advocated incremental changes, or what some may describe as tinkering around the edges of the criminal justice system. These incremental changes would include increasing the number of drug courts and creating alternatives to incarceration for nonviolent drug offenders and shortening prison sentences for parole violations. There were, however, five pieces that presented a deeper analysis and advocated more far-reaching changes to the current system. Three items are blog posts, and two are broadcast segments. One blogger reported on the April 2013 letter sent to President Obama by more than 100 “prominent public leaders, entertainers and civil rights icons” urging him to support “extensive criminal justice reform.” The author writes, “The focus needs to shift towards a more preventive and restorative intervention approach to dealing with the challenges of violence and crime” and urges the president to “leave a legacy by transforming our criminal justice system to an intervention and rehabilitation based model.”<sup>53</sup> In a radio interview, Jeffrey Beard, the beleaguered secretary of corrections and rehabilitation for California, pointed out that 70 percent of people who go to prison have substance abuse problems and 20 percent have mental health problems. He argued for dealing with the “root causes” by investing in a range of

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48 Michael Paul Williams, “Waging a War against Mass Incarceration,” *Richmond Times Dispatch*, March 19, 2013.

49 “Stop and frisk” refers to a police practice, the limited use of which was held to be constitutional by the U.S. Supreme Court in the case of *Terry v. Ohio* (1968). Under the rule laid out in *Terry*, a police officer may forcibly stop someone if he or she has reasonable suspicion of criminal activity. A police officer may pat down or frisk someone only if he or she has reasonable suspicion that the person is armed and dangerous. On August 12, 2013, in *Floyd v. City of New York*, a federal judge ruled that the New York City Police Department’s stop-and-frisk practices were unconstitutional.

50 MSNBC, *All in With Chris Hayes*, June 4, 2013.

51 MSNBC, *Melissa Harris-Perry*, June 9, 2013.

52 National Public Radio, “Tell Me More,” April 25, 2013.

53 Matthew Albrecht, “Prominent Public Leaders and Entertainers Write Pres. Obama Urging Criminal Justice Reform,” *Huffington Post*, April 17, 2013.

community-based services so that “fewer of them would end up interfacing with the criminal justice system in the first place.”<sup>54</sup>

Melissa Harris-Perry presided over a round-table discussion about the steep increase in criminalization and penalties for unlawful drugs. Her guests included filmmaker Eugene Jarecki (“The House I Live In”); Kathleen Frydl, author of *The Drug Wars in America, 1940–1973*; defense attorney William Murphy; and Matt Welch, editor-in-chief of *Reason Magazine*, all of whom agree that not only must the “War on Drugs” end, but that drug prohibition should end as well. This is a wide-ranging discussion (14,000 words) that critiques President Obama’s failure to make real change in drug policy and covers issues of racial and class bias in drug law enforcement, the economic interests invested in continuing prohibition, the collateral consequences of a drug arrest and conviction, and the lack of courage of policymakers given the public’s increasing receptivity to real reform.<sup>55</sup>

### **Death Penalty (4)**

Our search terms generated four pieces about capital punishment, including two broadcast segments, both on MSNBC, triggered by the state of Maryland’s abolition of the death penalty.<sup>56</sup> An Associated Press article focused on the repeal of North Carolina’s Racial Justice Act by the state’s new Republican leadership.<sup>57</sup> The issues of cost, racial bias, and the possibility of innocent people being executed are addressed in all of these pieces. MSNBC anchor Chris Hayes used a clip of Maryland Governor O’Malley’s statement about why he supports abolition to begin a discussion about the pros and cons of using fiscal arguments to win death penalty and other criminal justice reforms:

Gov. Martin O’Malley: The death penalty is expensive and it does not work and we should stop using it.

Hayes: Prosecuting a death row case in Maryland costs about three times as much as prosecuting a charge that carries a sentence of life without parole. From criminal justice reforms to reining in the military industrial complex the rhetoric of fiscal prudence offers those on the left a potent means of achieving tactical victories. But by enforcing the underlying logic that we are, as a country, broke, does it produce strategic costs?

Hayes’ question leads to an interesting conversation between Bryan Stevenson, executive director of the Equal Justice Initiative, and Roberto Lovato, commentator and founder of Presente.org.

Bryan Stevenson: I think it [using the “politics of austerity”] is necessary, and I don’t think it compromises anything. There are costs to mass incarceration; there are costs to the death penalty. Some of them are moral; some of them are just. Some of them are economic. You want to accumulate all of those costs to persuade people who have largely been indifferent to the unfairness, the arbitrariness, the excesses of the death penalty and mass incarceration.

Roberto Lovato: I think that it’s a progressive movement’s focus on cost and a focus—such a focused way is really dangerous. As far as the kind of visionary movement you need to build to take us out of the massive crisis that we now are going to follow to the abyss. And so when you ask about the death penalty, you’re not asking whether or not the state shouldn’t be killing people. When you are talking about drug use, you are not talking about who are the real criminals in the drug equation. Who is making profit from prisons? Who is making a profit from policing? That’s not even part of our discussion.

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54 Scott Simon, “Dealing With ‘Root Causes’ to Tackle Incarceration Rates,” National Public Radio, March 2, 2013.

55 MSNBC, *Melissa Harris-Perry*, May 5, 2013.

56 MSNBC, *Up with Chris Hayes*, March 3, 2013; MSNBC, *Melissa Harris-Perry*, March 25, 2013.

57 Chris Kardish, “NC Racial Justice Repeal Leave Questions in Wake,” Associated Press, June 29, 2013.

Bryan Stevenson: None of the death penalty advocates or criminal justice reform advocates are making just economic arguments. And, in fact, I don't think that the economic arguments would be effective today if we hadn't shown over the last 15 years that we are putting a lot of innocent people on death row, that it's unreliable.<sup>58</sup>

### Reentry into the Community (3)

Barriers that prevent formerly incarcerated people from being able to pick up their lives and move on receive minimal coverage. A New Orleans *Times-Picayune* story reports on the Housing Authority of New Orleans' announcement that "it now believes that its criminal background check policy has made it harder for many to productively return to society after they have gone through the criminal justice system ... and accepts that it has a responsibility to give men and women with criminal histories the opportunity to rejoin their families and communities as productive members." The resulting policy change is that such housing applicants will only be barred if "they are determined to pose a public threat."<sup>59</sup> In another story, Melissa Harris-Perry interviews three advocates about the "ban the box" campaign, which promotes state and local laws preventing employers from considering a job applicant's criminal record before he or she is selected for an interview or given a conditional offer of employment.<sup>60</sup>

### Indigent Defense (3)

The 50th anniversary of *Gideon v. Wainwright*, the U.S. Supreme Court case that ruled that every accused person must be afforded an attorney regardless of his or her ability to pay, was the occasion for two pieces about the state of indigent defense. These articles describe the caseload crises faced by public defender systems, one in Missouri and the other in New Orleans.<sup>61</sup> A blog entry by Jonathan Rapping, founder of Gideon's Promise, bemoans the "system of second class justice for the poor." Rapping writes:

Eighty percent of people accused of crimes in the country rely on public defenders. They fight daily to uphold our nation's most cherished values. Yet, while the federal government invests roughly a half a billion dollars a year to support overall criminal justice efforts at the state and local levels, most of that money goes to policing, prosecuting and incarceration, and less than one percent supports the defense function necessary to ensure a fair system.<sup>62</sup>

### Engagement of conservatives (3)

The relatively recent arrival of leading conservatives as part of the effort to reduce the prison population was the subject of one news article and two opinion pieces in our sample. The involvement of the conservative Texas Public Policy Foundation is featured in an article about the possibility of "significant criminal justice reform" in Texas. Entitled "Prison reform gains momentum," the piece reports that the Foundation's "smarter-on-crime agenda" includes "expanding a variety of community-based corrections programs with state funds, changing state laws to rehabilitate low-level drug offenders in programs rather than in expensive state prisons, and even easing laws that limit ex-convicts' employment."<sup>63</sup>

Opinion pieces by two well-known conservatives appeared in *The New York Times* and the *Washington Post* in June 2013. In his op-ed, "A Conservative Case for Prison Reform," commentator Richard Viguerie

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58 MSNBC, *Up with Chris Hayes*, March 3, 2013.

59 Richard A. Webster, "HANO Proposes Policy Change; Plan Would Loosen Residency Rules," *Times-Picayune*, January 16, 2013.

60 MSNBC, "Melissa Harris-Perry," May 12, 2013.

61 Tony Rizzo, "Missouri Public Defender System Struggles under Huge Caseloads," *Kansas City Star*, March 7, 2013; Ramon Antonio Vargas, "Cases Overwhelm Public Defenders," *Times-Picayune*, June 14, 2013.

62 Jonathan Rapping, "A Promise Worth Keeping: Restoring Fairness to America's Justice System," *Huffington Post*, March 18, 2013.

63 Mike Ward, "Prison Reform Gains Momentum," *Austin American-Statesman*, January 23, 2014.

announced that the Right on Crime campaign is growing and “exemplifies the big-picture conservative approach on this issue.”

*It focuses on community-based programs rather than excessive mandatory minimum sentencing policies and prison expansion. Using free-market and Christian principles, conservatives have an opportunity to put their beliefs into practice as an alternative to government-knows-best programs that are failing prisoners and the society into which they are released.*<sup>64</sup>

*Washington Post* Conservative columnist Michael Gerson notes that “serious criticisms of mass incarceration have emerged on the right” and approvingly cites an essay by Eli Lehrer in *National Affairs* arguing that incarceration can be rolled back without compromising public safety. Gerson concludes with this observation:

*Crime is among those rare issues that, over time, have cooled as a culture-war conflict. And one of the main reasons is the emergence of an odd ideological coalition that favors reform. It includes liberals concerned about the racial implications of current policy; libertarians offended by vast, routine imprisonment; and evangelicals who have adopted the humanitarian cause of prisoners.*<sup>65</sup>

## **Policing (2)**

Only two pieces in our sample focus on the front end of the criminal justice system—policing—and both are highly critical of the police. One is an op-ed by Ohio State University Law School professor Michelle Alexander in which she contends that “lying under oath” is endemic in police forces throughout the country. She cites a number of examples of “patterns of deceit” including the tendency of police departments to boost their arrest numbers through quotas and stop-and-frisk practices in order to qualify for federal funding through the Edward Byrne Memorial Justice Assistance Grant Program.<sup>66</sup> The other piece is a brief exposé on CNN about the massive police failure to analyze rape kits, leading to a nationwide failure to prosecute alleged rapists. One of the guests, attorney and author Lisa Bloom, argues:

Our priorities are all out of whack in the criminal justice system. We have hundreds of thousands of people currently incarcerated for minor drug crimes, like possession of marijuana. And we don’t fund the labs to process the rape kits? Are you kidding me?<sup>67</sup>

## **Miscellaneous (5)**

The remaining stories in our sample include a number of pieces about the suicide of Aaron Swartz, the young Reddit co-founder who was criminally charged with hacking into the Massachusetts Institute of Technology’s computer network and stealing academic papers. Swartz’s girlfriend was quoted as saying:

I believe that Aaron’s death was caused by a criminal justice system that prioritizes power over mercy, vengeance over justice; a system that punishes innocent people for trying to prove their innocence instead of accepting plea deals that mark them as criminal in perpetuity; a system where incentives and power structures align for prosecutors to destroy the life of an innovator like Aaron in the pursuit of their own ambitions.<sup>68</sup>

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64 Richard A. Viguerie, “A Conservative Case for Prison Reform,” *New York Times*, June 10, 2013.

65 Michael Gerson, “The Crime of Too Many Prisoners,” *Washington Post*, June 28, 2013.

66 Michelle Alexander, “Why Police Lie Under Oath,” *New York Times*, February 3, 2013.

67 CNN Newsroom, “400,000 Rape Kits Unopened, Untested Across the U.S.,” May 29, 2013.

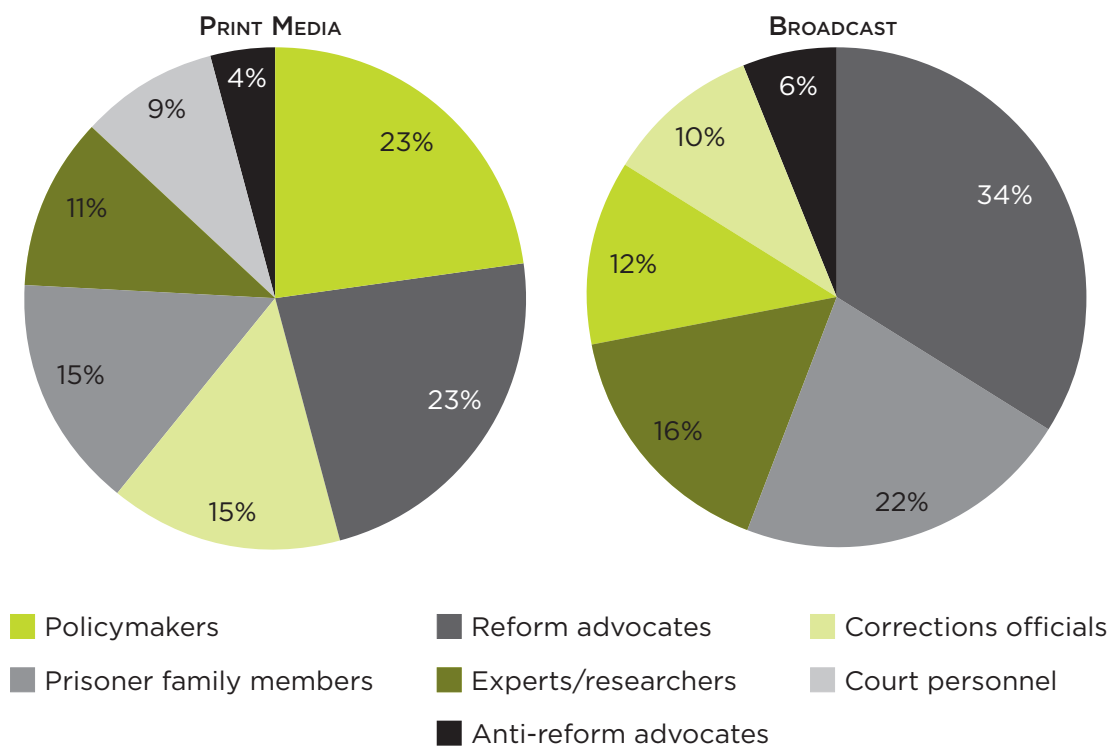
68 Lorenzo Franceschi Bicchierai, “Aaron Swartz’s Girlfriend Explains ‘Why Aaron Died,’” *Mashable.com*, February 5, 2013;

Also included is the only piece in the sample that discusses immigration detention in the context of criminal justice reform. Advocate Michelle Brane of the Women’s Refugee Commission used the sequestration threat as a hook to call for an end to the detention of thousands of immigrants “who are not a public safety risk and who could be managed more efficiently and humanely through alternatives that are much cheaper.”<sup>69</sup>

## Spokespeople

The voices that appear in the news media—sources quoted in news stories, commentators, and guests on broadcast news shows—play a significant role in framing and positioning a story. They also provide insight into the angles that journalists choose to highlight. What these spokespeople say and whom or what they represent add a certain perspective to a story, which can affect public perception and public opinion about an issue. To that end, we analyze the types of spokespeople who are most frequently called upon to “tell their story” in coverage about criminal justice reform. We analyzed print and broadcast media separately (Figures 2 and 3).

FIGURES 2 & 3. PRINT & BROADCAST MEDIA



Pro-reform advocates are represented in both broadcast and print and are especially prominent in broadcast media, where they occupy more than one-third of the total. Reform advocates quoted in news stories represent both national and statewide organizations, and for the most part they are quoted briefly and in response to specific incremental reform proposals. The majority of broadcasts in our sample are from MSNBC’s liberal news shows. The guests on those programs were overwhelmingly pro-reform, and in some instances they are able to explore issues more deeply. The great majority of advocates represent

<sup>69</sup> “Aaron Swartz’s Girlfriend Has a Damning Theory About the Young Reddit Co-Founder’s Suicide,” *Business Insider*, February 5, 2013.  
Michelle Brane, “Congress and DHS Can Learn from the Sequestration Threat: The Time for Alternatives to Detention Is Now,” *Huffington Post*, March 1, 2013.

social justice organizations such as the American Civil Liberties Union, Families Against Mandatory Minimums, the Texas Criminal Justice Coalition, and the Georgia Justice Project. A few quotes and opinion pieces from conservatives point out that “serious criticisms of mass incarceration have emerged on the right.”<sup>70</sup>

*The state refuses to engage with the fundamental problem, which is that we incarcerate far too many people for far too long. What has gotten us into this mess in the first place is the constant ratcheting up of sentencing laws.* —Allen Hopper, ACLU of Northern California, in *The New York Times*<sup>71</sup>

*What we have is really a national crisis. What once you got sent to the principal’s office for can now get you hauled off to jail. And for some kids, that’s the entry point, their chances of getting involved with the criminal justice system just skyrocket once that first arrest has been made.* —Judith Browne Dianis, Co-Director, The Advancement Project, in *The Huffington Post*<sup>72</sup>

*What we see now is absolutely not effectively dealing with truancy problems in Dallas County, nor is it good for the youth that are getting swept into the system. They’re being routinely threatened with jail even when they’re too young to be sent to jail. They’re being arrested at school. And they’re being arrested in court. ... What we see in Dallas ... is that while African American students represent only 24 percent of the student body, they represent 40 percent of the cases that were sent to court for truancy last fiscal year.* —Deborah Fowler, deputy director of Texas Appleseed, on the Melissa Harris-Perry Show, MSNBC<sup>73</sup>

Anti-reform advocates are a tiny minority of spokespeople in our sample. With the exception of a handful of district attorneys expressing opposition to specific state legislation, an anti-reform message is hard to come by in this analysis.

*“Even so, much of the California’s law enforcement community opposes the legislation [to give prosecutors and judges more flexibility in how to charge people arrested for non-violent drug crimes]. Undoubtedly, drugs such as heroin and cocaine are highly addictive. Most would concede that drug addiction destroys lives and families, and are damaging to society,” wrote the California District Attorneys Association in its official argument against the bill.* —*The Huffington Post*<sup>74</sup>

*Clackamas County District Attorney John Foote said he strongly opposes the proposal, especially the changes it makes to property crime sentences [relaxation of sentences for certain property and drug crimes]. Foote said the proposed bill would keep career property criminals out of prison. “That, we believe, is an enormous mistake,” Foote said, speaking on behalf of the Oregon District Attorneys Association.* —Associated Press<sup>75</sup>

Virtually all of the policymaker spokespeople are elected officials at the state level who support specific reform measures, and in the print media they tied with reform advocates in terms of the frequency with which they were quoted. Among these voices, Democrats significantly outnumber Republicans.

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70 Michael Gerson, “Mass Incarceration’s Tragic Success,” *Washington Post*, June 27, 2013.

71 Jennifer Medina, “California Sheds Prisoners but Grapples with Court,” *The New York Times*, January 21, 2013.

72 Janell Ross, “As School to Prison Pipeline Continues to Swallow Students, Denver Works to Stem Flow,” *The Huffington Post*, February 20, 2013.

73 The “Melissa Harris-Perry Show,” MSNBC, June 15, 2013.

74 Aaron Sankin, “California Drug Sentencing Reform Could Keep Non-Violent Offenders Out of Prison System,” *Huffington Post*, May 2, 2013.

75 Lauren Gambino, “Oregon lawmakers seek backing for sentencing bill,” Associated Press, May 31, 2013.

*It doesn't make a whole lot of sense to lock up people when they were young and turn them loose 15 years later and expect them to be successful. ... We will do better in trying to provide educational and skill opportunities for those individuals while they are incarcerated.* —Governor Nathan Deal (R-Ga.) in *The Atlanta Journal-Constitution*<sup>76</sup>

*We've got to quit, once and for all, running these facilities [prisons] just because they're there for economic development purposes. We need to use taxpayers' money to fight crime, on the public safety priorities of this state, rather than just on bricks and mortar that in some cases we don't need.* —Sen. John Whitmire, (D-Houston), chairman of the Senate Criminal Justice Committee, in the *Austin American-Statesman*<sup>77</sup>

*Incarceration is costly. It can be done better. What we have to always do, as Americans and as leaders, is what can we do better? How can we look at the issue and figure out how we can change it? We don't need to incarcerate everyone. There are some individuals we do need to incarcerate, but nonviolent offenders, there may be another way, and we know what it is. And we see those best practices in places like Texas and Kansas and other places that have used the Justice Reinvestment Initiative to work.* —Sen. Lena Taylor (D-Milwaukee) on “Tell Me More,” NPR News<sup>78</sup>

State corrections officials are quoted on occasion, usually defending their institutions. There are, however, several instances of corrections officials describing severe problems with overcrowding and lack of mental health services, and in a few examples, these voices call for prison reform.

*What you have to do is look at who's going to the prison system in the first place, and about 70 percent of the people who go into prisons have a substance abuse problem. So instead of sending those people with substance abuse problems into the prison system, if we instead did a better job of providing substance abuse treatment to them in the communities, fewer of them would end of interfacing with the criminal justice system in the first place.* —Jeffrey Beard, California Secretary of Corrections on “Weekend Edition,” NPR<sup>79</sup>

*In a prison system, we don't get to pick and choose who comes in the front door. We have a one hundred percent admittance rate. So if the judge sends you, we take you. We don't get to say we're full or sorry, this person is too ill, this person is mentally ill, they can't come in. We're not handling it [mentally ill juveniles] correctly. There definitely is a better way to do what we're doing, because what we're doing is not working.* —Pat Caruso, former director of prisons in Michigan, in *The New York Times*<sup>80</sup>

Members of families of incarcerated individuals are sometimes quoted, especially in print articles and broadcast segments, about terrible conditions in prisons and juvenile detention facilities. Most are bereaved mothers of inmates who have committed suicide or who have been murdered by other inmates.

*I've lost everything to try to save my son's life. I don't have a dime left.* —Mother of prisoner in a Texas prison who testified that she sent more than \$100,000 to guards to keep her son from being killed<sup>81</sup>

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76 Greg Bluestein and Bill Rankin, “Georgia to focus on inmate rehabilitation.” *Atlanta Journal-Constitution*, April 26, 2013.  
77 Mike Ward, “Senators to state corrections officials: Tighten your belts.” *Austin American-Statesman*, February 7, 2013.  
78 “Tell Me More.” NPR News, April 26, 2013.  
79 NPR. “Dealing With ‘Root Causes’ To Tackle Incarceration Rates.” *Weekend Edition*, March 2, 2013.  
80 “Rock Center,” NBC News, March 22, 2013.  
81 Matthew Prosser, “New prison monitoring agency gains support.” *Henderson Daily News*, March 14, 2013.



*This is ridiculous. People make mistakes in life, they go to prison for their mistakes, but they're still human beings, they're somebody's kid, they're somebody's brother, they're somebody's father.* —Mother of man who was murdered in Maryland prison, in *The Baltimore Sun*<sup>82</sup>

*I chuckle when I hear the words "intensive supervision." They didn't protect him, and he couldn't protect himself.* —Mother of mentally ill inmate who committed suicide in Texas prison, in the *Austin American-Statesman*<sup>83</sup>

Voices missing from the coverage include federal policymakers, people currently involved in the criminal justice system, formerly incarcerated people, and faith leaders.

## Dominant Mainstream Narrative

What “story” is the mainstream media telling about criminal justice reform in America? Our analysis shows that the media are communicating several themes that, when taken together, convey the idea that the criminal justice system is dysfunctional and needs to be changed:

- ▶ There is widespread agreement among policymakers, editorial boards, and reform advocates that too many people occupy our nation’s prison system. State corrections budgets are unacceptably high, and state policymakers are responding by enacting new laws intended to reduce their prison populations.
- ▶ Overcrowding has led to inhumane prison conditions resulting in violence, suicide, and an increase in the use of administrative segregation (solitary confinement). Many prisoners have mental health issues that are not being addressed.
- ▶ “Zero tolerance” school disciplinary policies have led to a disproportionate number of young people of color entering the juvenile justice system. Incarcerated youth are subjected to many of the same conditions as their adult counterparts: overcrowding, violence, and overuse of solitary confinement. Some states are increasing the use of community-based programs as alternatives to incarceration.

Although the mainstream media narrative is moving in a positive direction, it needs to be deepened if we are to bring about a shift in the public discourse about crime and criminal justice. The story being told is incomplete and fails to connect the dots for the reading and viewing public. The causes of the prison population explosion are unexplored, as are the links between race, poverty, and crime. The impact of policing policies and practices on driving up the incarceration rate is not receiving the media’s attention. Finally, a clear, value-based argument for more fundamental reform is missing.

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82 Kevin Rector, “Killings in Md. prisons defy efforts to improve security.” *Baltimore Sun*, April 13, 2013.

83 Eric Dexheimer, “High Rate of Suicide in Prison Isolation,” *Austin American-Statesman*, May 26, 2013.



# Media Coverage of Racial Justice Issues

## Executive Summary

We analyzed the content of 50 mainstream print news outlets, five broadcast outlets, and six news blogs. Our time frame was January 20–July 20, 2013. These are our major findings.

- ▶ Stories about racial profiling fall into four categories. Two-thirds of the stories in our time frame fall into two categories: the trial and acquittal of George Zimmerman for the death of Trayvon Martin and the stop-and-frisk controversy in New York City. The other two categories we established were local laws and policing issues around the country and racial profiling in the context of immigration enforcement.
- ▶ In our sample, we found no articles or broadcasts that covered the intersection of gender, sexuality, and racial profiling.
- ▶ Coverage of the two leading stories—the Zimmerman trial and acquittal and stop and frisk—emphasized disputes over whether racial profiling was involved. Denials by prosecutors and defense attorneys in the Zimmerman trial, and the New York City mayor and police officials, resulted in the racial framing of both stories.
- ▶ Media coverage highlights the controversy over what *actually constitutes* racial profiling. In their conversations with the media and in other public remarks, police and other defenders of stop-and-frisk tactics put forward a narrow definition based on individual racial animus, whereas racial justice advocates and citizens of color define racial profiling more broadly and link it to structural, institutional racism. Police spokespeople, elected officials, and others try to distance themselves from anything labeled as racial profiling.
- ▶ Long-form television and radio interviews provided advocates and experts with an opportunity to explain the complexities of subconscious and institutional racial bias. The discourse as reflected in the mainstream media has moved beyond the notion that racial profiling is a problem of individual racism and into the beginnings of a discussion about structural racism and subconscious bias.
- ▶ The dominant media narrative is characterized by both broad agreement that racial profiling is inconsistent with American values and American law and controversy over what actions constitute racial profiling.

# Introduction

The practice of labeling and targeting a person based on their race or ethnic characteristics existed in the United States prior to slavery, but the term “racial profiling” entered American public awareness in the late 1980s when disproportionate traffic stops of African-American motorists, first on the New Jersey Turnpike and then on major highways throughout the country, began to receive media attention. This type of racial profiling, known as “driving while black” (or DWB, in colloquial speech), resulted in a series of lawsuits based on hard data and major public education and advocacy campaigns by the American Civil Liberties Union, the NAACP, and other civil rights organizations and led to substantial media coverage, heightened public awareness, and the passage of state laws banning the practice.<sup>1</sup> In the years since the coinage of the term, it has been applied to a range of policies and practices including the post-9/11 targeting of Muslims, Arabs, and South Asians for suspicion of terrorism; the targeting of Latinos for immigration enforcement; and the targeting of young male African Americans for stops and searches by the police.

As the following graph indicates, mentions of racial profiling in the mainstream media spiked dramatically in 1999–2000 and reached a peak in 2001–2002. Since then, the number of mentions has diminished, yet the issue has continued to receive significant coverage. The spike in 2010–2011 coincides with the enactment of Arizona’s anti-immigrant enforcement law when the danger and inevitability of anti-Latino profiling became a major national issue. After receding in 2011–2012, the number of mentions of racial profiling headed toward another peak in 2012–2013 because of two major stories: the trial and acquittal of George Zimmerman for the killing of Trayvon Martin and the stop-and-frisk controversy in New York City.

This analysis looks at the coverage of racial profiling in major U.S. newspapers, broadcast news shows, and popular news blogs during the first seven months of 2013. Because of the George Zimmerman trial and acquittal, the debate over “stop and frisk,” and concerns about racial and ethnic profiling in the immigration context, this was a rich period in which to explore the public discourse on a problem first identified more than 20 years ago with the notion of “driving while black.” Significantly, the discourse as reflected in the mainstream media has moved beyond the notion that racial profiling is a problem of individual racism and into the beginnings of a discussion about structural racism and subconscious bias. Judge Shira Scheindlin—the presiding federal judge in the challenge to New York City’s stop-and-frisk policy—called this “indirect racial profiling.”<sup>2</sup> Through intensive media coverage, the voices of ordinary African Americans have added a vital emotional component to the charge that the nation’s criminal justice system is far from just or equal. The challenge for advocates is how to extend this teachable moment and raise public awareness about the prevalence of racial profiling and the corrosive role it plays in American society.

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1 For information about state laws prohibiting racial profiling, go to Northeastern University’s Racial Profiling Data Collection Research Center, <http://www.racialprofilinganalysis.neu.edu/legislation/>.

2 *Floyd v. City of New York*, Opinion and Order issued on August 12, 2013, at p. 181.

# Methodology

This media analysis is based on an examination of the content of 50 mainstream print news outlets, five broadcast outlets, and six news aggregators/blogs, from January 20 through July 20, 2013. We entered the search terms “racial” AND “profiling” into the Nexis service database. From an overall pool of 1,049 articles, transcripts, and blog entries, a final sample of 86 pieces was selected by applying a random sequence generator to ensure the sample was representative of all pieces picked up by the scan.

## Newspapers

The Arizona Republic (Phoenix)	The Kansas City Star (Mo.)
Arkansas Democrat-Gazette (Little Rock)	Los Angeles Times (Calif.)
The Atlanta Journal-Constitution (Ga.)	Miami Herald (Fla.)
The Baltimore Sun (Md.)	The Milwaukee Journal Sentinel (Wis.)
The Boston Globe (Mass.)	The New York Post (N.Y.)
The Boston Herald (Mass.)	The New York Times (N.Y.)
The Buffalo News (N.Y.)	The Orange County Register (Calif.)
The Charlotte Observer (N.C.)	The Oregonian (Portland)
Chicago Sun-Times (Ill.)	The Philadelphia Daily News (Pa.)
Chicago Tribune (Ill.)	The Philadelphia Inquirer (Pa.)
The Christian Science Monitor (national)	The Plain Dealer (Cleveland, Ohio)
The Cincinnati Enquirer (Ohio)	Pittsburgh Post-Gazette (Pa.)
The Columbus Dispatch (Ohio)	Sacramento Bee (Calif.)
The Courier-Journal (Louisville, Ky.)	San Antonio Express-News (Texas)
Daily News (N.Y.)	San Diego Union-Tribune (Calif.)
The Daily News Journal (Murfreesboro, Tenn.)	St. Louis Post-Dispatch (Mo.)
The Daily Oklahoman (Oklahoma City)	Star Tribune (Minneapolis, Minn.)
The Dallas Morning News (Texas)	Sun-Sentinel (Fort Lauderdale, Fla.)
The Denver Post (Colo.)	The San Francisco Chronicle (Calif.)
Detroit Free Press (Mich.)	The Seattle Times (Wash.)
The Detroit News (Mich.)	Tampa Bay Times (Fla.)
Fort Worth Star-Telegram (Texas)	The Tampa Tribune (Fla.)
The Hartford Courant (Conn.)	Times - Picayune (New Orleans, La.)
The Houston Chronicle (Texas)	The Washington Post (D.C.)
The Indianapolis Star (Ind.)	USA Today (national)

## Broadcast

CBS News	NPR
CNN	PBS News
Fox News	

## Blogs<sup>3</sup>

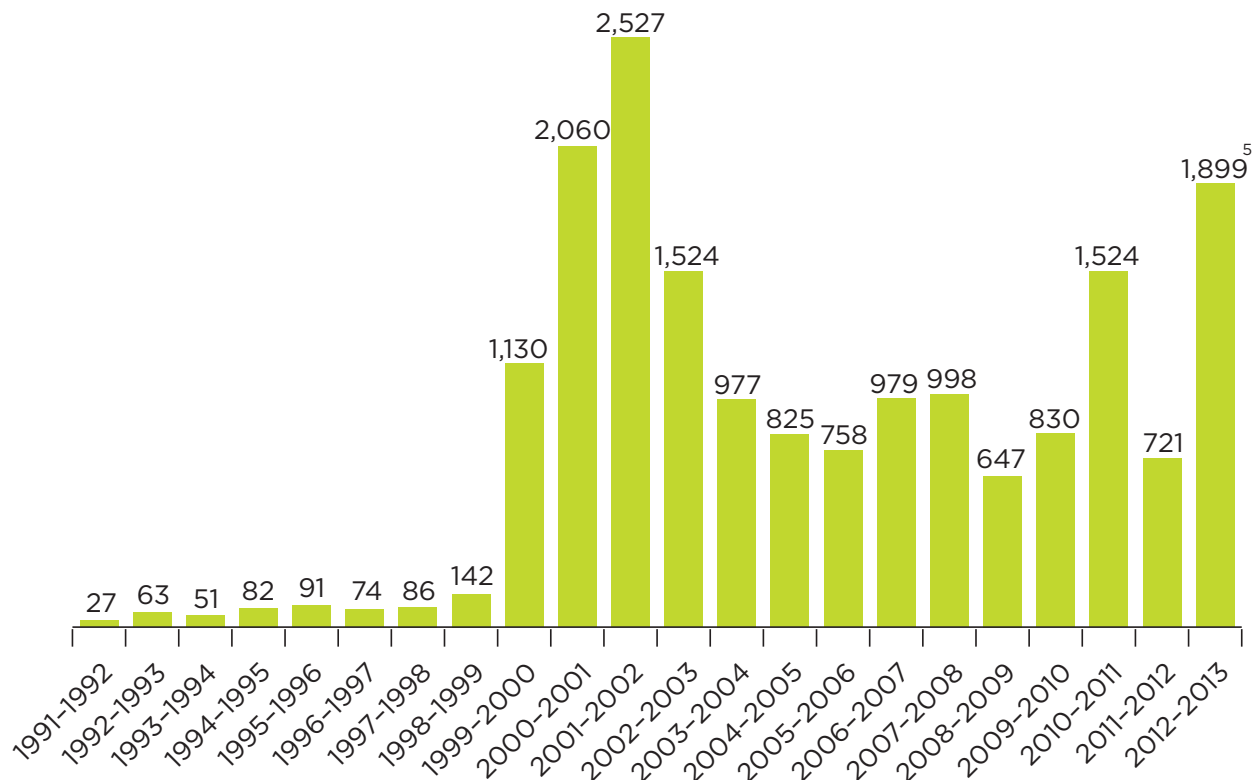
Business Insider	Mashable
Gawker	Mediaite
The Huffington Post	Politico

<sup>3</sup> These news blogs were chosen because they have high Technorati Authority scores. Technorati Authority measures a site’s standing and influence in the blogosphere. <http://technorati.com/what-is-technorati-authority/>.

# Findings

1. Mentions of racial profiling in the mainstream media rose dramatically during the period of our analysis, approaching numbers last seen in the early '00s when the issue was high on the media's radar screen (Figure 1).

FIGURE 1. MENTIONS OF "RACIAL PROFILING" IN MAJOR U.S. NEWSPAPERS<sup>4</sup>



2. Recent media coverage shows that public officials, including law enforcement officials, want to distance themselves from anything perceived as “racial profiling.” In our sample we found numerous statements by policymakers and police representatives rejecting or denying participating in racial profiling. The label “racial profiling” itself is tainted—so much so that the judge in the trial of George Zimmerman for murdering Trayvon Martin banned the term from the courtroom.<sup>6</sup>
3. Two high-profile events during the first six months of 2013 made race and racial profiling a focus of public discussion and debate: the trial and acquittal of George Zimmerman for the death of Trayvon Martin in Sanford, Florida, and the ongoing controversy over the New York Police Department’s stop-and-frisk policy and practices. In both instances key spokespeople—members of Zimmerman’s defense counsel and New York City’s Mayor and Police Commissioner of New

<sup>4</sup> These numbers were obtained from the Nexis database of U.S. newspapers by entering the search term “racial profiling” for each year. Nexis is a comprehensive news database of current and archived sources. See <http://www.lexisnexis.com/en-us/about-us/about-us.page>

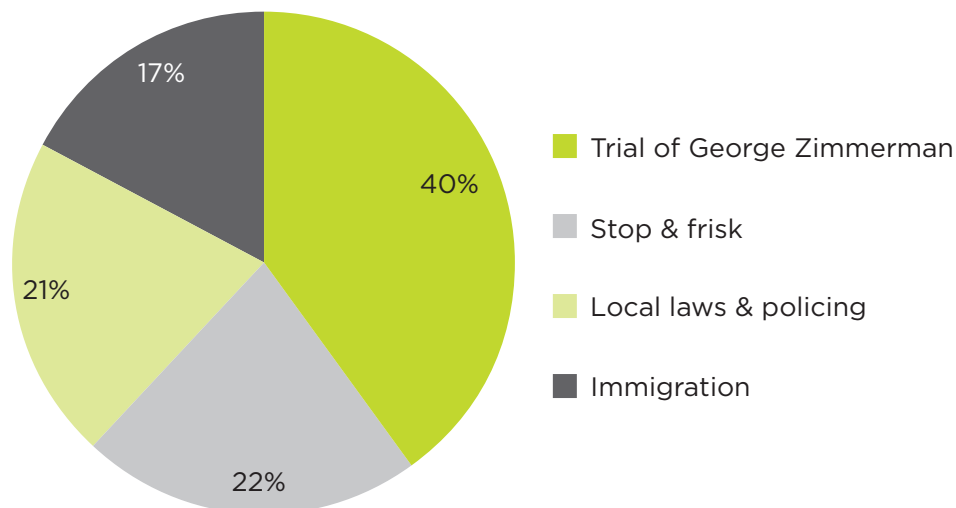
<sup>5</sup> This number spans January 1–September 13, 2013.

<sup>6</sup> See Cara Buckley, “Zimmerman Judge Bars Testimony on 911 Call,” *The New York Times*, June 23, 2013.

York City—repeatedly denied that Zimmerman or members of the New York Police Department were motivated by racial animus. But their very denials reinforced the racial framing of both stories by the mainstream media and led to a teachable moment about race and policing in America.

4. Both the coverage of and the acquittal in the Zimmerman trial and acquittal and the stop-and-frisk controversy reflect an evolving national conversation about what racial profiling is, how it manifests itself, and how it goes beyond instances of individual racism. The Zimmerman trial challenged the media to begin to examine the role of subconscious bias. Coverage of the stop-and-frisk controversy highlighted the role of unintentional, institutional bias in the execution of police policy.
5. These big stories, along with coverage of specific incidents of racial profiling around the country, provided a platform for ordinary people of color to define the problem of racial profiling and express their feelings about it. The person-on-the-street comments by African Americans following the Zimmerman acquittal, for example, provided a lens through which many Americans could begin to understand the psychic and emotional costs of racial profiling. The stories gave African-American and other bloggers and commentators, including members of the advocacy community, an opportunity to deepen the conversation.
6. Law enforcement officials and conservative columnists and pundits emphasized the argument that “black-on-black crime” justifies targeting of young African-American males by law enforcement and that stop-and-frisk policies “save lives.”
7. The media are linking immigration enforcement with racial profiling primarily through quotations from social justice advocates and pro-immigrant policymakers. Charging racial profiling in this context effectively puts the proponents of repressive laws on the defensive.
8. State and local policymakers and advocates were quoted most frequently in the print media. Attorneys and advocates were the most frequent guests in broadcast segments.
9. Of the six news blogs in our sample, *The Huffington Post* published the most on racial profiling.
10. Although articles in the print media did not provide adequate space for advocates to explain the complexities of subconscious and institutional bias, long-form television and radio interviews did, and advocates took advantage of these opportunities to raise public awareness about why and how racial profiling occurs.
11. Our sample suggests that the media is not covering the intersection of gender, sexuality, and racial profiling.
12. The dominant media narrative is characterized by both broad agreement and sharp controversy, conveying the idea that racial profiling is universally rejected as inconsistent with American law and values. However, controversy over what racial profiling is and under what circumstances it occurs are constant themes. Coverage of lawsuits, criminal trials, and protests, along with broadcast debates and strongly worded opinion pieces and blog posts, show that, as is often the case where race is concerned, controversy prevails.

FIGURE 2. STORYLINES



### Trayvon Martin Killing/George Zimmerman trial (34)

Our scan reflects the intense media interest in the trial and acquittal of George Zimmerman for the killing of Trayvon Martin, with numerous news reports, blog entries, and lengthy broadcast segments devoted to the case. The issues of race and racial profiling were front and center in this coverage. “Zimmerman and profiling go on trial,” read one headline in *USA Today*.<sup>7</sup> One CNN reporter described it as the case that “sparked a protest and passionate debate about race and racial profiling,” and numerous others highlighted the “debate” about racial profiling.<sup>8</sup> This framing of the story produced a serious exploration by reporters, bloggers, and especially broadcast commentators into whether, how, and why racial profiling occurs in American society.

On June 21, during pretrial hearings, Judge Debra Nelson upheld the Zimmerman defense team’s request that the term “racial profiling” not be used by the prosecution during the trial. Nelson ruled that the state could use only the word “profiling” and not “racial profiling.”<sup>9</sup> Both the prosecution and the defense not only complied with the ruling, but they also insisted in their public, out-of-court statements that the case was not about race:

*Despite the racially charged nature of the case, race was barely mentioned at the trial. Even after the verdict, prosecutors said the case was not about race. “This case has never been about race or the right to bear arms,” [State Attorney Angela] Corey said.<sup>10</sup>*

7 Yamiche Alcindor, “Zimmerman and profiling go on trial; As racially charged murder trial opens, jury faces murky evidence of what really happened the night Trayvon Martin died,” *USA Today*, June 10, 2013.

8 The Lead with Jake Tapper, CNN, June 10, 2013. See also Joey Flechas, “Prayers, vigils follow Zimmerman verdict,” *The Miami Herald*, July 14, 2013; “When Zimmerman wasn’t immediately charged, the high-profile case galvanized civil-rights activists and prompted a national debate over racial profiling and Florida’s contentious Stand Your Ground law”; Mike Schneider, “Jury Instructions at Center of Verdict,” *Pittsburgh Post-Gazette*, July 15, 2013; “Trayvon Martin, the unarmed black teenager whose death provoked a long national debate over racial profiling and self-defense”; Pete Yost and Eric Tucker, “Civil Rights Case vs. Zimmerman Won’t Be Simple,” July 15, 2013; “Mr. Zimmerman was acquitted Saturday night in a February 2012 shooting that *tapped into a national debate about racial profiling, equal justice and self-defense*” (italics ours), Associated Press.

9 Cara Buckley, “Zimmerman Judge Bars Testimony on 911 Call,” *The New York Times*, June 23, 2013.

10 Mike Schneider and Kyle Hightower, “Zimmerman Cleared in Shooting of Trayvon Martin,” Associated Press, July 13, 2013. See also *Hardball*, MSNBC, July 12, 2013, which showed a video clip of the closing argument by John Guy, Florida district attorney, in which he said, “This case is not about race. It’s about right and wrong. It’s that simple.”



Even the Martin family's lawyers largely adhered to this position. On June 27 Daryl Parks, one of the Martin family's attorneys, was interviewed by Anderson Cooper<sup>11</sup>:

COOPER: You gave a press conference after court today where you said that the Martin family wanted to make it clear that, quote, "race was not a part of this process," but a lot of the prosecution's opening statement was about George Zimmerman profiling Trayvon Martin.

PARKS: Well, Anderson, I think you have to distinguish that when you have a situation where we see that George Zimmerman is talking in the 911 tape and describing what he was seeing in Trayvon Martin and calling him suspicious, we don't believe the focus is really race. Additionally, the charge that he is facing has nothing to do with race.

COOPER: So you don't believe that George Zimmerman felt Trayvon Martin was suspicious because he was African-American?

PARKS: No, I think he saw a person who had a hoodie on, who was walking.

These denials only served to reinforce the racial framing of the story. Was the case about race, or wasn't it? Outside of the courtroom, the answer was clearly affirmative. In fact this disconnect between what was happening in the courtroom during the trial and what was being talked about in the nation's streets, living rooms, and social media sites became a focus of the news coverage. As an AP reporter put it, "A parallel trial seemed to be taking place outside the courtroom, with running debate on cable television and the Internet spurred by coverage of the trial. ... For all the talk of race outside the courtroom, its role inside the trial was more subtext than central theme."<sup>12</sup> In a panel discussion devoted to "how race has affected the Zimmerman trial both in and out of the courtroom," Joy Reid, MSNBC contributor, observed:

REID: I do think that race has been the hidden subtext in the trial all the way along. ... [E]veryone knows, including you have to presume the jurors know, race is an incredibly strong subtext in everything about the case...

SMERCONISH<sup>13</sup>: Joy, as an African-American female, when you hear profiling, are you thinking racial profiling?

REID: Immediately. And as the mother of young black male sons, that is immediately what I think of. And then Mark O'Mara has in very subtle ways introduced sort of the profile of, hey, jurors, wouldn't you be nervous about this person too? That grainy photograph of Trayvon Martin in the 7/Eleven, that's not to show Trayvon Martin's height. That's meant to show him as scary and sinister and somebody that you, madam juror, would also feel nervous about.<sup>14</sup>

The post-acquittal coverage focused heavily on the issue of race as the debate moved from the courtroom into the streets. President Obama's statement at a White House press conference that "Trayvon Martin

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11 Anderson Cooper, 360 Degrees, CNN, June 27, 2013.

12 Manuel Roig-Franzia, "Zimmerman found not guilty in killing of Trayvon Martin," *Washington Post*, July 14, 2013. See also CNN anchor Michaela Pereira's observation: "Both prosecutors and defense attorneys said the murder trial was not about race. Yet thousands of protesters see it differently. ... This is not an easy discussion to have. And I want to talk to you both frankly about the fact that we're seeing quite a disconnect between what we saw in the courtroom and what we're seeing on the streets and what we're hearing in social media. There's an absolute disconnect. Were people watching and experiencing two different things?" *CNN Newsroom*, July 15, 2013.

13 Michael Smerconish, guest host sitting in for Chris Matthews.

14 Hardball, MSNBC, July 12, 2013.

could have been me 35 years ago”<sup>15</sup> and the announcement by the Justice Department that it would review the case to determine if a civil rights prosecution was warranted were widely quoted. Victor Blackwell, who covered the nationwide protests for CNN, said, “Now, prosecutors and the defense team, they say that their cases were not about race. Clearly you see from the signs and from what we heard from protestors across the country, they disagree.”<sup>16</sup> Journalists covering the trial fanned out into Goldsboro, the African-American neighborhood in Sanford, Florida, immediately after the announcement of the acquittal and captured the emotions of ordinary people:

*Rosie Barron, 50, and Andrew Perkins, 55, both black residents of Sanford, stood in the parking lot of the courthouse and wept. “I at least thought he was going to get something, something,” Barron said. Perkins was so upset he was shaking.*<sup>17</sup>

*“We can’t depend on the system to protect our children,” said Francis Oliver of Goldsboro, the black neighborhood of Sanford. “When they found Zimmerman not guilty, they also found profiling of black boys not guilty, stereotyping of young black men not guilty, stand your ground against young black men not guilty. We as mothers are going to have to tell them you put on a hoodie, you could be profiled.”*<sup>18</sup>

*Richard Taylor, who lives in the city’s historically black Goldsboro neighborhood, walked with his 5-year-old daughter, Ty Juaiun Burke, to a landscaped stone-and-wood memorial for Trayvon and 10 others who may have been unjustly killed near Sanford. “How am I supposed to explain to my kids that a kid like them was walking home when someone else jumped out and shot him—and that person isn’t in jail, where bad people are supposed to go?” he said.*<sup>19</sup>

Media coverage of the Zimmerman trial hinted at, and in a few instances directly confronted, the role that institutional racism and subconscious bias played in the actions leading to Trayvon Martin’s tragic death. *The New York Times* quoted Rev. Dr. Raphael G. Warnock of Atlanta, who told his congregation at the Ebenezer Baptist Church, “Trayvon Benjamin Martin is dead because he and other black boys and men like him are seen not as a person but a problem. ... Black men have been stigmatized.”<sup>20</sup> Some African-American bloggers described racial profiling as much more than individual racism. Several months before the trial began, on the occasion of the one-year anniversary of Trayvon Martin’s killing, NAACP Executive Director Benjamin Jealous published a piece entitled “No Country for ‘Black Teens’” in which he wrote, “This belief—that male ‘black teens’ are inherently more likely to be criminals—is ingrained in our society. It has seeped into our institutions in the form of racial profiling, and too often it poisons the judgments of those who are supposed to protect us.”<sup>21</sup> The day after the acquittal, a high school student from Virginia posted a blog at *The Huffington Post*, “The Trayvon Martin Case from the Perspective of a Black Teen.” In it she wrote:

*For those who say that the Zimmerman trial was not one that involved race, I can only shrug and smile and shake my head. Perhaps those who are quick to dismiss the connection are those who have never felt profiled. ... Trayvon Martin became an archetype for racial profiling the day he was born.*<sup>22</sup>

15 Julia Pace, “Obama: Trayvon Martin ‘could have been me 35 years ago.’” Associated Press, July 19, 2013.

16 New Day, CNN, July 14, 2013.

17 Mike Schneider and Kyle Hightower, “Zimmerman Acquitted,” *The Star-Ledger*, July 14, 2013.

18 Yamiche Alcindor and Larry Copeland, “After verdict, can racial rift be healed? Obama calls for national introspection,” *USA Today*, July 15, 2013.

19 Joey Flechas, Daniel Chang and Patricia Mazzei, “Prayers, vigils follow Zimmerman verdict,” *The Miami Herald*, July 14, 2013.

20 Adam Nagourney, “Prayer, Protests and Anger Greet Florida Verdict,” *The New York Times*, July 15, 2013.

21 Benjamin Todd Jealous, “No Country for ‘Black Teens,’” *The Huffington Post*, April 5, 2013.

22 Omnia Said, “The Trayvon Martin Case from the Perspective of a Black Teen,” *The Huffington Post*, July 15, 2013.

Blogger Tommy Christopher of Mediaite, who is white, alluded to “the suspicion that black people are subjected to every second of every day.”<sup>23</sup> One day before the acquittal, while the jury was still out, an audience member on the *Piers Morgan Live* show said:

*I would like to preface my question by a statement made by the judge that the term race cannot be used in the case. Today, O’Mara [Zimmerman defense attorney] had the audacity to say that it’s possible that Zimmerman was intimidated by Trayvon because of all the burglaries that have been taking place in the neighborhood by African-American males, which is clearly racial profiling.*<sup>24</sup>

The most in-depth and intentional discussion we found of subconscious bias took place on CNN’s *New Day Sunday* program on the day after the acquittal. Anchors Kate Bolduan and Chris Cuomo opened the segment as follows<sup>25</sup>:

CUOMO: Now we’ve heard quite a bit about race. It’s been part of the discussion. The question is was it part of the case? The role of race in the death of Trayvon Martin 17 months ago certainly was at the fore when the story began but there has been little talk about implicit biases. Now let’s explain to people what those are.

BOLDUAN: First explaining what we’re talking about here. Those are the subconscious subtle racial assumptions that people make that you might not even know you’re making in split seconds after encountering someone. Did George Zimmerman and Trayvon Martin make the implicit biases when they crossed paths? Well, researchers are saying that some 90 percent of Americans make those assumptions. They have those biases.

The viewing audience is then introduced to Laura McNeal, senior fellow at Harvard Law School, who is “leading a new study on implicit bias,” and Allie L. Braswell Jr., CEO of the Central Florida Urban League.

MCNEAL: The study that I’m conducting is really fascinating because people are unaware of these unconscious biases. They operate unknowingly and they have a very large influence on split second decisions such as the ones that we saw by George Zimmerman when he chose to exit his car and pursue Trayvon Martin based on these, again, implicit assumptions that he associated with black males.

CUOMO: So, Allie let me bring you in here, when you look at the situation with George Zimmerman and Trayvon Martin, do you believe that Zimmerman was profiling based on subconscious or very conscious bias? What do you think drove this?

BRASWELL: A case of profiling does not require you to be a racist to conduct profiling. I think in this case there were some assumptions as the doctor just asserted. But what we need to move now towards is how do we begin to move this forward? I think when you take a look, as you pointed out earlier in your show people from all backgrounds are calling and saying we need to get past the implicit biases. We need to be aware of them and begin to move ourselves closer together and leverage a justice system that needs to represent all of us.

The anchors then engage in a brief exchange about our “moral responsibility” to deal with our subconscious biases, regardless of the outcome of the Zimmerman trial. Cuomo concludes the segment

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23 Tommy Christopher, “Missed It by That Much: George Zimmerman Friend Tells Chris Cuomo George ‘Kept Everybody Safe,’” Mediaite, July 15, 2013.

24 Piers Morgan Live, CNN, July 12, 2013.

25 New Day Sunday, CNN, July 14, 2013.

with, “When you go after the kid because you don’t like how he looks and what you think he represents and he winds up dead it’s wrong and we don’t want that to happen in our society.”

There was some pushback reflected in the media coverage about whether or not racial profiling played a role in the Martin killing. In addition to the prosecutors and the Zimmerman defense team, a strong denial came from Carol Swain, a conservative African-American academic, who was a guest on CNN Newsroom post acquittal. In a short debate with Khary Lazarre-White, executive director of The Brotherhood/Sister Sol, Swain argued:

*He [Trayvon Martin] was not some innocent child. There was every evidence that he was a young man, like many of our young black men, that was headed in the wrong direction. ... Everything is not about race. ... This is not the 1950s. Blacks do get justice in America, despite the Justice Department now seemingly, it’s at least contemplating intervening in this case where state courts have rendered a decision.<sup>26</sup>*

### **Stop and Frisk (19)**

The debate over whether or not “stop and frisk” is a form of racial profiling appeared in a number of different contexts during our time frame. Almost all of the coverage we identified focused on the New York Police Department, whose stop-and-frisk policy was on trial in federal court. In these newspaper articles, blogs, and television broadcasts, police officials played an active and dominant role in defending the practice of stop and frisk and denied that racial profiling was involved. Police reform advocates and progressive policymakers were their chief opponents.

The New York-centric articles in our sample show the extent to which the issue had been injected into the city’s 2013 mayoral race, with a number of short pieces reporting on candidates’ speeches at various campaign events.<sup>27</sup> Coverage of the City Council’s Community Safety Act, which established an inspector general office to monitor the police and a right to sue for bias-based profiling, was hotly debated. The act was strongly criticized by the mayor, the police commissioner, the Patrolmen’s Benevolent Association (PBA), and conservative policymakers as “putting handcuffs on the police.” PBA President Pat Lynch said the law would make the police officer’s job “almost impossible to do.” Columnist Bob McManus of *The New York Post* attacked the plan to “impose an inspector general on the NYPD—that is, to subordinate one of the world’s most professional urban police agencies to the currents of everyday ethnic and cultural politics” and called the scheme “craven and opportunistic.”<sup>28</sup>

Several days after the Community Safety Act was passed, Councilmember Brad Lander published a passionate defense of the new law in *The Huffington Post*. Entitled “A Late Night, a Brighter Day,” Lander made a number of points in an effort to “connect the dots” for New Yorkers<sup>29</sup>:

- ▶ Profiling our neighbors based on their race, religion, sexual orientation, or immigration status will not make New York City safe.
- ▶ Bias-based profiling is happening in New York City. Although often unintentional, or rooted in policy more than prejudice, it has powerful consequences.

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26 CNN Newsroom, July 15, 2013.

27 Democratic candidates distanced themselves from Bloomberg’s policies, whereas Republican candidates supported them. Reuven Fenton and Sally Goldenberg, “Campaign at your own ‘frisk,’” *The New York Post*, February 18, 2013; Erin Durkin and Jonathan Lemire, “NYPD Quinn bucks Mike, backs policy monitor Stop-frisk stirs hot debate at forum,” *New York Daily News*, March 20, 2013; Denis Slattery, “Arrest stop & frisk Mayoral candidate Liu criticizes NYPD tactic at forum,” *New York Daily News*, March 20, 2013; Bob McManus, “Crime & Leadership Lhota slams Quinn’s gimmick,” *The New York Post*, April 2, 2013.

28 Bob McManus. “Crime & leadership.” *New York Post*, April 2, 2013.

29 Brad Lander, “A Late Night, a Brighter Day,” *The Huffington Post*, June 28, 2013.

- ▶ Stop and frisk was not an issue among Lander’s Brownstone Brooklyn constituents; he said he had to pay attention when Councilmember Jumaane Williams implored, “If you have never been a young, black or Latino male or female in the city of New York, if you have never been LGBTQ, if you have never been Muslim, please listen to us.”
- ▶ There is no evidence that profiling works as a crime-fighting tool; less than 1 percent of the stops find a gun.
- ▶ Mayor Bloomberg and Commissioner Kelly were resorting to fear-mongering and hyperbole in their criticisms of the Act.

Our sample included only a few pieces about the federal trial of *Floyd v. City of New York*, the Center for Constitutional Rights’ case challenging the constitutionality of the NYPD’s policy and practice of stop and frisk. (Judge Sarah Scheindlin’s decision finding the policy and practice unconstitutional came down on August 12, 2013, outside our analysis time frame). A *Daily News* editorial excoriated Judge Scheindlin because she took the case as a “related matter” and said to attorneys, “If you got proof of inappropriate racial profiling in a good constitutional case, why don’t you bring a lawsuit?”<sup>30</sup> An article published just after final summations were made in the trial highlighted Judge Scheindlin’s questions and interjections:<sup>31</sup>

*In the absence of overt racial slurs, Judge Scheindlin repeatedly asked a city lawyer, would it be appropriate to infer that a police encounter was racially motivated if an officer stopped a black man with no apparent basis? “If the court were to conclude there was no fair basis for the stop, but the stop was made, there has to be a reason,” Judge Scheindlin said, suggesting it might be a fair inference to find that it was a race-based stop.*

The continuing controversy over whether or not stop and frisk as practiced by the NYPD constitutes racial profiling framed the media coverage of the issue. Defenders of stop and frisk came from the ranks of the mayor’s office, the police commissioner, the PBA, the two Republican candidates for mayor, conservative columnists, and editorial page writers. Defenders’ chief arguments were that stop and frisk was responsible for the huge drop in the city’s crime rate and that abandoning the practice would lead to an increase in crime, and they vehemently denied that the police were engaging in racial profiling. Mayor Bloomberg’s argued that “we disproportionately stop whites too much and minorities too little.”<sup>32</sup>

Police reform advocates accused the NYPD of running “the largest local racial profiling operation in the country” and in a couple of instances linked racial profiling to the NYPD’s profiling of Muslims and immigrants.<sup>33</sup> They argued that there was no reliable evidence that a causal relationship existed between stop and frisk and New York City’s lower crime rate. The voices of victims of profiling were occasionally heard in these pieces and added a human element to the coverage. A Lehman College freshman, Olusegun Williams, said he was “returning home from Rite Aid with medication for his mother when he was

30 Editorial, “The fix was in,” *New York Daily News*, May 7, 2013.

31 Joseph Goldstein, “Judge Criticizes ‘High Error Rate’ of New York Police Stops,” *The New York Times*, May 21, 2013.

32 Michael Goodwin, “Critics fail to ‘Stop & think,’” *The New York Post*, June 30, 2013. Bloomberg’s claim is based on the following: According to him, blacks and Latinos were implicated in 92 percent of violent crimes last year but represent only 87 percent of victims of stop and frisk, whereas whites accounted for 6 percent of violent crimes but were stopped at a rate of 10 percent. Ipso facto, whites were over-represented. In fact, he is comparing two unrelated statistical phenomena. As has been pointed out in an open letter to members of the New York City Council from Ira Glasser and Norman Siegel, “Stopping millions of blacks and Latinos at random because most of those identified by witnesses as having committed murder are identified as black or Latino makes no logical sense as an effective police investigative tactic. Most NBA basketball players are black, but if the Mayor were the general manager of a basketball team, and was looking for players, would he round up blacks at random on the street? If he did, the team’s owners would quickly and justly fire him as incompetent. Most jazz musicians are black, but if the Mayor was looking for a band to play at his daughter’s wedding, would he find one by rounding up blacks at random on the street?” See <http://www.animalnewyork.com/2013/civil-liberties-stalwarts-challenge-mayor-bloombergs-stop-and-frisk-math/>.

33 Ta-Nehisi Coates, “Raising the Wrong Profile,” *The New York Times*, July 19, 2013.

stopped by the police. The officers tore through his bag and spilled the medication across the sidewalk. ‘I couldn’t understand because I had done nothing wrong,’ he said.”<sup>34</sup> A 25-year-old resident of the Mitchel Houses in the Bronx said, “People my age feel as if they are being targeted. Which we are, but even the ones who are trying to do good wind up having ill feelings for the police because they’ve been stopped for no reason other than the color of their skin.”<sup>35</sup>

In our sample, the only stories about racial profiling not related to New York were about Oakland, California mayor Jean Quan’s proposal to hire former Los Angeles police chief and New York police commissioner William Bratton as a consultant to help the city develop a “short-term crime fighting strategy.” The proposal and its approval by the Oakland City Council generated significant controversy over Bratton’s “support for the policy of ‘stop and frisk,’ which has been criticized as racial profiling by a wide range of organizations and is tied up in federal court.” In response to “a raucous, five-hour Public Safety Committee meeting” where “hundreds of protesters rallied outside City Hall then packed the council chambers,” Quan wrote an open letter to council members in which she said, “Racial profiling will not be tolerated in the Oakland Police Department. Period.”<sup>36</sup>

### Local Laws and Policing

This category includes pieces that mention racial profiling in the context of complaints against specific police departments and passage of local laws that give the police more discretionary power to make arrests. Reports about state and local legislation showed a high level of sensitivity on the part of advocates and policymakers about the potential for racial profiling. In Texas, for example, some members of the Texas House of Representatives objected to a proposed ban on texting while driving on the grounds it would lead to racial profiling.<sup>37</sup> In Florida a Senator voted against a bill to rein in noise from vehicles “because she thought its focus on loud music amounted to racial profiling of blacks and Hispanics.”<sup>38</sup> In Wildwood, New Jersey, critics warned that a new ordinance banning from the boardwalk anyone wearing “pants worn more than three inches below the hips” would lead to racial profiling.<sup>39</sup>

Lawsuits and complaints against specific police departments also received media coverage. These reports conveyed that people of color were actively protesting police actions they believed were racially motivated. *The Baltimore Sun* reported on a ruling by the Maryland Court of Appeals that the state police had to give the NAACP access to internal affairs files on racial profiling complaints in a two-decade-old lawsuit originally brought by the American Civil Liberties Union of Maryland and the NAACP.<sup>40</sup> An editorial in the *St. Louis Post-Dispatch* commented on a report by the state attorney general’s office, required annually by state law, that analyzed traffic stops by county. The report showed that “Blacks and Hispanics continue to get searched for drugs or other contraband at significantly higher rates than white drivers, even though statistics show that searches of white drivers are more likely to turn up illegal contraband,” and called upon “every police chief or county sheriff in the state to examine closely the report and figure out if their department has a discrimination problem.”<sup>41</sup> *The Los Angeles Times* covered a protest by both black and white students against the Los Angeles Police Department’s handling of complaints about

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34 Denis Slattery, “Arrest stop & frisk Mayoral candidate Liu criticizes NYPD tactic at forum,” *New York Daily News*, March 20, 2013.

35 Denis Slattery, “Stop and Frisk controversy continues along generational lines in South Bronx neighborhoods,” *New York Daily News*, April 10, 2013.

36 Michael Cabanatuan, “Quan says no to using ‘stop-frisk,’” *San Francisco Chronicle*, January 19, 2013.

37 Dave Montgomery, “Ban on texting while driving passes Texas House,” *Star-Telegram*, April 18, 2013.

38 Kevin Wiatrowski, “Drivers, turn it down,” *Tampa Tribune*, May 17, 2013.

39 Chelsia Rose Marcus, Stephen Rex Brown, and Daniel Beekman. “‘Crack-Down’ in NJ town bans saggy pants, too-short skirts, other fashion flubs.” *Daily News*, June 12, 2013.

40 Ian Duncan, “State police must share racial profiling complaints with NAACP,” *The Baltimore Sun*, January 25, 2013.

41 Editorial, “Fair or Foul? Foul: Annual report continues to highlight traffic stop racial disparities,” *St. Louis Post-Dispatch*, June 3, 2013.

an off-campus party attended largely by African-American students from the University of Southern California. According to the news story, the police used “heavy-handed tactics” to end the party, and six partygoers were arrested, yet an equally noisy party across the street attended by mostly white students was handled differently. “Attendees of both parties took to social media, posting videos of the confrontation and personal accounts of what they perceived to be racial profiling by law enforcement. They noted what they saw as a stark contrast in how police responded to the two parties.”<sup>42</sup>

## Immigration (15)

Media coverage linked racial profiling with the immigration issue in two contexts: the immigration reform debate and Sheriff Joe Arpaio of Maricopa County, Arizona. Critics of the Republican “enforcement first” approach to reform warned that it would “rely heavily on racial profiling, policing, and detaining people of color.”<sup>43</sup> Other writers warned that in the absence of comprehensive reform, states would continue to enact immigration enforcement laws that, as in Arizona, would inevitably lead to racial profiling.<sup>44</sup> For example, National Public Radio’s *Tell Me More* program hosted a debate between Hilary Shelton, Washington bureau director of the NAACP, and Julianne Malveaux, economist, author and political commentator, about whether or not to support the bipartisan immigration reform bill sponsored by the so-called Gang of Eight. Malveaux opposed the bill’s elimination of the diversity visa program on the grounds it was “implicit discrimination” because it would have the effect of limiting visas for people of African descent from Africa and the Caribbean. Shelton explained that the NAACP supported the bill as “a good core bill ... that does need to be fixed” and pointed out that:

*We were able to put into the Senate bill thus far not only provisions that look at and raise the issue of increasing those numbers of racial and ethnic minorities from the various places that have been left out and underserved over so many years, but also even a racial profiling provision. You have to look at the challenges with the federal government, as well as local state governments that have now taken it in their own hands to actually put in place their own anti-immigrant policies, like Alabama and Arizona.*<sup>45</sup>

Close to half of the pieces categorized as immigration stories focused on challenges to Sheriff Joe Arpaio’s use of racial profiling. An Associated Press story reported on the failed attempt by Respect Arizona and Citizens for a Better Arizona to oust Arpaio from office through a recall vote.<sup>46</sup> A federal court ruling that the Maricopa County Sheriff’s department had, indeed, “engaged in forbidden racial profiling”<sup>47</sup> received coverage in both national and local media. In a strongly worded editorial entitled “Arpaio’s fantasy ends here,” *The Arizona Republic* wrote, “Hubris and ego have long been hallmarks of America’s Toughest Sheriff. His snarky, smirking, contempt-laden denials that his sweeps profiled Hispanics always pushed the margins of believability. Now, a federal judge has called him on it.”<sup>48</sup> NPR’s Weekend Edition included a brief interview with Cecillia Wang of the American Civil Liberties Union Immigrants’ Rights Project, who said, “Latino residents of Maricopa County have been really terrorized and oppressed by the sheriff’s policy targeting Latino residents for traffic stops, regardless of your immigration status.”<sup>49</sup>

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42 Angel Jennings, “USC protest accuses LAPD of bias; Students say officers used heavy-handed tactics at a party attended by African American Students,” *Los Angeles Times*, May 7, 2013.

43 Jakada Imani, “Don’t Follow the Loser on Immigration Reform,” *The Huffington Post*, January 31, 2013. See also Alisa Wellek, “Senate Immigration Bill Is Not a Clear Victory for Immigrant Communities,” *The Huffington Post*, June 27, 2013.

44 Randi Weingarten, “A Great Opportunity for the Land of Opportunity,” *The Huffington Post*, February 16, 2013; Fox News Network, interview with Luis Gutierrez (D-IL), June 18, 2013.

45 National Public Radio, “Tell Me More,” May 9, 2013.

46 Jacques Billeaud, “Joe Arpaio Recall Effort Faces Tough Odds,” *The Huffington Post*, April 22, 2013. See also A.P. story: “Group fails in bid to recall Arpaio,” Politico.com, May 30, 2013.

47 Editorial, “Arpaio’s fantasy ends here,” *The Arizona Republic*, May 25, 2013.

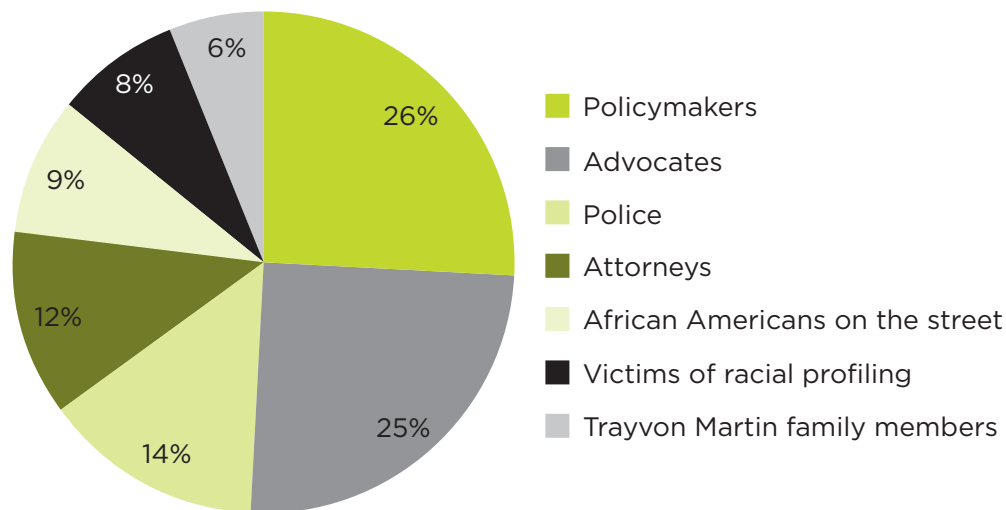
48 Editorial, “Arpaio’s fantasy ends here,” *The Arizona Republic*, May 25, 2013.

49 National Public Radio, “Tough Arizona Sheriff Gets Judicial Reprimand” Weekend Edition, May 25, 2013. See also Jacques Billeaud and Walter Berry, “Federal judge rules that Arizona sheriff’s office profiles Latinos,” *The Washington Post*, May 26, 2013.

## Spokespeople

The voices elevated in the news media—sources quoted in news stories and guests on broadcast news shows—play a significant role in framing and positioning a story. They also provide insight into the angles that journalists choose to highlight. What these spokespeople say and whom or what they represent add a certain perspective to a story that can affect public perception and public opinion about an issue. To that end, we scanned coverage about racial profiling to identify the types of spokespeople most frequently called upon to “tell their story.” We separately analyzed the print media (Figure 3) and broadcast segments (Figure 4).

FIGURE 3. PRINT MEDIA



Policymakers and advocates dominated the print media in that they were the most-frequently quoted speakers. The great majority of quotations from policymakers were in articles about stop and frisk, and many of the individuals quoted were candidates for the New York City mayoral election who wanted to distance themselves from Mayor Bloomberg’s policies.

*We’ve been hearing worries that Bratton’s past policies could be used in Oakland in a way that contributes to racial profiling. I want to address those concerns in the clearest words I can find: Racial profiling will not be tolerated in the Oakland Police Department. Period.*  
—Open letter from Mayor Jean Quan, to the Oakland (CA) City Council<sup>50</sup>

*You can’t deny that there is racial profiling going on. And racial profiling has no place in our country.* —John Liu, New York City comptroller and candidate for mayor<sup>51</sup>

In our sample, advocate quotes came from a fairly limited number of organizations; spokespeople from the American Civil Liberties Union and the NAACP were most often quoted. These speakers identified stop and frisk and the killing of Trayvon Martin as forms of racial profiling, but they did not explain the role that institutional/structural racism and subconscious bias may have played. Policymakers were entirely absent from the broadcasts in our sample, almost all of which focused on the Zimmerman trial and acquittal. The long-form radio and television formats, however, did give advocates an opportunity to contextualize racial profiling and raise public consciousness about its many manifestations.

50 Michael Cabanatuan, “Quan says no to using ‘stop-frisk,’” *The San Francisco Chronicle*, January 19, 2013.

51 Denis Slattery, “Arrest stop & frisk Mayoral candidate Liu criticizes NYPD tactic at forum,” *New York Daily News*, March 20, 2013.



*We call immediately for the Justice Department to conduct an investigation into the civil rights violations committed against Trayvon Martin. This case has re-energized the movement to end racial profiling in the United States. —Roslyn M. Brock, Chairman, NAACP<sup>52</sup>*

*I think you can see a case of profiling and it does not require you to be a racist to conduct profiling ... people from all backgrounds are calling and saying we need to get past the implicit biases. We need to work on those things. We need to be aware of them and begin to move ourselves closer together and move forward as we continue to leverage a justice system that needs to represent all of us. —Allie L. Braswell Jr., Central Florida Urban League.<sup>53</sup>*

Police officials were seldom seen or heard in broadcasts but were a significant presence in print media coverage of the stop-and-frisk issue, where they defended the practice as an essential law enforcement tool and insisted that racial profiling was not involved.

*For any city to say they don't do stop and frisk ... I'm sorry, they don't know what they're talking about. Every police department in America does it. The challenge is to do it constitutionally within the law. The challenge is to do it compassionately; you're dealing with human beings. And the challenge is to do it consistently so you cannot be accused that you're only doing it in one neighborhood in the city or directed against one population of the city. —William Bratton, New York City police commissioner.<sup>54</sup>*

*I believe this tactic [stop-and-frisk] is a lifesaver. It is also lawful and constitutional. —Raymond Kelly, NYC police commissioner.<sup>55</sup>*

*The reality is that these [stop-and-frisks] are time-tested and lawful law-enforcement tools that society and citizens expect law enforcement officers to understand and use. —Sgt. Chris Bolton, chief of staff to Oakland police chief.<sup>56</sup>*

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52 Brad Knickerbocker, "George Zimmerman 'not guilty' verdict: Legal fight could continue; George Zimmerman has been found not guilty in the shooting death of teenager Trayvon Martin. But the US Justice Department may pursue the case under civil rights law, and Trayvon's parents are considering whether or not to file wrongful death civil charges against Zimmerman," *The Christian Science Monitor*, July 14, 2013.

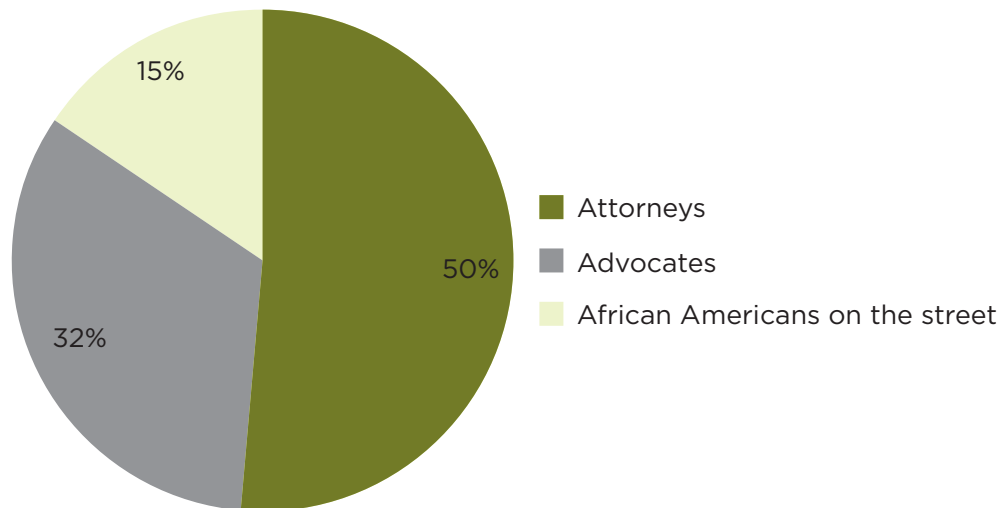
53 CNN, New Day Sunday, "Zimmerman Not Guilty; Actor Cory Monteith Found Dead; Heavy Rains Possible in Central U.S.," July 14, 2013.

54 Michael Cabanatuan, "Quan says no to using 'stop-frisk'," *The San Francisco Chronicle*, January 19, 2013.

55 Barry Paddock, 'LIFESAVER' Kelly to Rev. Al & Co.: Stop-&-frisk is a . . .', *New York Daily News*, April 4, 2013.

56 Matthai Kuruvila and Justin Berton, "Oakland forced to come face-to-face with stop-and-frisk," *The San Francisco Chronicle*, January 24, 2013.

FIGURE 4. BROADCAST



Criminal defense attorneys and former prosecutors were dominant in television broadcasts, where they were repeatedly called upon to comment on the Zimmerman trial and acquittal, usually on matters of evidence and trial strategy, but also on the extent to which race played a part in the events leading to Trayvon Martin’s death. All attorneys who were quoted in the sample we examined agreed that race permeated the case in spite of the fact that it was rarely mentioned in the courtroom.

*Both sides are going to have to be careful in juror selection because the race issues in this case are highly charged. If I was the prosecutor in this case, I would be desiring to have black people or other minorities who have had bad experiences based solely on their “profileable” characteristics.* —Randy Reep, criminal defense attorney, Jacksonville, Fla.<sup>57</sup>

Both the prosecutors in the Trayvon Martin case and Zimmerman’s defense lawyers appeared in broadcast interviews, where they pressed their versions of the facts of the case and claimed that race was “not an issue.” The Martin family’s lawyers, however, made a number of appearances in which they tried to walk the narrow line between explaining the role that race played, while observing the prosecutors’ trial strategy of downplaying the issue.

*I think it was a made-up story for purposes that had nothing to do with George Zimmerman, and that they [Martin family attorneys] victimized him and they complained about Trayvon Martin being victimized. George Zimmerman was victimized by a publicity campaign to smear him. They call him a racist when he wasn’t, and they call him a murderer when he wasn’t.* —Mark O’Mara, Zimmerman’s defense attorney<sup>58</sup>

*We will never know. I don’t know if George Zimmerman is a racist or not, but he profiled Trayvon Martin for something, whether the way he looked or his ethnicity, we will never know, but I know that he got out of his car. He made the decision to pursue Trayvon Martin ... this is very personal to many people and that’s why the whole world is watching this case because you cannot have people kill unarmed teenagers walking home legally whether they’re black, white, brown or gray.* —Benjamin Crump, Martin family attorney<sup>59</sup>

57 Yamiche Alcindor, “Zimmerman and profiling go on trial; As racially charged murder trial opens, jury faces murky evidence of what really happened the night Trayvon Martin died,” *USA Today*, June 10, 2013.

58 CNN, Piers Morgan Live, “The George Zimmerman Murder Trial,” July 12, 2013.

59 CNN Newsroom, “Jurors Deliberating in Zimmerman Case,” July 13, 2013.

Quotes from African-American interviewees and victims of racial profiling were highly personal, emotional, and instructive when they left behind the more abstract discourse about what was and was not “racial profiling” and instead described real-world feelings and experiences.

*I've been stopped just walking up the street. If I leave my building to go to the store more than once a day the cops will be all over me, asking me why I'm coming and going. Meanwhile I just needed some milk for my son.* —Christopher Dalmau, resident of the Bronx.<sup>60</sup>

*They [police] acted like they were going to war with us ... They definitely harassed the wrong students. We are scholars and high-achieving students. We didn't do anything wrong.* —University of Southern California student.<sup>61</sup>

*How am I supposed to explain to my kids that a kid like them was walking home when someone else jumped out and shot him—and that person isn't in jail, where bad people are supposed to go?* —A father, Sanford, Fla.<sup>62</sup>

*We can't depend on the system to protect our children. When they found Zimmerman not guilty, they also found profiling of black boys not guilty, stereotyping of young black men not guilty, stand your ground against young black men not guilty. We as mothers are going to have to tell them you put on a hoodie, you could be profiled.* —A woman, Sanford, Fla.<sup>63</sup>

## Dominant Mainstream Narrative

What overarching story is the mainstream print, broadcast, and online news media telling about racial profiling in America? The dominant media narrative is characterized by both broad agreement and sharp controversy. Our study shows that racial profiling is universally rejected because it is inconsistent with American law and values and we did not find anyone who wanted to be associated with the practice of racial profiling. Yet controversy over what racial profiling is and under what circumstances it occurs is a constant theme. Coverage of lawsuits, criminal trials, and protests, along with broadcast debates and strongly worded opinion pieces and blog posts, convey the idea that, as is often the case where race is concerned, controversy prevails.

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60 Denis Slattery, “Divided in 40th Stop-and-frisk debate is generational in one Bx. pct.,” *New York Daily News*, April 10, 2013.

61 Angel Jennings, Andrew Blankstein, Rosanna Xia, “Students say officers used heavy-handed tactics at a party attended by African American students,” *Los Angeles Times*, May 7, 2013.

62 Joey Flechas, Daniel Chang and Patricia Mazzei, “Prayers, vigils follow Zimmerman verdict,” *The Miami Herald*, July 14, 2013.

63 Yamiche Alcindor, and Larry Copeland, “After verdict, can racial rift be healed?; Obama calls for national introspection,” *USA TODAY*, July 15, 2013.



# *Criminal Justice and Social Media*

## Executive Summary

A nuanced understanding of the online discourse around justice system reform will help advocates inform the debate. The purpose of this report is to analyze and explain social media content, engagement, and trends on discourse around criminal justice and provide insights and recommendations for advocates. The questions we examined in this report relate to what Americans are seeing online related to issues of criminal justice and what narratives, arguments, and storylines present opportunities or barriers to progressive reform of the criminal justice system.

First, we present overarching findings from the analysis of online discourse, including a broad snapshot of “mentions” (i.e., content containing the words “criminal justice reform,” “sentencing reform,” or “prison reform”) by media type and frequencies of mentions over time. The overarching findings include a section on “influential storylines,” which digs deeper into the “spikes” in public discourse over the period studied and analyzes some of the content—including from blog posts, news sites, and tweets—that reached or engaged the most people, as indicated by number of Twitter followers, number of votes, or number of comments. The overarching findings also include a section on “powerful voices,” which presents individuals or organizations with a large following that posts content on issues related to criminal justice.

### Key Findings

- ▶ The majority of the conversation is happening on Twitter and Facebook, but meaningful and influential interactions are happening in comments on online mainstream news articles and blogs also.
- ▶ Over the period studied—around the time of Attorney General Eric Holder’s speech on sentencing reform in August 2013—the online discourse around criminal justice issues experienced an incredible spike in activity. This increased activity confirms the sense that the time is right and people are ready to engage in a substantive conversation about reforming the criminal justice system.
- ▶ Online content that engaged the most people tended to cover the economic and political aspects of justice system reform or proposals for reform put forth by elected officials or leaders in government agencies.
- ▶ Influential tweeters with large numbers of followers who posted content about criminal justice reform were public figures and media outlets. People used Twitter mainly to disseminate information or news. It was underutilized for calls to action.
- ▶ The Facebook pages of some advocacy organizations appeared to be meaningful hubs of activity, particularly for information sharing, engagement, and action taking.
- ▶ Although user-generated content such as Twitter posts, personal Facebook posts, and comments seemed amenable to positive reform of the justice system, the conversation notably lacked mention of systemic causes of and solutions to problems in the criminal justice system. This

muddiness tracks with opinion research on criminal justice reform that shows either a lack of data around or conflicting opinion about the root causes of crime, the causes of mass incarceration, and the difference between the two. It also tracks with opinion research that shows confusion around solutions and dissonance around reentry for people who have served a prison sentence. The interventions that address root causes are obscured by the numerous tradeoffs due, such as violent vs. nonviolent or first-time vs. repeat conviction, or the process of justice, from what constitutes illegal activity to how best to reintegrate formerly incarcerated people. Concepts like “alternatives to incarceration” and “rehabilitation” mean numerous things related to different phases of the justice process. Hence, the public mind tends to blame for-profit prisons because it is easy to conceptualize and provides a clear, cut-and-dry narrative they can understand.

- ▶ The interests and voices of currently and formerly incarcerated individuals are largely missing from the discourse, except the few instances of conversations around exoneration. This absence was most notable among posts that talked about positive criminal justice reform, which can give the impression that content producers in favor of positive reform were “skirting” the issue of the incarcerated individuals themselves.

## Recommendations

- ▶ **Use blogs and online news sites differently for long-form communication.** Online news sites were excellent for providing new or breaking information or for using breaking news to frame the issue and tell the story broadly in a way that aligns with advocates’ goals. Online news sites are great outlets for reaching and engaging large numbers of people and keeping the issue at a “60,000 foot” level. Blogs are ideal for writing about the contours of the issue and letting the writer dig into the topic a little more. Blogs tend to have less engagement than the online sites, but the audience is more engaged in the topic at the outset.
- ▶ **Consider engaging in the comments sections of online news sites.** Comments on the articles on online news sites could be lively and may benefit from guidance toward a constructive place. Frequently it is the first few responses to an article that determine the shape of the resulting conversation. Intervening on comment boards in online news sites early can pay off in a more substantive conversation later.
- ▶ **Note that Facebook pages appear to be meaningful vehicles for engagement, but data are limited and there are ever-evolving challenges from the platform’s attempt to monetize activity.** Organizations that own pages can analyze the success of their activity, but it is difficult to rigorously evaluate a page from the outside looking in. Further, with the monetization of activity such as “liking” and commenting and giving wall space to people that buy it, these indicators are falling into obscurity as meaningful indicators of engagement. Case study research may be a useful approach to learning more about different Facebook pages related to social justice causes and what has made them successful. In addition, organizations should do experiments of their own with Facebook messaging and report back to the movement on what got attention and what didn’t work.
- ▶ **Use Twitter more for calls to action.** Much of the conversations happening on Twitter, but only one tweet in the sample we analyzed contained a concrete action that followers could take. Although Twitter may not be the ideal forum for traditional action taking, such as petition signing or contacting a representative, other actions that might engage younger audiences, such as retweet requests, requests for link shares, or mini-campaigns involving photo submissions, might be alternative forms of action taking that appeal to Twitter audiences.

- ▶ **Simplify the issue by developing a core narrative and leading with values.** The causes of and solutions to problems with the criminal justice system are not appearing in user-generated discourse. Developing a shared narrative about the root causes of dysfunction in the system and reclaiming commonsense, “smart on crime” solutions can go a long way toward clarifying misperceptions of how society treats people with convictions.
- ▶ **Integrate people with convictions into the conversation.** Serving a prison sentence has a pronounced stigma attached to it, and giving incarcerated and formerly incarcerated individuals, their families, and the people they’ve affected a forum to voice their opinions and show the world their humanity can go a long way in changing the discourse. Explore meaningful and constructive ways to talk about people who have been convicted, rather than avoid them. Additional research, similar to the research on how the immigration movement identified ways to refer to “undocumented” immigrants, could inform language that frames people currently or formerly in the criminal justice system.

# Introduction

A nuanced understanding of the online discourse around justice system reform will help advocates inform the debate. The purpose of this report is to analyze and explain social media content, engagement, and trends on discourse around criminal justice and provide insights and recommendations for advocates.

The questions we examined in this report include:

- ▶ What are Americans seeing online related to issues of criminal justice?
- ▶ What narratives, arguments, and storylines present opportunities or barriers to progressive reform of the criminal justice system in America?
- ▶ Who are some of the key influencers on criminal justice issues?
- ▶ What types of online news content are disseminated through social media sources or engage the most people?
- ▶ How do Americans think, feel, and talk about criminal justice, and what is public sentiment, as indicated by user-generated blogs, microblogs, comment threads, and forum discussions, on problems with our criminal justice system, their root causes, and their solutions?
- ▶ Where are people organizing and taking action online?

Increasingly, researchers are incorporating consumer-generated online content as a measure of sentiment or opinion because of the rich, unfiltered data it provides directly from the source. “Listening” to online discourse is a new proxy for taking the pulse of customers or constituents and provides insights into their wants, needs, and challenges. It can help identify shifts in consumer or constituent perspectives or attitudes AND provide context for how the shift came about.

First, we present overarching findings from the analysis of online discourse, including a broad snapshot of “mentions” (i.e., content containing the words “criminal justice reform,” “sentencing reform,” or “prison reform”) by media type and frequencies of mentions over time. The overarching findings include a section on “influential storylines,” which digs deeper into the “spikes” in public discourse over the period studied and analyzes some of the content—including from blog posts, news sites, and tweets—that reached or engaged the most people, as indicated by number of Twitter followers, votes, or comments. The overarching findings also include a section on “powerful voices,” which presents individuals or organizations with a large following that post content on issues related to criminal justice.

The second section of findings is an examination of sentiment of the online public and includes an analysis of samples of user-generated content by platform, examining content from public Facebook pages, Twitter posts, and user comments across websites and platforms that allow for engagement via comments. The report ends with recommendations for advocates on strategies for communicating around criminal justice reform in the United States and for engaging with audiences online and through social media.



# Methodology

## Data Sources

For this analysis, we examined online content obtained through the Radian6 platform. Radian6 is a subscription-based tool that has archived user-generated content online since 2008 and is used for monitoring and analyzing online content, including public Twitter feeds, public Facebook pages and discussions, blogs and their comments, publicly available online mainstream news sites and comments, forums and forum replies, videos, and images. For a detailed explanation of content sources by media type, please see Appendix A.

In addition, some information included in this report about the online public comes from existing attitudinal tracking surveys and recent public opinion studies by reputable, nationally known research organizations, media outlets, and advocacy groups; all of the data are publicly available. These studies meet The Opportunity Agenda's standards and best practices for quality and objective public opinion research, including appropriate sample size, a methodologically sound design and research instrument, and inclusion of a balanced questionnaire for surveys.

## Search Parameters

This analysis focuses on English content generated in the United States between January 1 and September 31, 2013. The search terms include:

“criminal justice reform” OR “prison reform” OR “sentencing reform”

Over this 8-month period, this search yielded 39,152 total posts, the bulk of which were from Twitter, Facebook, blogs, and news sites. We analyzed the population of returns in two different ways:

1. What people saw: Among the entire population of returns, what reached the most people?
2. What people said: Among a random sample of user-generated content, what are Americans saying about criminal justice?

## Determining Reach and Influence

We used metrics such as number of Twitter followers, number of comments on a post, and number of votes such as “likes” or “shares” to evaluate potential reach of content and engagement of the online public with ideas and themes presented in the related content. In the entire population of content containing the search terms returned across the period examined, we examined Twitter updates from users in the 98th percentile for number of Twitter followers,<sup>1</sup> news articles in the 98th percentile for number of comments, and news articles in the 98th percentile for number of votes (i.e., likes or shares).

## Data and Demographics

Ideally we would be able to break out findings by demographic groups, but this is particularly challenging for online content because the information is either not available (e.g., a Twitter account does not require the user to indicate race, educational attainment, or income level when signing up) or very expensive. In

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<sup>1</sup> The average number of followers per Twitter user is 208 (<http://expandedramblings.com/index.php/march-2013-by-the-numbers-a-few-amazing-twitter-stats/#.UvhvJPldWa8>).

the instance of survey data, because this analysis investigates existing opinion research, we are limited by the data in our ability to analyze the views of all demographic groups on all issues. Whereas surveys often include adequate samples of African Americans and, more recently, Latinos to disaggregate their views, this is generally not the case with Asian Americans, Native Americans, and other groups, except where intentional “oversampling” of these populations is conducted. Wherever the data allowed, we have analyzed separately and together the views of each identifiable demographic group for this report.

- ▶ White: any person who self-identifies as white only and non-Hispanic
- ▶ Black<sup>2</sup>: any person who self-identifies as black only
- ▶ Hispanic<sup>3</sup>: any person of any race who self-identifies as Hispanic
- ▶ Asian: any person who self-identifies as Asian only

## A Note Regarding the Online Public

To provide context for the findings from the analysis of online discourse, first we must understand who is online, including who has Internet access, how people consume news online, and who engages in civic activities online and offline. A vast majority of Americans are online, with a growing percentage reporting use of cell phones to access the Internet regularly. A majority of Americans use the Internet to access and share news, and most report using email or social networking sites to help distill, evaluate, and respond to news. In addition, Americans are increasingly engaging in civic activities online, including through social media. These findings suggest the development and implementation of strategies using online news sources and social media may be an effective way to reach some target audiences that make up the online public.

Eighty-five percent of U.S. adults 18 and older use the Internet, and three quarters (76 percent) go online at home.<sup>4</sup> Internet use is strongly related to age, education, and household income. Ninety-five percent of teens ages 12 to 17 use the internet,<sup>5</sup> which is in line with 18 to 29 year olds (98 percent) and 30 to 49 year olds (92 percent). Notably, Hispanic adults and teens are underrepresented, as are adults age 65 and older.<sup>6</sup> A vast majority of adults (91 percent) use the Internet to find information using a search engine; 78 percent of adults use the Internet to get news; 67 percent to visit a local, state, or federal government website; 67 percent to visit a social networking site; 61 percent to look for news or information about politics; 32 percent to read someone else’s online journal or blog; 32 percent to post comments to an online news group, website, blog, or photo site; 16 percent to view Twitter; and 14 percent to create or work on their own online journal or blog.<sup>7</sup>

Using cell phones to access the Internet is increasing. A majority of American adults (57 percent) now use their cell phones to go online, and one fifth (21 percent) of adults with cell phones report that their cell phone is their primary means to access the Internet.<sup>8</sup> Young adults, non-whites, and college-educated

2 Used terms “Black” and “African American” interchangeably.

3 Used terms “Hispanic” and “Latino” interchangeably.

4 Source: Pew Research Center’s Internet and American Life Project, Spring 2013 Tracking Survey, April 17–May 19, 2013. N = 2,252 national adults, age 18 and older, including 1,127 cell phone interviews. Margin of error is ±2.3 percentage points for results based on Total [n = 2,252]. Margin of error is ±2.5 percentage points for results based on all Internet users [n = 1,895]. Margin of error is ±5.9 percentage points for results based on non-Internet users [n = 357].

5 Source: Pew Internet Teens and Privacy Management Survey, July 26–September 30, 2012. N = 802 parents of teens ages 12–17 and 802 teens ages 12–17. Margin of error is ±4.5 percentage points.

6 Source: Pew Research Centers Internet and American Life Project Spring Tracking Survey, April 17–May 19, 2013. N = 2,252 adults. Interviews were conducted in English and Spanish and on landline and cell phones. Margin of error is ±2.3 percentage points for results based on Internet users.

7 Source: Pew Internet & American Life Project Tracking surveys (March 2000–December 2012). Please note that the wording for some items has been abbreviated. For full question wording, please refer to the questionnaire.

8 Source: Pew Research Center’s Internet & American Life Project, Spring 2013 Tracking Survey.

and higher-income households tend to use their cell phones to go online. Eighty-five percent of 18 to 29 year olds use their cell phones to access the Internet, compared to 73 percent of 30 to 49-year-olds and 51 percent of 50 to 64-year-olds. African Americans also are more likely to use their cell phones to go online (74 percent) compared to whites (59 percent) and Hispanics (68 percent). Three quarters of adults with a college degree or more (74 percent) use their cell phones for Internet use, compared to 67 percent of adults with some college and 53 percent of adults with only a high school degree.

Increasingly, people use social networking sites to distill, evaluate, and respond to news.<sup>9</sup> Familiarity with news and current events has always driven social engagement, and this experience is widespread online also. Nearly three quarters of Americans who consume news (72 percent) say they do so because they enjoy talking with others about it. Half (50 percent) say they rely to some extent on others to give them a sense of what they need to know and what is relevant news for the day. Three quarters of news consumers online (75 percent) say they get news forwarded to them over email or through posts on social networking sites. Half of online news consumers who also indicate they use social networking sites (51 percent) report getting news from people they “follow.”

Between 2008 and 2012 civic activity saw significant growth online, particularly on social networking sites.<sup>10</sup> Researchers at Pew measured civic engagement using a number of broad categories of different types of activities, including participation with an active civic group, contacting officials using offline means, and engaging in civic activities on social networking sites. Across the four categories, nearly three quarters of Americans (72 percent) have done at least one of the activities. Political activities and civic engagement have usually been the purview of those with higher educational attainment and household income, but the income gap is smaller for those who are politically active on social networking sites. In addition, young adults are just as likely as older adults to engage in a number of political activities and are much more likely than older adults to participate in political activities on social networking sites.

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<sup>9</sup> Source: Pew Research Center's Internet & American Life Project, Understanding the Participatory News Consumer.

<sup>10</sup> Source: Pew Research Center's Internet & American Life Project, Civic Engagement Tracking Survey 2012, July 16–August 7, 2012. N = 2,253 national adults 18 and older. Margin of error is ±2 percentage points for results based on Total [n = 2,253]. Margin of error is ±3 percentage points for results based on Internet users [n = 1,873]. Margin of error is ±percentage points for results based on cell phone owners [n = 2,032]. Margin of error is ±3 percentage points for results based on cell phone owners who text message [n = 1,409]. Margin of error is ±3 percentage points for results based on social networking site or Twitter users [n = 1,209].

# Findings from Online Discourse Related to Criminal Justice

To understand both users’ engagement on criminal justice in social media and the attitudes reflected by their engagement, we have divided our findings into two broad categories:

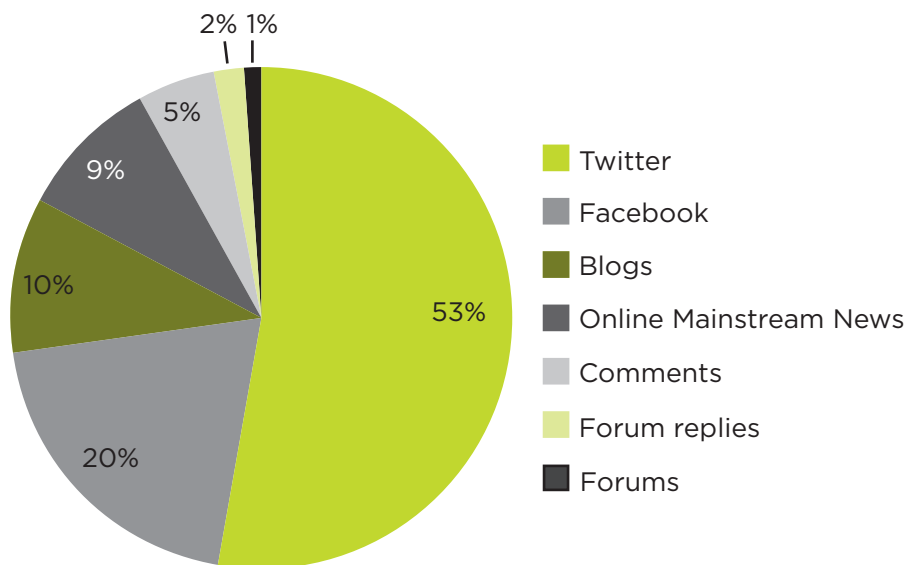
1. Overarching trends and storylines with high visibility
2. Sentiment of the online public

## Overarching Trends, Timeline Analysis, and Storylines with High Visibility

### Snapshot of Discourse and Media Type

Twitter, the microblogging site that limits posts to 150 characters, largely drove online discourse (Figure 1). Although the media breakdown varies somewhat by search terms, Twitter tends to generate the most content (see Figure 5 and Figure 6 in Appendix B for a comparison of media breakdown on criminal justice reform discourse and breakdown on discourse related to President Obama). Public Facebook pages were also a substantial source of activity over the time period studied, followed by blogs and online mainstream news. (Videos and images each accounted for less than 0.5 percent of activity.)

FIGURE 1. POPULATION OF CRIMINAL JUSTICE REFORM SEARCH RETURNS, BY MEDIA TYPE



Other vehicles for user-generated content such as comments (across blogging sites, social media sites, and online mainstream news sites) and forum threads make up less of the content online, although they tend to engage deeper discussion between members of the online public than the other sites. Videos and images make up a minimal percentage of returns, although links to video hosting sites, image attachments, and articles with embedded video and image content are common, particularly on Twitter and online mainstream news sites. Videos and images that reach people via these vehicles are not captured by Radian.

The daily average number of search returns by media type can be seen in Table 1.

TABLE 1. AVERAGE NUMBER OF RETURNS PER DAY, BY MEDIA TYPE

	Mean	Min	Max
All platforms	156	23	3212
Blogs	12	1	53
Comments	13	0	667
Facebook	30	2	582
Forum replies	3	0	36
Forums	1.3	0	16
Images	0.4	0	24
Online mainstream news	14	0	173
Twitter	85	5	2366
Videos	0.5	0	7

### Analysis of Timeline

The first nine months of 2013 saw a number of spikes in the online discourse related to criminal justice issues, which can indicate some of the top storylines that caught the public's attention. Between January and July, mentions of criminal justice reform in the online discourse averaged about 100 per day. Occasionally there were spikes up to 200, 300, or even in the range of 400, but the first seven months of 2013 were relatively inactive compared to August. The second day of August saw a spike upward of 200 mentions, and despite being a relative high point for the time period analyzed thus far (the average mentions between January and July was 95), it was below the daily average of mentions for August (437 mentions per day). Figure 2 shows the extent to which the frequency of mentions in August 2013 dwarfs the other months in the time period studied.

Figure 3 “zooms in” on the timeline and parses out the mentions by media type, showing that Twitter and Facebook drive the overall discourse, including the activity spikes. The activity on January 23, 2013 was a result of an article by the BBC on Johnny Cash and his efforts to reform U.S. prisons, which the online public distributed widely through social networks including Twitter and Facebook.<sup>11</sup> The uptick in the discourse on April 9 resulted from an effort coordinated by Russell Simmons and others to rally celebrities and civil rights leaders, including Scarlett Johansson and Kim Kardashian, to voice their support for prison reform in a letter to President Obama.<sup>12</sup> On June 10 a *New York Times* op-ed made waves and altered the discourse for the rest of the time period examined.<sup>13</sup> The op-ed made a case for

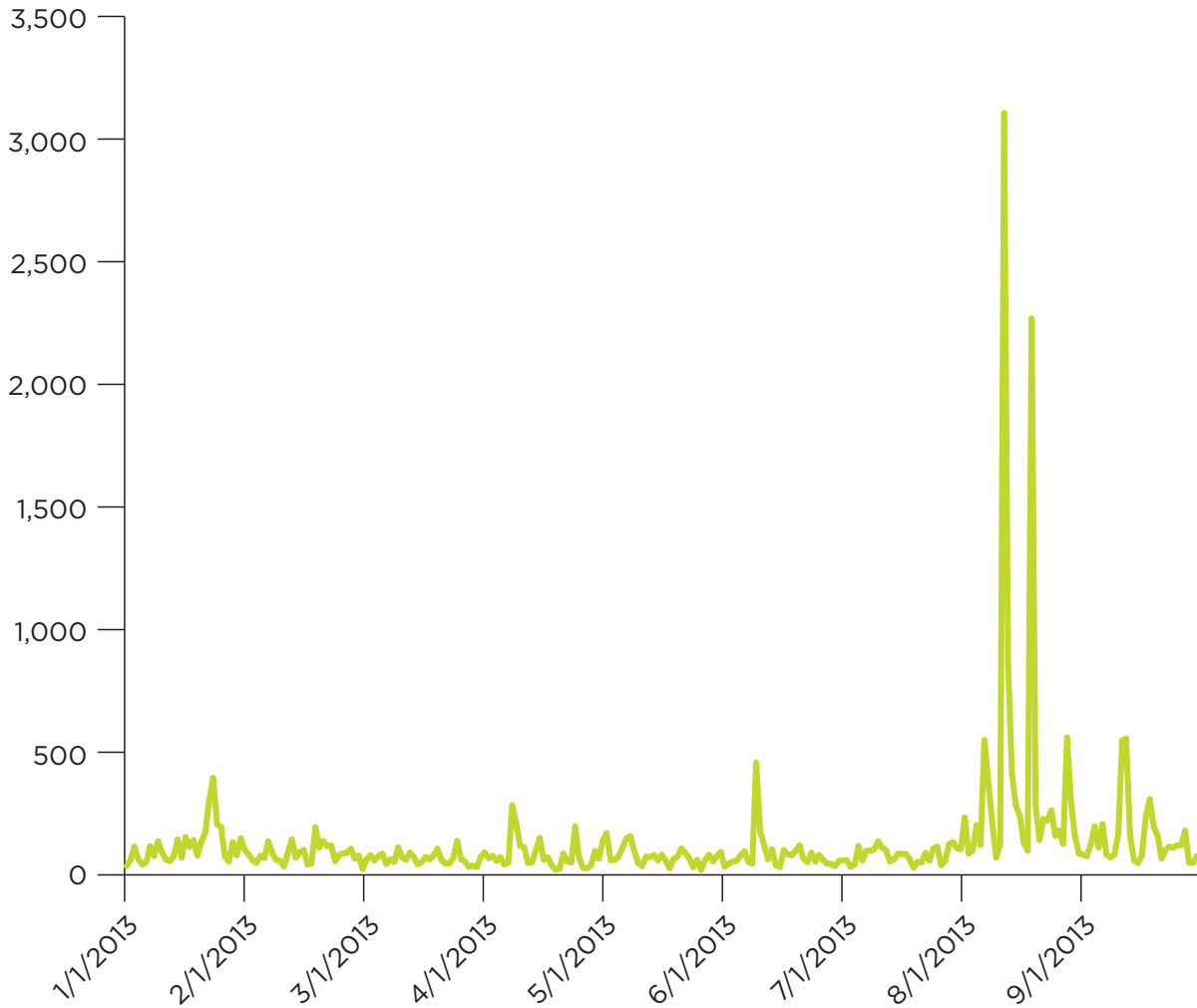
11 Robins, Danny. “Johnny Cash and his prison reform campaign.” *BBC News Magazine*. January 22, 2013. <http://www.bbc.com/news/magazine-21084323>.

12 Associated Press. “Celebrities ask to help Obama change drug, jail policy.” Associated Press. [http://www.huffingtonpost.com/2013/04/09/russell-simmons-rally-celebrities-and-civil-rights-leaders-to-help-obama-change-drug-policy\\_n\\_3043538.html](http://www.huffingtonpost.com/2013/04/09/russell-simmons-rally-celebrities-and-civil-rights-leaders-to-help-obama-change-drug-policy_n_3043538.html).

13 Viguierie, Richard. “A Conservative Case for Prison Reform.” *The New York Times*. <http://www.nytimes.com/2013/06/10/>

why conservatives should care about prison reform. Up until June 10, direct mentions of “conservative” within the criminal justice search returns appeared fairly infrequently. After June 10, the discourse more frequently associated “conservative” with criminal justice reform.

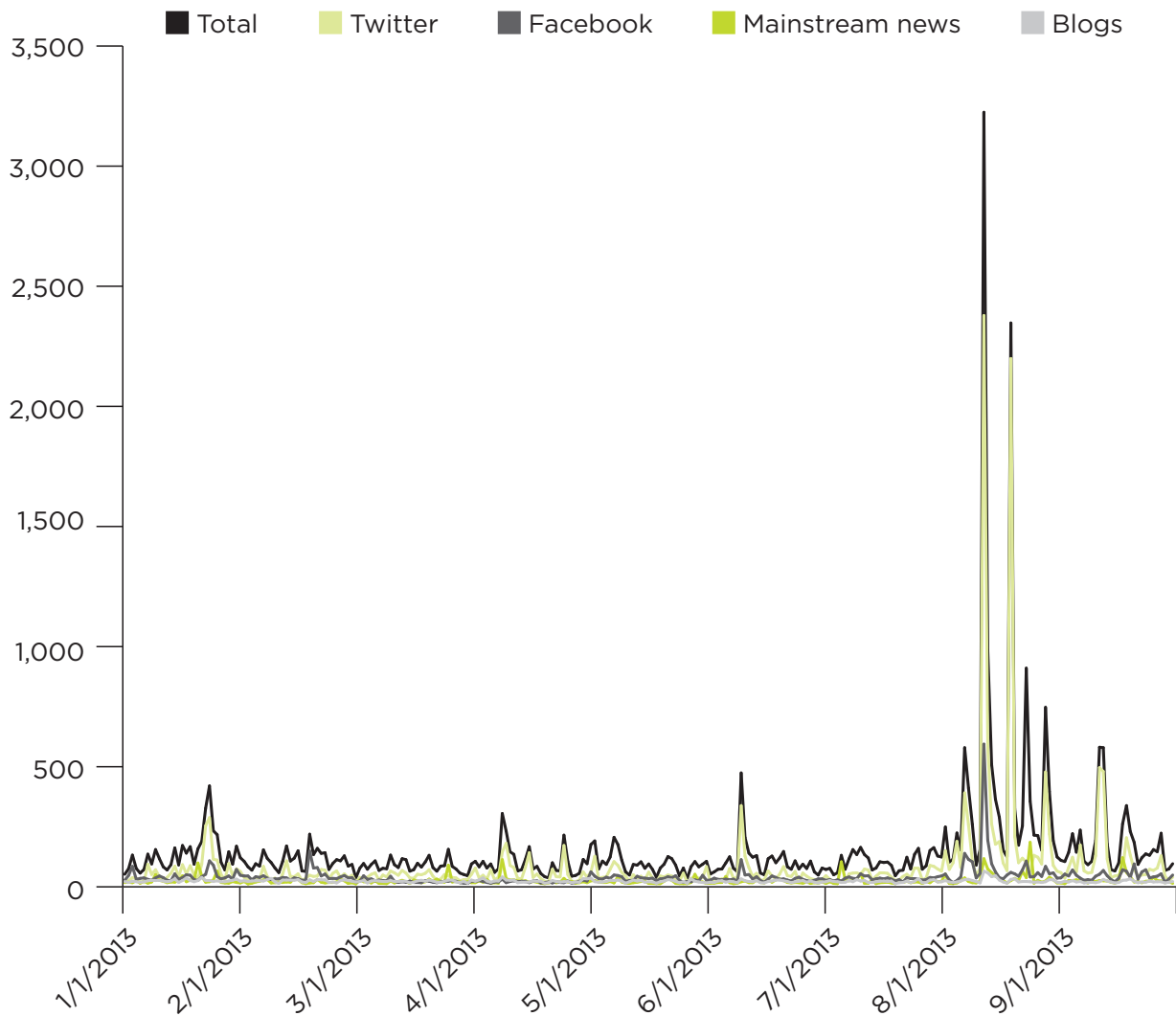
FIGURE 2. FREQUENCY OF SEARCH TERM MENTIONS OVER TIME PERIOD EXAMINED



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[opinion/a-conservative-case-for-prison-reform.html?ref=opinion&\\_r=0](http://opinion/a-conservative-case-for-prison-reform.html?ref=opinion&_r=0).

FIGURE 3. FREQUENCY OF SEARCH TERM MENTIONS OVER TIME BY MEDIA TYPE



August was the hottest month for criminal justice discourse in the first three-quarters of 2013. On August 7 an NPR article referencing an interview with Attorney General Eric Holder from May 2013 publicized Attorney General Holder’s plans to announce his proposal for criminal justice reform. The piece also presented bipartisan efforts by lawmakers, including the Smarter Sentencing Act of 2013 by Democrat Dick Durbin and Republican Mike Lee and the Justice Safety Valve Act of 2013 by Democrat Patrick Leahy and Republican Rand Paul.<sup>14</sup> The activity on the 7<sup>th</sup> and 8<sup>th</sup> as a result of NPR’s piece on Attorney General Holder laid the groundwork for his speech on August 12, which took the Internet by storm. Attorney General Holder released a memo with his proposal for reform and gave a speech to the American Bar Association on August 12, announcing his plans to reform the criminal justice system.<sup>15</sup> Coverage of his announcement and plans echoed across all the news sites and social media platforms through August 15.

14 Johnson, Carrie. “With Holder in the Lead, Sentencing Reform Gains Momentum.” NPR. August 7, 2013. <http://www.npr.org/2013/08/07/209253516/with-holder-in-the-lead-sentencing-reform-gains-momentum>.

15 For one article on the announcement, see Wilkey, Robin and Ryan Reilly. “Eric Holder: ‘Broken’ Justice System Needs ‘Sweeping’ Changes, Reforms.” August 12, 2013. [http://www.huffingtonpost.com/2013/08/12/eric-holder-mandatory-minimum\\_n\\_3744575.html?utm\\_hp\\_ref=san-francisco&ir=San%20Francisco](http://www.huffingtonpost.com/2013/08/12/eric-holder-mandatory-minimum_n_3744575.html?utm_hp_ref=san-francisco&ir=San%20Francisco).

*The Economist* seized the momentum following Attorney General Holder's speech, and the spike in discourse on August 19 is largely from an article on the bipartisan coalition of support for criminal justice reform in the Senate and House.<sup>16</sup> The spike in online discourse on August 2 is an exception to the rule in that the vast majority of mentions, and the strongest driver of discourse that day, was user-generated comments on news media rather than Twitter. One article from the *Huffington Post*, covering California Governor Jerry Brown's proposal to partners with private for-profit prisons, stirred up an extensive conversation among readers.<sup>17</sup> Cory Booker, then-Mayor of Newark and candidate for U.S. Senate (elected in October 2013), announced his proposal for criminal justice reform, which gained traction across all media platforms and sustained discussion online for two days.<sup>18</sup>

September returned to the usual level of discourse around criminal justice reform. On September 11 and 12, a tweet by Garry Kasparov, chair of the Human Rights Foundation, caused the spike in discourse and garnered 794 retweets. In response to an op-ed in *The New York Times* by Vladimir Putin on America's potential military intervention in Syria, Kasparov wrote, "Now we can expect *NY Times* op-eds by Mugabe on fair elections, Castro on free speech, & Kim Jong-un on prison reform. The Axis of Hypocrisy."<sup>19</sup> The last peak within the period studied occurred on September 18 and focused on libertarian Senator Rand Paul's proposal for criminal justice reform.<sup>20</sup> Paul's arguments were both social and fiscal, pointing to the disproportionate number of people of color in the prison system and attributing the escalating prison rates to mandatory minimums placed on certain types of sentences.

### Influential Storylines

Articles and blogs with a high number of comments and "likes" or votes should paint a picture of some of the more influential storylines because of the number of people who engaged with the content directly. On online mainstream news articles, *Huffington Post* engaged the highest volume of people, as measured by number of comments and "likes" (see Table 3 and Table 4 in Appendix C).<sup>21</sup> Content on the articles with the most engagement skewed toward economic and political topics, such as the debt ceiling, the federal budget, and program spending. Articles that focused primarily or exclusively on criminal justice covered President Obama's and Attorney General Eric Holder's proposals for drug sentencing reform, and some of the "most liked" articles covered more focused issues, mentioning state-level activity and drug legalization.

*The Huffington Post* published a wildly popular article showing the list of countries with the highest rates of incarceration, with the United States at number one. Published the day after Attorney General Holder's speech and capitalizing on the moment, it cleverly announced, "These are all the nations that

16 "An Unlikely Alliance of Left and Right: America is Waking up to the Cost of Mass Incarceration." *The Economist*. August 17th, 2013. [http://www.economist.com/news/united-states/21583701-america-waking-up-cost-mass-incarceration-unlikely-alliance-left-and?fsrc=scn/tw\\_ec/an\\_unlikely\\_alliance\\_of\\_left\\_and\\_right](http://www.economist.com/news/united-states/21583701-america-waking-up-cost-mass-incarceration-unlikely-alliance-left-and?fsrc=scn/tw_ec/an_unlikely_alliance_of_left_and_right).

17 Knafo, Saki. "Jerry Brown Considers Prison Alliance Between Private Company, Union." *Huffington Post*. August 22, 2013. [http://www.huffingtonpost.com/2013/08/22/jerry-brown-prisons-private\\_n\\_3799519.html?utm\\_hp\\_ref=latino-voices&cir=Latino%20Voices#comment\\_279343687](http://www.huffingtonpost.com/2013/08/22/jerry-brown-prisons-private_n_3799519.html?utm_hp_ref=latino-voices&cir=Latino%20Voices#comment_279343687).

18 Terkel, Amanda. "Cory Booker Unveils Plan for Criminal Justice Reform: 'The Stakes are High.'" *Huffington Post*. August 28, 2013. [http://www.huffingtonpost.com/2013/08/28/cory-booker-criminal-justice\\_n\\_3826299.html](http://www.huffingtonpost.com/2013/08/28/cory-booker-criminal-justice_n_3826299.html).

19 Putin, Vladimir. "A Plea for Caution From Russia: What Putin Has to say to Americans About Syria." *The New York Times*. September 11, 2013. <http://www.nytimes.com/2013/09/12/opinion/putin-plea-for-caution-from-russia-on-syria.html>.

20 The story was distributed through Associated Press, one article covering the topic is: Jackson, Henry. "Rand Paul pushed Sentencing Reform." *Huffington Post*. September 18, 2013. [http://www.huffingtonpost.com/2013/09/18/rand-paul-sentencing\\_n\\_3949209.html](http://www.huffingtonpost.com/2013/09/18/rand-paul-sentencing_n_3949209.html).

21 It should be noted that Radian isn't able to collect comment information from all online mainstream news sites due to access limitations related to subscription requirements. In addition, not all online mainstream news content allows for commenting or voting, and so is automatically not considered, even if the content may have reached a broad audience. Even with the above caveats, when we explored different news sites, including those with subscription limitations, *Huffington Post* content still appears to consistently garner more comments than any other site. This may be a topic for further research to find out more about the differences in audience or content that is driving more people to engage with *Huffington Post* than other news sites.



incarcerate more of their population than the U.S.” It also shows a GIF of tumbleweed listing lazily across an empty dirt road. The article garnered 6,139 comments and 47,572 likes.

Within the search returns related to criminal justice reform, we analyzed blogs separately from online mainstream media because their engagement indicators—comments and likes—are on a different scale (see Table 5 and Table 6 in Appendix C). Within the search returns, blogs with the most comments came from user-generated sites like Newsvine, a “collaborative journalism” news website, and Reddit and online mainstream blogs like Mediaite and Politico. The blog sites tended to have more of an ideological slant than the online mainstream sites, many with explicit conservative (Daily Caller, Ricochet, Mercatornet, the Right Scoop, and Black Blue Dog) or progressive (Media Matters, Mother Jones, and Think Progress) views. At the same time, there were some more nuanced examinations of a broader range of issues, many more social or cultural in nature.

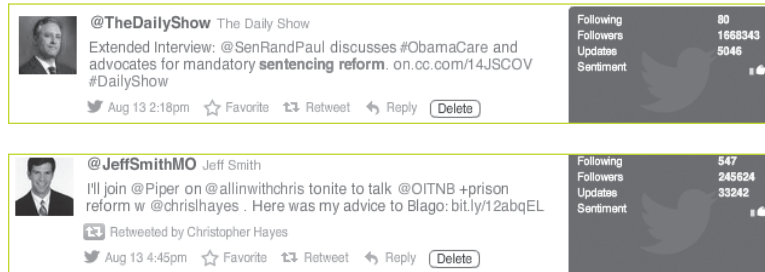
### Powerful Voices

The Twitter users with the most followers posting content related to criminal justice were a mix of media and nonprofit organizations and individuals (see Appendix C, Table 7). The top organizations posting about criminal justice reform, including *Rolling Stone Magazine*, *Newsweek*, *NPR*, and *The Daily Show*, tended to focus on distributing their own content. *NPR* posted their interview with Attorney General Eric Holder that received so much attention. The individuals with the greatest reach include hip-hop entrepreneur, philanthropist, and activist Russell Simmons; mayor of Newark, New Jersey (now U.S. Senator) Cory Booker; and author and entrepreneur Guy Kawasaki.

Attorney General Eric Holder’s sentencing reform announcement got a lot of visibility on Twitter with a retweet of a post by Cecilia Munoz from the White House (4,053,214 followers), a retweet of a post by Global Grind News from Russell Simmons (2,835,240 followers), and a tweet by Gavin Newsom (1,243,249 followers):



The blogosphere and Twitterverse were still reacting to Attorney General Holder’s speech on August 13 and many started capitalizing on the newfound attention being paid to criminal justice reform issues. Senator Rand Paul, one of the architects of a bipartisan effort in Congress to reform the criminal justice system, was interviewed on The Daily Show, and MSNBC host Chris Hayes hosted a conversation on prison reform on his show with Piper Kerman, author of *Orange Is the New Black*.



### Advocacy Organizations Covering Criminal Justice on Twitter and Facebook

The top advocacy pages on Facebook around criminal justice reform are listed in Table 2.

TABLE 2. A SNAPSHOT OF CRIMINAL JUSTICE REFORM ADVOCACY ORGANIZATIONS ON FACEBOOK, BY LIKES

Name	Type of Page <sup>22</sup>	Likes
Law Enforcement Against Prohibition (LEAP)	Nonprofit	105570
Innocence Project	Nonprofit	63335
Drug Policy Alliance	Nonprofit	48549
Brennan Center for Justice	Nonprofit	18806
Criminal Justice Reform (Change.org)	Internet/software	6268
New America: Judicial and Prison Reforms Making Freedom Ring True	Society/culture website	5501
Prison Reform Movement	Society/culture website	3923
Nation of Islam Prison Reform Ministry	Nonprofit	2308
Vera Institute of Justice	Nonprofit	2183
Prison Reform	Cause	1335

Law Enforcement Against Prohibition (LEAP) posts news articles on publications and research related to policing and enforcement of low-level drug activities and updates on their activities, and provide an opportunity to sign up for action alerts that take you directly to their website. The Innocence Project has a “take action” button toward the top of their Facebook page that takes you to an entire page of links to different action items such as contacting you senator or representative (this feature was powered by *CQ Roll Call*). They used Facebook notes to maintain a blog; posted news content and general organization updates to their feed; and provided ample opportunities to take actions, particularly to support individuals they contend had been wrongfully convicted (see Figure 4).

<sup>22</sup> When an organization or individual creates a page, they pick from a limited list of options for the type of organization or interest the page is representing. Some organizations fit cleanly into the categories and others don’t. For example, Change.org is a hybrid organization providing a platform for advocacy groups to create petitions and enact change, a role that is difficult to categorize when forced to choose from a limited list of options.

FIGURE 4: INNOCENCE PROJECT FACEBOOK WALL “CALL TO ACTION” SHARED 600 TIMES



Drug Policy Alliance posted links and snippets on news related to marijuana legalization, especially in reference to mental health, with the occasional broader reform piece. Change.org is behind the Criminal Justice Reform page and posts reform-centered articles and news content and change.org petitions that are related to criminal justice reform to its feed.

## Sentiment Analysis: Twitter, Facebook, and User Comments

In the following section we dig into user-generated content across numerous platforms to assess public sentiment around criminal justice reform.

### Twitter

We analyzed a random sample of 122 tweets from the population of returns between January 1, 2013 and September 30, 2013. Tweets are small posts limited to 150 characters. Despite their compact size, they do manage to carry a load of information, such as viral topics and “friendliness” of the discourse.<sup>23</sup> We coded the tweets for topics, spokespeople, and themes such as solutions proposed or cross issues mentioned. Many tweets shared links, but the tweets were analyzed at face value, and coding did not include referenced content.

Within the randomly selected sample of criminal justice–related returns, the average number of Twitter followers associated with each tweet in the sample was 3,720. Chris Hayes had the highest number of followers in the sample (205,143). People use Twitter largely to share content with followers, with 34 percent of the sample of tweets including a link to a media site, and 28 percent of tweets containing a link to a website of some sort. Just over a third of the tweets (34 percent) did not contain a link.

The majority of Twitter posts (62 percent) favored criminal justice reform broadly or favored models that would address the high rates of incarceration and/or create a more equitable justice system. Just 3 percent of posts in the sample expressed preference for the opposite, either sentiment against this

<sup>23</sup> The friendliness of the discourse may result from the limits of the search terms chosen for the analysis. Had the search terms included terms with negative connotations, such as “murder” or “crime,” the discourse may have seemed less favorable.

conception of reform or favor of reform ideas that contradict the model, such as increasing enforcement, expanding the prison system, and/or magnifying punishment within the system. About one third of posts (35 percent) did not take a stance, were too vague to decipher, or were purely informational.

Tweeters used a number of different terms to describe the criminal justice system, people in the criminal justice system, and criminal justice reform. The most common term in reference to the system or reform was “prison” (53 percent of tweets), followed by “criminal justice” (27 percent of tweets), and sentencing (22 percent). A small percentage of tweets also referred to reform using the terms “incarceration” (3 percent), “convictions” (1 percent), or “jail system” (1 percent). Notably, content producers avoided direct mentions of people in the criminal justice system, with only 4 percent of posts explicitly mentioning them.

Only three tweets mentioned root causes, and one mentioned an action for followers to take.<sup>24</sup> Causes mentioned included disparities in education, private prisons, and unemployment.

*The prison industrial complex and those who lobby for it aren't helping.*

*but following Great Society, more black men are in prison...why? Their fathers were made redundant.*

*Thx 4 signing letter to Obama urging criminal justice reform & support 4 #YouthPROMISEAct! RT Action! <http://t.co/X79dZaWQRo>*

Three in 10 tweets mention organizations, and the same proportion mentions individuals. Three in 10 Twitter posts (30 percent) mentioned solutions, most mentioning activities or proposals at the state or federal level. The common themes among solutions were as follows:

- ▶ Education, either providing high-quality public education that would prevent criminal behavior or educating individuals in the criminal justice system alternatives to incarceration (14 percent of Twitter posts mentioning solutions; 4 percent of Twitter posts overall).
- ▶ Sentencing, including removing mandatory minimums (11 percent of posts mentioning solutions; 3 percent of posts overall) and decriminalizing low-level drug offenses (8 percent of posts mentioning solutions; 3 percent of posts overall).
- ▶ Alternatives to incarceration, such as drug rehabilitation or treatment or probation (8 percent of posts mentioning solutions, 3 percent of posts overall)

*California Bill Would Give Drug Users Treatment Instead of Prison Time  
<http://t.co/ugys3GFYjj> but what we need is actual sentencing reform*

The most common topics related to criminal justice were drugs (30 percent of topical tweets) or drug policy (20 percent of topical tweets). A number of tweets touched on themes related to growing bipartisan support (21 percent of thematic tweets), the high costs of prisons (33 percent of thematic tweets), a growing sense of momentum (42 percent of thematic tweets), and lack of attention to the issue (21 percent of thematic tweets). Just more than half of tweets (54 percent) mention a person or organization. Attorney General Eric Holder and Corey Booker were the most frequently mentioned individuals (11 percent and 4 percent of tweets, respectively).

<sup>24</sup> Calls to action could include anything from retweeting something to making a phone call or attending an event. For the purposes of this analysis, the call to action had to be within the content of the tweet. Calls to action contained in reference content from a tweeted link are not included in the analysis.

*For those who hear “criminal justice reform” and think “bleeding heart liberal,” it’s time to think again. <http://t.co/okfPZwOquH>*

*Had a great conversation today on how the LGBTQ community needs to be fighting for prison reform and poverty-cognizant economic solutions.*

*We already have mass privatization here and it’s not cheaper! We just need less jails of all types*

*POTUS has achieved significant #DrugPolicyReform. Yesterday’s budget has over \$1.5 BILLION increase for treatment & prevention*

*California Bill Would Give Drug Users Treatment Instead Of Prison Time <http://t.co/ugys3GFYjj> but what we need is actual sentencing reform*

## **Facebook**

We analyzed a random sample of 29 Facebook posts for an overarching theme. Facebook posts are commonly used as personal blogs or a site where someone can post their thoughts to share or engage with friends and family. It is interesting that the term “sentencing” was not used in reference to the criminal justice system or reform. Facebook posts heavily favored “prison” for this purpose (64 percent of posts), with a few posts using the terms “criminal justice” (9 percent) and “mass incarceration (9 percent). Almost a quarter of posts (23 percent) mentioned incarcerated people, using terms like “criminal” (5 percent), “offender” (9 percent), and “prisoner” (9 percent). The overwhelming majority of Facebook posters (77 percent) favored criminal justice reform broadly or favored models that would address the high rates of incarceration and/or create a more equitable justice system.

Just short of half of Facebook posts (45 percent) discussed solutions, and nearly one in five (18 percent) presented actions that individuals could take toward criminal justice reform. Common solutions included alternatives to incarceration such as rehabilitation (14 percent), removing mandatory minimums (14 percent), and transformative or restorative justice (9 percent). Actions tended to be eclectic, including calls to “spread the word,” unite as a coalition, or send a book to an incarcerated individual.

*Here is a list of many small groups (most are small) wanting prison reform. If they would just join together under one HUGE umbrella, perhaps we ALL would be heard. CONTACT THEM; INVITE THEM TO JOIN THE END MASS Incarceration Movement. If they hear from all of us, perhaps they’ll understand the benefit of joining in ONE VOICE.*

*We need to call your congressman, senator, rep etc. call all these losers and demand VIOLENT VIDEO GAMES BE BANED. Government regulation of the video game industry is a MUST!*

*The problem is everything but the gun. Violence is a staple now like a PB&J. Video games, sports, driving, media, media stories, news, news stories. People want to blame anything and everything and not take personal responsibility...*

*This is what happens when government gives in to privatization of prisons. Capitalistic profits and poor quality management and services. Another reason for being an advocate for prison reform. Prison privatization: time to end the excesses Privatized prisons are failing the public interest.*

Common themes across Facebook posts included the economy and costs of prisons, especially the money that for-profit prisons make from the system. Numerous posts specifically mentioned—negatively—the prison industrial complex or its lobby, and some even mentioned banks. Religious themes also emerged

in several Facebook posts, which included themes related to forgiveness, mercy, and redemption. Drugs and drug policy were frequently mentioned in Facebook posts, as was mandatory minimum sentencing. There is certainly tension between violent and nonviolent crime in the public mind.

*He said that the prison business was expanding and the sky was the limit on climbing the prison career ladder. He was right. The prison system has expanded dramatically since then and the taxpayers pay millions of dollars a year to warehouse prisoners that could be disciplined or punished in some other remedial ways... Certainly people convicted of violent crime and/or major drug offenses should be incarcerated, but all too often the prisoners who do time are there because of minor crimes that could be handled in a way more conducive to helping society and transforming the prisoner.*

*So tired of hearing about gun control! Lets make the punishment for violent crimes with a gun more severe! Once in prison they need to work! Road crews, farming for food for the homeless, construction and other job that benefit the community! Screw gun control how about prison reform! I see the idiots i grew up with in & out of prison. We pay to feed & house them! What a waste!*

*Anybody ever think we have such a low crime rate BECAUSE we have so many people behind bars????*

*To this day, prisons are holding pens which do nothing to rehabilitate the offender. In the 21st century, you would have thought we could do better. There is an alternative to the idea of an eye for an eye, a tooth for a tooth, the theology of retribution, the idea of Christ's blood for my forgiveness - its an ethic based on the principal of forgiveness... The idea of forgiveness, or the refusal to be the mirror of the violent other, is the defining teaching of Christ. We find it in the words of the Lord's prayer. Forgive us our sin as we forgive those who sin against us. Simple really.*

*Reducing severe mandatory sentences for drug offenders is one of the reforms it's hard to believe anyone could oppose*

*Rehabilitation costs less than incarceration.*

## Comments

We analyzed a random sample of 24 user-generated comments that used the words “criminal justice reform,” “prison reform,” or “sentencing reform” wherever commenting was allowed, including news sites, blogs, and YouTube. User-generated comments were less friendly to criminal justice reform than other social-media platforms, with just 25 percent of commenters in favor of criminal justice reform broadly or of models that would address the high rates of incarceration and/or create a more equitable justice system. A higher percentage of posts in the sample compared to other platforms expressed preference for the opposite, either sentiment against this conception of reform or favor of reform ideas that contradict the model, such as increasing enforcement, expanding the prison system, and/or magnifying punishment within the system (17 percent).

Just more than one in three comments (38 percent) mentioned solutions. In addition to alternatives such as treatment (13 percent), several comments mentioned increasing punishment as a solution to what’s wrong with the criminal justice system. There was more talk about drugs in general (21 percent), and marijuana in particular (13 percent), and it seemed as if the comments were overly focused on legalization of drugs rather than broader reform of the system.

Comments also reflected much discussion around the economy and the costs of the criminal justice system (17 percent). Although few (if any) nonprofit or governmental organizations made it into the conversation, there was certainly talk about the for-profit prison system and the prison lobby (25 percent). Rand Paul was the only individual who warranted discussion, and he only received one mention. Comments infrequently mentioned the root causes of problems in the criminal justice system or actions citizens could take to address them.

*Let's keep something in mind here... people need to work very hard to get into state prison. Most of the people there are the "frequent fliers", who have rap sheets pages long. And while I'm against inhumane conditions or cruelty for the sake of "sticking it to them", these are, largely, bad people.*

*They're open about relaxed drug laws cutting into their bottom line: In [Correction Corporation of America's] annual report to the Securities and Exchange Commission for 2011, cited by the ACLU, the prison company bluntly states its opposition to prison reform.*

*Everyone come out and show your support for marijuana law reform. Bring your weed. This is a 4:20 friendly event.<sup>25</sup>*

*The government wants you to believe that marijuana is more dangerous than heroin and cocaine. Do not believe the government. Mandatory sentencing reform has been long overdue, but even more shocking is the blatant falsehood that is the DEA's Controlled Dangerous Substance schedule list*

*Surely more of these individuals who are supposedly 'nonviolent' can be put to work on the clean up(s). The proceeds could be used to defray incarceration costs and offenders could get credit for 'good time'.*

*It's a simple matter that we aren't focusing enough on rehabilitation, and would much rather work in criminalization.*

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25 "4:20" is code for consumption of cannabis or a code term to identify oneself with cannabis subculture.

# Recommendations and Conclusion

The analysis of social media content, engagement, and trends in online discourse around criminal justice reform can provide insights into openings for advocates to influence the debate. The majority of the conversation is happening on Twitter and Facebook, but meaningful and influential interactions are happening in comments on online mainstream news articles and blogs also. Over the time period studied, the online discourse around criminal justice issues experienced an incredible spike in activity around Attorney General Eric Holder's speech on sentencing reform in August 2013. This increased activity confirms the sense that the time is right and people are ready to engage in a substantive conversation about reforming the criminal justice system.

Recommendations:

- ▶ **Blogs and online news sites are used differently for long-form communication.** Online news sites were excellent for providing new or breaking information or using breaking news to frame the issue and tell the story broadly in a way that aligns with advocates' goals. Online news sites are great outlets for reaching and engaging large numbers of people and keeping the issue at a "60,000 foot" level. Blogs are ideal for writing about the contours of the issue and letting the writer dig into the topic a little more. Blogs tend to have less engagement than the online sites, but the audience is more engaged in the topic at the outset.
- ▶ **Consider engaging in the comments sections of online news sites.** Comments on the articles on online news sites could be lively and may benefit from guidance toward a constructive place. Frequently the first few responses to an article determine the shape of the resulting conversation. Intervening on comment boards in online news sites early can pay off in a more substantive conversation later.
- ▶ **Facebook pages appear to be meaningful vehicles for engagement, but data are limited and there are ever-evolving challenges from the platform's attempt to monetize activity.** Organizations that own pages can analyze the success of their activity, but it is difficult to rigorously evaluate a page from the outside looking in. Further, with the monetization of activity such as "liking" and commenting and giving wall space to people who buy it, these indicators are falling into obscurity as meaningful indicators of engagement. Case study research may be a useful approach to learning more about different Facebook pages related to social justice causes and what has made them successful. In addition, organizations should do experiments of their own with Facebook messaging and report back to the movement on what got attention and what didn't work.
- ▶ **Twitter is underutilized for calls to action.** Much of the conversation is happening on Twitter, but only one tweet in the sample we analyzed contained a concrete action that followers could take. Although Twitter may not be the ideal forum for traditional action-taking such as petition signing or contacting a representative, other actions that might engage younger audiences, such as retweet requests, requests for link shares, or mini-campaigns involving photo submissions, might be alternative forms of action-taking that appeal to Twitter audiences.



- ▶ **Simplify the issue by developing a core narrative and leading with values.** The causes of and solutions to problems with the criminal justice system aren't appearing in user-generated discourse. Developing a shared narrative about the root causes of dysfunction in the system and reclaiming commonsense, "smart on crime" solutions can go a long way toward clarifying misperceptions of how society treats people with convictions.
- ▶ **Integrate people with conviction into the conversation.** A pronounced stigma is attached to serving a prison sentence, and giving incarcerated and formerly incarcerated individuals, their families, and the people they've affected a forum to voice their opinions and show the world their humanity can go a long way in changing the discourse. Explore meaningful and constructive ways to talk about people who have been convicted, rather than avoid them. Additional research, similar to the research on how the immigration movement identified ways to refer to "undocumented" immigrants, could inform language that frames people currently or formerly in the criminal justice system.

# Appendices

## Appendix A: Sources of Content

Sources of content, by media type, include the following:

- ▶ **Blog posts:** A blog can be part of a traditional website or stand on its own. Blog posts vary in length and topic but are a great place for people to start extended discussions around individual subjects. The community can interact with the blogger via comments. For the purposes of this study, the term “blog” refers to a blog post.
- ▶ **Comments:** The Internet provides ample opportunities for online engagement through voting systems (such as “likes” or “shares”) and through commenting capabilities on blog posts, videos, images, or articles. These user-generated comments provide rich qualitative data to mine for public sentiment. Radian6 compiles comments that include search terms from numerous sources including blogs, online mainstream news sites, and image and video hosting sites such as YouTube.
- ▶ **Facebook and Myspace:** Facebook and Myspace are social network sites that support communication and link sharing among a large audience, without the character limitation of Twitter. Radian6’s coverage incorporates public Facebook and Myspace page information only.
- ▶ **Online forums and forum replies:** Forums include threaded discussions on specific topics that may require membership to comment. They’re very specific, gated communities that can be great for back and forth Q&A-style interactions between the community. They work like message boards where people can engage in discussion in the form of posted messages that are often fairly substantial (longer than one line of text).
- ▶ **Images and videos:** Radian6 identifies videos and images online by matching keywords with video and image titles and descriptions.
- ▶ **Online mainstream news sites:** Radian6 includes segments of online mainstream news sites, such as Huffingtonpost.com or nytimes.com, and particularly the pages that allow a community to interact with them through actions like commenting on the news stories. Because the online public tends to use the Internet and social media to read, understand, and share the news, it is frequently the topics in the online mainstream news that drive activity across the numerous sites and platforms.
- ▶ **Twitter:** Twitter is a social network that supports short-form communication (i.e., microblogging) and link sharing among a large audience. A “tweet” or text message sent to a user’s followers and posted to the user’s timeline must be no longer than 140 characters. Twitter users opt to follow other users’ profiles and receive tweets from the users they follow. A user’s profile name is indicated by the “@” sign and allows for mentioning or replying to certain users. A word or phrase with a “#” (hashtag) sign allow for the grouping of posts by topics, so that a “hashtag search” will return all tweets quoting the hashtag expression. Finally, users can “retweet” another user’s tweet, essentially sharing another users’ content.

## Appendix B: Discourse by Media Type—Criminal Justice-Specific Discourse vs. Broader Topic (Mentions of President Obama)

Comparison of breakdown of the discourse by media type for search terms focused on criminal justice reform and a broader search of mentions of President Obama. Twitter consistently produces the majority of returns, and Facebook typically also has a substantial share of returns.

FIGURE 5: CRIMINAL JUSTICE DISCOURSE JAN 1–MARCH 31, 2013 BY MEDIA TYPE

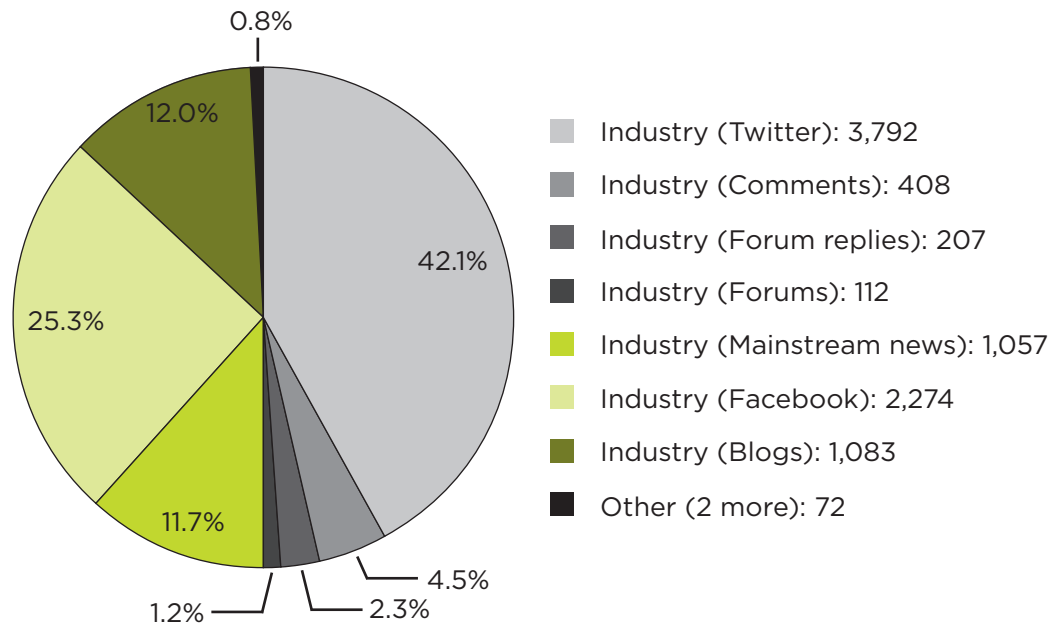
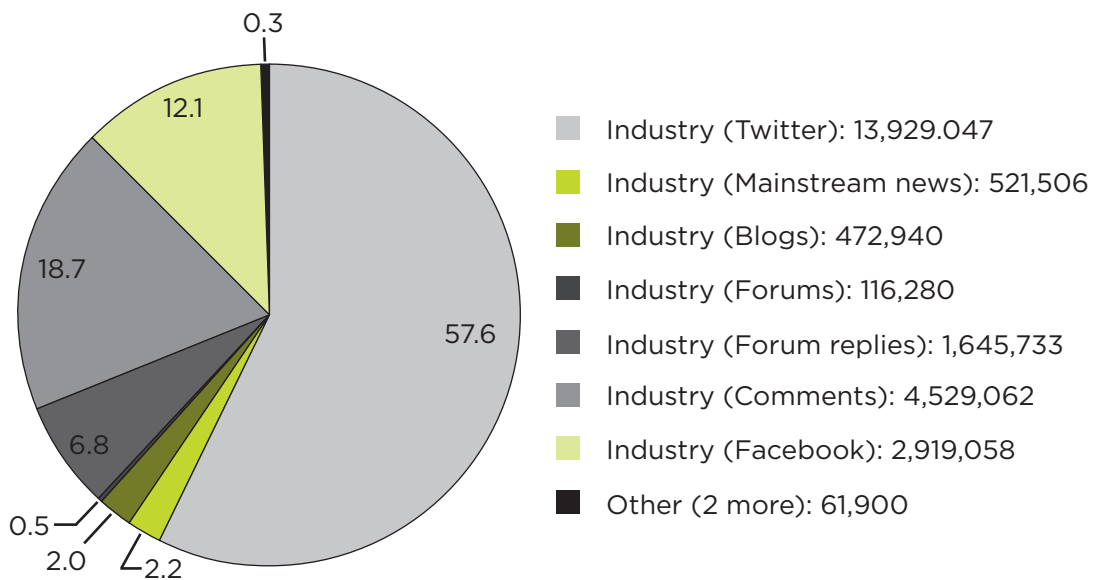


FIGURE 6: MENTIONS OF PRESIDENT OBAMA JAN 1–MARCH 31, 2013 BY MEDIA TYPE



## Appendix C: Headlines, Media Sources, and Twitter Users that Engaged the Most People

TABLE 3: ONLINE MAINSTREAM MEDIA WITH HIGHEST NUMBER OF COMMENTS

Headline	Source	Date	Comments	Unique Comments	Likes & Votes
Boehner: Obama Raging Against Crisis He Manufactured	The Huffington Post	2/20/2013 5:22	25395	13444	4214
Reid Would Back Obama Decision to Ignore GOP on Debt Ceiling	The Huffington Post	1/4/2013 20:01	14301	10726	5994
Congress Pushes Weapons Army Says It Doesn't Need	The Huffington Post	4/28/2013 15:09	10080	7708	10338
Obama Budget Proposal Cuts Are 'Unconscionable,' Says AFL-CIO	The Huffington Post	4/6/2013 21:03	8983	3850	6882
GOP Rejects Revenue Increases in Sequester Deal	The Huffington Post	2/10/2013 18:14	8861	4573	575
A Conservative Case for Prison Reform	Newsvine	6/10/2013 12:46	8393	6295	0
White House Takes Medicare Eligibility Age Off the Table	The Huffington Post	2/11/2013 18:35	8206	4973	1610
Latest GOP Budget Plan Wouldn't Aid Poor, Students, Seniors ...	The Huffington Post	3/5/2013 1:42	7910	6190	1202
End in Sight for Fiscal Cliff Debacle	The Huffington Post	1/2/2013 4:02	7858	5085	1786
Obama Administration May Introduce Sweeping Drug Reform	The Huffington Post	8/8/2013 20:32	7415	5932	16445
GOP Rep: 'It's About Time' We Have Another Government Shutdown	The Huffington Post	1/6/2013 22:48	6341	4687	2336
Obama Calling for Cuts to Crucial Program	The Huffington Post	4/5/2013 11:49	6153	4676	5260
Eric Holder: 'Broken' Justice System Needs 'Sweeping' Changes	The Huffington Post	8/12/2013 20:18	5750	4107	5569
Obama Sequester Plan: Hope Republicans Blink First	The Huffington Post	2/6/2013 0:37	5411	3607	465
Republicans Call Obama's Sequester Bluff	The Huffington Post	2/6/2013 3:55	5411	3607	466

**TABLE 4: ONLINE MAINSTREAM MEDIA WITH HIGHEST NUMBER OF LIKES OR VOTES**

Headline	Media Site	Date	Comments	Unique Commenters	Likes & Votes
Here Are All of the Nations That Incarcerate More of Their Population Than the U.S.	The Huffington Post	8/13/2013 12:20	6089	4871	47177
Treasury Makes Surprising Announcement	The Huffington Post	2/12/2013 21:31	3657	2895	21251
Obama Administration May Introduce Sweeping Drug Reform	The Huffington Post	8/8/2013 20:32	7415	5932	16445
A New Day for the 'War on Drugs'	MSNBC	4/25/2013 15:25	184	138	16002
Senate Rejects Paul Ryan Budget	The Huffington Post	3/22/2013 4:29	4253	3226	11591
Congress Pushes Weapons Army Says It Doesn't Need	The Huffington Post	4/28/2013 15:09	10080	7708	10338
Financial Docs Show Universities Are Huge Investors in Student Loan Industry	The Huffington Post	5/10/2013 3:04	3200	2176	7877
Obama Budget Proposal Cuts Are 'Unconscionable,' Says AFL-CIO	The Huffington Post	4/6/2013 21:03	8983	3850	6882
Pentagon Restores Military Tuition Assistance After Uproar	The Huffington Post	3/29/2013 0:07	759	550	6877
Reid Would Back Obama Decision to Ignore GOP on Debt Ceiling	The Huffington Post	1/4/2013 20:01	14301	10726	5994
Study Reveals Staggering Cost of Tax Breaks for Wealthy	The Huffington Post	5/30/2013 0:40	2444	1555	5907
California Bill Would Give Drug Users Treatment Instead of Prison Time	The Huffington Post	9/11/2013 22:19	492	380	5787
Eric Holder: 'Broken' Justice System Needs 'Sweeping' Changes	The Huffington Post	8/12/2013 20:18	5750	4107	5569
Marijuana's Unlikely Allies Launch Huge New Effort	The Huffington Post	7/9/2013 17:33	612	408	5441
The Untouchables: America's Misbehaving Prosecutors, and the System That Protects Them	The Huffington Post	8/1/2013 18:21	2077	850	5423

TABLE 5: BLOG POSTS WITH THE HIGHEST NUMBER OF COMMENTS

Headline	Media	Date	Comments	Unique Commenters	Likes & Votes
Gerson and Wehner: GOP Wins in 2010 'Now Seems More Like an Aberration'	Newsvine	2/16/2013 0:21	7227	5420	0
The Big House That Wayne LaPierre Built   Mother Jones	Newsvine	2/8/2013 13:22	3786	2840	1
Newt Gingrich, Van Jones Spar over Zimmerman Verdict	Daily Caller	7/14/2013 23:42	411	193	246
Why Can't Republicans Take Personal Responsibility for Blowing Off 50th Anniversary March?	Mediaite	8/30/2013 15:10	366	101	83
Holder's 'mandatory minimums' gamble	Politico	8/12/2013 21:07	309	111	0
Artur Davis: The Forgotten King	Ricochet	8/28/2013 19:03	191	143	0
Fox's O'Reilly Attacks Hollywood in Defense of Broken U.S. Prison System	Media Matters	4/11/2013 10:56	181	53	335
Pro-Lifers Taking a New Direction	Mercatornet	1/15/2013 0:19	154	110	10
Cops Have Engaged Chris Dorner in San Bernardino Mountains	The Right Scoop	2/12/2013 21:41	141	37	0
Limbaugh: Absurd to Think Minority Voting Under Attack, It's Just the Opposite	Mediaite	8/19/2013 21:38	118	55	144
Federal Prisons Plan to Release More Prisoners on Compassionate Grounds	Weasel Zippers	5/4/2013 17:29	104	54	0
We Are Quakers, Ask Us Anything!	Reddit	8/17/2013 8:37	104	28	0
I am Maja Daruwala, Executive Director of International Human Rights Organization CHRI. AMA.	Reddit	8/13/2013 5:07	94	42	35
Donald Trump Says Blacks and Hispanics Are Responsible for Violent Crime	Black Blue Dog	6/7/2013 13:51	92	75	1850

TABLE 6: BLOG POSTS WITH THE HIGHEST NUMBER OF LIKES AND VOTES

Headline	Media Outlet	Date	Comments	Unique Comments	Likes & Votes
This Is How Private Prison Companies Make Millions Even When Crime Rates Fall	Mother Jones	9/19/2013 17:43	0	0	10439
Supreme Court Forces California to Release 10,000 Prisoners	Dark Government	8/3/2013 13:07	0	0	9094
The Big House That Wayne LaPierre Built	Mother Jones	2/8/2013 11:11	0	0	4822
How “Real” Is “Orange Is The New Black”? Comparing the Show to the Memoir to the Numbers	Auto Straddle	8/4/2013 16:00	1	1	3776
U.S. the Incarceration Nation	Dark Government	2/3/2013 18:16	0	0	3753
In Memory of Former Governor George Leader	PCNTV	5/9/2013 19:14	0	0	2552
Should American Taxpayers Spend More Money on Welfare or Prison?	Personal Liberty	7/30/2013 5:01	25	24	2013
Donald Trump Says Blacks and Hispanics Are Responsible for Violent Crime	Black Blue Dog	6/7/2013 13:51	92	75	1850
Federal Prison Population Spiked 790 Percent Since 1980	Think Progress	2/7/2013 15:10	33	26	1733
UN Gun Grab on Pace for March	Spread Liberty News	1/18/2013 5:01	0	0	1319
Re-Examining Our Approach to Drug Policy Reform in the South	Students for Sensible Drug Policy	2/21/2013 17:09	0	0	1257
America’s 10 Worst Prisons: [5] LA County	Mother Jones	5/7/2013 10:00	0	0	790
Dr. Boyce: Mass Incarceration Leading to a Mental Health Crisis Among Black Men and Families	Techyville	2/1/2013 11:57	32	27	688
Big Labor’s Lock ‘Em Up Mentality	Mother Jones	2/22/2013 11:01	0	0	657
Fox’s O’Reilly Attacks Hollywood in Defense of Broken U.S. Prison System	Media Matters	4/11/2013 10:56	53	6	335
Stanford Historian Examines the Politics of Sexual Violence	Stanford	9/11/2013 7:00	0	0	323

TABLE 7: TWITTER CONTENT THAT REACHED THE HIGHEST NUMBER OF FOLLOWERS

Twitter user	Content	Date	Followers
WHITEHOUSE	RT @Cecilia44 AG Holder gave a very important speech today at #ABA: announced smart on crime approach to criminal justice reform <a href="http://t.co/LyfGZ7I46a">http://t.co/LyfGZ7I46a</a>	8/12/2013 20:40	4053214
ROLLINGSTONE	Inmates' families say the fight for prison reform is just beginning: <a href="http://t.co/hIXoA65fUm">http://t.co/hIXoA65fUm</a>	8/19/2013 21:53	2963535
UNCLERUSH	RT @GlobalGrindNews WATCH LIVE: Attorney General Eric Holder address on sentencing reform for low-level drug offenders [LIVESTREAM] <a href="http://t.co/IPZBjIEOpN">http://t.co/IPZBjIEOpN</a>	8/12/2013 17:18	2835240
UNCLERUSH	saw some early notes on @BarackObama's budget, and there are A LOT of good things in there for criminal justice reform. YES!	4/10/2013 19:27	2659144
NEWSWEEK	Conversation must coincide w/ policy change. Is criminal justice reform a place of bipartisan consensus? - @JoshuaDubois in #BeyondtheRift	7/18/2013 19:19	2036084
NPRNEWS	With Holder In The Lead, Sentencing Reform Gains Momentum <a href="http://t.co/qe2MK7ci9f">http://t.co/qe2MK7ci9f</a>	8/7/2013 8:28	1908649
NPRPOLITICS	With Holder In The Lead, Sentencing Reform Gains Momentum <a href="http://t.co/mXPwkngGCL">http://t.co/mXPwkngGCL</a>	8/7/2013 8:35	1834669
THEDAILYSHOW	Extended Interview: @SenRandPaul picks apart Obamacare and advocates for mandatory sentencing reform. <a href="http://t.co/bxR3EvZdT3">http://t.co/bxR3EvZdT3</a>	8/20/2013 17:51	1684318
THEDAILYSHOW	Extended Interview: @SenRandPaul discusses #ObamaCare and advocates for mandatory sentencing reform. <a href="http://t.co/6Dktccw9jm">http://t.co/6Dktccw9jm</a> #DailyShow	8/13/2013 18:18	1668343
CORYBOOKER	RT @JeromeKJoseph If you haven't done so already, check out @CoryBooker 's white paper on prison reform. Sound ideas that can be brought to scale	9/12/2013 23:10	1416439
CORYBOOKER	RT @chrishayes: Cory Booker's criminal justice reform proposals are pretty promising. I'll discuss with him tonight <a href="http://t.co/I8PPLqYcAJ">http://t.co/I8PPLqYcAJ</a>	8/29/2013 19:37	1412259
CORYBOOKER	RT @mattkaiser Here's a link to @CoryBooker's policy paper on criminal justice reform <a href="http://t.co/unl49Y73EL">http://t.co/unl49Y73EL</a>	8/29/2013 14:55	1412154
CORYBOOKER	MT @raceandpolitics: Big Mailer from Cory urging Americans to support criminal justice reform. His petition here - <a href="http://t.co/BP9uxOsgwD">http://t.co/BP9uxOsgwD</a>	8/28/2013 17:21	1411732
CORYBOOKER	RT @starledger: Cory Booker calls for prison reform, decriminalizing marijuana on anniversary of March on Washington <a href="http://t.co/5HWRQkH4oy">http://t.co/5HWRQkH4oy</a>	8/28/2013 17:19	1411726
CORYBOOKER	Thank you RT @Natalie_Lavelle I like Cory Booker's stance on inequity in our country and prison reform.	8/28/2013 16:14	1411711
CORYBOOKER	RT @dansleva: Cory Booker Unveils Ambitious Criminal Justice Reform Plan - <a href="http://t.co/vy0P312Znm">http://t.co/vy0P312Znm</a>	8/28/2013 15:33	1411681
CORYBOOKER	RT @aterkel: Cory Booker unveils big criminal justice reform plan today <a href="http://t.co/HI1jEHM2Ty">http://t.co/HI1jEHM2Ty</a> #njsen	8/28/2013 14:03	1411651
CORYBOOKER	RT @caitlindempsey: you should check out <a href="http://t.co/OtQCia1DLW">http://t.co/OtQCia1DLW</a> some really great stuff going on regarding criminal justice reform!	4/20/2013 19:39	1380972



Twitter user	Content	Date	Followers
GUYKAWASAKI	Cut welfare spending to pay for prison reform? <a href="http://t.co/8fr4P8Be5u">http://t.co/8fr4P8Be5u</a>	7/31/2013 11:55	1367091
GUYKAWASAKI	Cut welfare spending to pay for prison reform? <a href="http://t.co/7ncYI5zSgS">http://t.co/7ncYI5zSgS</a>	7/31/2013 3:55	1366847
GUYKAWASAKI	Cut welfare spending to pay for prison reform? <a href="http://t.co/vPEgVk3ShS">http://t.co/vPEgVk3ShS</a>	7/30/2013 19:55	1366730
GUYKAWASAKI	Cut welfare spending to pay for prison reform? <a href="http://t.co/wa158rJxaD">http://t.co/wa158rJxaD</a>	7/30/2013 11:55	1366608
GAVINNEWSOM	Glad to hear Attorney General Holder make the case today for minimum mandatory sentencing reform. Long overdue!	8/12/2013 21:38	1243249
HRW	RT @grace_meng Drug cases 22% of fed crim cases, immigration 41%. Sentencing reform must include immigration cases <a href="http://t.co/Q1FOr6uXE3">http://t.co/Q1FOr6uXE3</a>	9/12/2013 14:38	792891
HRW	RT @amginatta MT @SLandP NPR: With Holder In The Lead, Sentencing Reform Gains Momentum <a href="http://t.co/2WomWXoqWI">http://t.co/2WomWXoqWI</a>	8/7/2013 16:11	735869
CURRENT	WATCH @NAACP President @BenJealous call for criminal justice reform: <a href="http://t.co/qkiCKJ5qSz">http://t.co/qkiCKJ5qSz</a> #Viewpoint VIDEO	4/10/2013 2:20	715493
HBO	RT @RealTimers Now up: actor/writer/director/producer/ activist/multi-tasker @TimRobbins1, talking prison reform. #RealTime	9/28/2013 2:13	628386
NONPROFITORGS	RT @thinkprogress Georgia to lock up fewer people and cut costs after passing sweeping prison reform <a href="http://t.co/Mp7QQjVQOn">http://t.co/Mp7QQjVQOn</a>	5/3/2013 17:55	618946
MISSFREE	RT @GlobalGrindNews WATCH LIVE: Attorney General Eric Holder address on sentencing reform for low-level drug offenders [LIVESTREAM] <a href="http://t.co/IPZBjIEOpN">http://t.co/IPZBjIEOpN</a>	8/12/2013 20:52	591613
AMNESTY	#California prison reform review welcome but more needs to be done to alleviate inhumanity of California's SHUs <a href="http://t.co/7shTzKCS9P">http://t.co/7shTzKCS9P</a>	2/22/2013 21:35	582364
POLITICO	What Eric Holder's call for criminal justice reform really means: <a href="http://t.co/8vpzF5pwoP">http://t.co/8vpzF5pwoP</a>	8/13/2013 5:04	578056
NYBOOKS	RT @pareene finally Congress is acting on prison reform <a href="https://t.co/cEUqNy6mdO">https://t.co/cEUqNy6mdO</a>	8/15/2013 17:34	566605
VICE	VICE prison correspondent @burykill on the best way to enact prison reform: <a href="http://t.co/KLSbyaVRtV">http://t.co/KLSbyaVRtV</a>	9/19/2013 2:00	446934
NEWSHOUR	RT @Persistence @NewsHour #newshourchats Q3 In what areas do you see room for compromise? corporate tax reform, criminal justice reform, reducing inequality	8/29/2013 17:58	444571
RT_COM	Prison reform controversy: China may close notorious labor camps <a href="http://t.co/QUUrEjzA">http://t.co/QUUrEjzA</a>	1/8/2013 3:39	427805
RT_COM	Prison reform controversy: China may close notorious labor camps <a href="http://t.co/QUUrEjzA">http://t.co/QUUrEjzA</a>	1/7/2013 14:25	427664
ALEcjross	Next: a 12,000 word essay by Kim Jong-UN in The Atlantic about prison reform.	9/19/2013 23:20	376205
DONNABRAZILE	@CoryBooker plans for criminal justice reform is refreshing. Thanks Mr Mayor.	8/30/2013 0:44	356125

Twitter user	Content	Date	Followers
CHARLESPGARCIA	Prison reform: An unlikely alliance of left and right via The Economist <a href="http://t.co/q7W3Fm2mPF">http://t.co/q7W3Fm2mPF</a> (@charlespgarcia)	8/19/2013 17:02	340312
GLOBALGRIND	WATCH LIVE: Attorney General Eric Holder address on sentencing reform for low-level drug offenders [LIVESTREAM] <a href="http://t.co/r4yDoWpiKy">http://t.co/r4yDoWpiKy</a>	8/12/2013 17:15	338503
GLOBALGRIND	RT @GlobalGrindNews Attorney general Eric Holder to move for major sentencing reform <a href="http://t.co/lcModve78l">http://t.co/lcModve78l</a>	8/8/2013 17:23	337912
TJHOLTHAUS	The Legal Assassination of Tom DeLay and Criminal Justice Reform   <a href="http://t.co/iXljmrr5gH">http://t.co/iXljmrr5gH</a> <a href="http://t.co/V5uogX2BRC">http://t.co/V5uogX2BRC</a>	9/20/2013 17:09	334713
WILLSMITHNEWS	Prison Reform Advocates Speak Up for the Voiceless <a href="http://t.co/NfnKCifFwx">http://t.co/NfnKCifFwx</a>	8/20/2013 15:10	333526
INGRAHAMANGLE	@Kasparov63: Now we can expect NY Times op-eds by Mugabe on fair elections, Castro on free speech, & Kim Jong-un on prison reform?	9/12/2013 22:03	330406
HUFFPOSTPOL	Cory Booker unveils plan for criminal justice reform <a href="http://t.co/JR6PjRnJc6">http://t.co/JR6PjRnJc6</a> #NJsen	8/29/2013 6:11	329483
HUFFPOSTPOL	Cory Booker unveils plan for criminal justice reform <a href="http://t.co/JR6PjRnJc6">http://t.co/JR6PjRnJc6</a> #NJsen	8/28/2013 23:41	329392
HUFFPOSTPOL	Cory Booker unveils plan for criminal justice reform <a href="http://t.co/JR6PjRnJc6">http://t.co/JR6PjRnJc6</a> #NJsen	8/28/2013 14:13	329174
INGRAHAMANGLE	LIVE NOW: @RichardViguerie on "Conservative Case for Prison Reform" - Is the GOP going soft on crime? <a href="http://t.co/7VTcMI17Ae">http://t.co/7VTcMI17Ae</a>	8/12/2013 14:47	316779
SALON	Orange is the New Black author @piper Kerman on the show -- and the need for real prison reform. <a href="http://t.co/Z26JAdTMey">http://t.co/Z26JAdTMey</a>	9/7/2013 20:22	301247
SALON	Must read interview with @piper Kerman on Orange Is The New Black and the need for real prison reform. <a href="http://t.co/O8Fw5eq5Rk">http://t.co/O8Fw5eq5Rk</a>	9/7/2013 15:16	301197
TRUEBORNRECORDS	Advocates of drugs-sentencing reform welcome Eric Holder's policy overhaul: Anthony Papa, who spent 12 ye... <a href="http://t.co/lgk2rZC1zu">http://t.co/lgk2rZC1zu</a> #TBR	8/12/2013 21:56	291488
MOTHERJONES	Here is the full text of Attorney General Eric Holder's speech on prison reform: <a href="http://t.co/JzIHGkU8us">http://t.co/JzIHGkU8us</a>	8/12/2013 18:16	283071
THENATION	AFL-CIO Pledges Prison Reform, Partnerships, and Accountable Organizing Plans <a href="http://t.co/o87n17nds">http://t.co/o87n17nds</a>	9/10/2013 14:22	279058
SENRANDPAUL	RT @SenatorLeahy Chairman Leahy's Opening Statement, Hg. On Mandatory Minimum Sentencing Reform w. @SenRandPaul @FAMMFoundation <a href="http://t.co/1trBhVUmX3">http://t.co/1trBhVUmX3</a>	9/18/2013 15:49	268357
THINKPROGRESS	Only 2 percent of those released as part of California's sentencing reform have been charged with a crime <a href="http://t.co/qsXODIf8AA">http://t.co/qsXODIf8AA</a>	9/11/2013 17:46	267359
CHRISLHAYES	Corey Booker's criminal justice reform proposals are pretty promising. I'll be discussing with him tonight on #Inners <a href="http://t.co/uiV7FaD1ly">http://t.co/uiV7FaD1ly</a>	8/29/2013 17:21	251280

Twitter user	Content	Date	Followers
CHRISLHAYES	RT @JeffSmithMO I'll join @Piper on @allinwithchris tonite to talk @OITNB +prison reform w @chrislhayes. Here was my advice to Blago: <a href="http://t.co/wT3kbGy6ik">http://t.co/wT3kbGy6ik</a>	8/13/2013 20:45	245624
SENRANDPAUL	I look forward to working w/ President & AG Holder to advance my legislation on Mandatory Minimum Sentencing Reform <a href="http://t.co/vVanSBeZSW">http://t.co/vVanSBeZSW</a>	8/12/2013 17:36	241477
ROLANDSMARTIN	RT @newsone Attorney General Eric Holder Speaks On Criminal Justice Reform <a href="http://t.co/iALpYMqhsu">http://t.co/iALpYMqhsu</a>	9/26/2013 13:35	237975
JILEVIN	Huff Post: Rand Paul Pushes Sentencing Reform <a href="http://t.co/RqAIDXUBTZ">http://t.co/RqAIDXUBTZ</a> #p2 #topprog	9/18/2013 17:45	233640
JILEVIN	Political Animal: Sentencing Reform: Getting From Here to There <a href="http://t.co/Oteol9Gxva">http://t.co/Oteol9Gxva</a> #p2 #topprog	9/17/2013 20:41	233639
JILEVIN	Political Animal: Let's See Some Movement on Sentencing Reform <a href="http://t.co/c7qj7sS9Gl">http://t.co/c7qj7sS9Gl</a> #p2 #topprog	9/11/2013 20:03	232549
THINKPROGRESS	Georgia to lock up fewer people and cut costs after passing sweeping prison reform <a href="http://t.co/Mp7QQjVQ0n">http://t.co/Mp7QQjVQ0n</a>	5/3/2013 17:04	232164
ROLANDSMARTIN	DON'T MISS @rolandsmartin's NEW column, #EricHolder, #America Right To Confront Sentencing Reform <a href="http://t.co/krAQnNQjdG">http://t.co/krAQnNQjdG</a>	8/14/2013 15:35	231902
PROPUBLICA	@nytimes notes what Holder *didn't* mention about sentencing reform" including our clemency coverage: <a href="http://t.co/CVbdv3DQZ3">http://t.co/CVbdv3DQZ3</a>	8/22/2013 17:23	230756
PROPUBLICA	Holder's big speech on criminal justice reform skipped over one way to help prisoners: clemency. <a href="http://t.co/knN7wawvXN">http://t.co/knN7wawvXN</a>	8/16/2013 12:13	229603
JILEVIN	Political Animal: Sentencing Reform Breakthrough? <a href="http://t.co/GfRfA57CIP">http://t.co/GfRfA57CIP</a> #p2 #topprog	8/12/2013 17:41	225683
JAKPOST	Prison reform essential <a href="http://t.co/gWyDRv0kl8">http://t.co/gWyDRv0kl8</a>	7/22/2013 3:54	222716
OPERATIONFOLLOW	#TeamFollowBack Viewpoints: Prison reform in the US <a href="http://t.co/nzQzlvSkrZ">http://t.co/nzQzlvSkrZ</a>	8/12/2013 23:34	210756
OPERATIONFOLLOW	#TeamFollowBack US in major criminal justice reform <a href="http://t.co/H2cWUcuPmy">http://t.co/H2cWUcuPmy</a>	8/12/2013 18:04	210744
CHRISLHAYES	FWIW, I've talked a *whole lot* about the drug war, criminal justice reform and even left-right alliance on same.	4/11/2013 20:34	205143
MHARRISPERRY	'Orange is the New Black' stars make prison reform the new hot topic <a href="http://t.co/fNW9g8U9qq">http://t.co/fNW9g8U9qq</a> via @mhpshow	8/5/2013 14:42	205096
ROLANDSMARTIN	@DailyCaller Conservatives are leading on prison reform <a href="http://t.co/ztK1m4qXGd">http://t.co/ztK1m4qXGd</a> A top civil rights leader said more help from GOP than Dems	2/26/2013 2:18	202630
ROLANDSMARTIN	@DailyCaller Conservatives are leading on prison reform <a href="http://t.co/ztK1m4qXGd">http://t.co/ztK1m4qXGd</a> GOP govns doing more than Dem govns. Very true.	2/26/2013 2:18	202629
CHAELMONTGOMERY	TheRawStory: Prison reform advocates: The war on drugs is the 800-pound gorilla that must... <a href="http://t.co/EUDNU4QChb">http://t.co/EUDNU4QChb</a> @RawStory #TFB #F4F	8/25/2013 21:56	200561



# The **Opportunity** Agenda

*Building the National Will  
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