

ENGAGING THE PUBLIC, IMPROVING THE CONVERSATION

As noted, an area where the public has yet to come to judgment is mandatory minimum sentencing. Experts who oppose mandatory minimums worry about it being a blunt instrument that leads to overly long and unfair sentencing. Our focus group participants expressed a variety of perspectives on eliminating mandatory minimums, but it was clear that they had not really thought much about the issue. This is an area where people need to learn more and tease apart the various arguments for and against before they're going to settle into a stable position one way or another. Public education and public engagement that stimulate such thinking in a fair-minded way can help the public come to sounder judgment on this question.

More generally, in engaging the public on incarceration reform, it is important to note that most people view the issue less as “there are too many people in prison” and more as “there are some people who should not be there”—because they were incarcerated out of bias, which is unfair; or a nonviolent drug offense, which is not helpful; or a bad upbringing, which is preventable. People want to prevent wrongful, unhelpful or avoidable incarceration more than a high rate of incarceration in the abstract.

People tend to engage the topic of incarceration through stories more than statistics. Our focus group participants told stories about friends and family who had experienced the criminal justice system or about experiencing it themselves. Some described lacking the resources to mount an adequate defense. Some talked about family members who had been imprisoned because they were addicted to drugs. Others voiced frustration with a slow system that exacts fees from defendants. While participants often expressed quite punitive attitudes toward violent offenders and were unmoved by data about increasing rates of incarceration, they also expressed an openness to reforms that resonated with their experiences and the stories of their friends and family.

If such stories undergird the common ground that currently exists on incarceration and the criminal justice system, other stories may undermine that common ground. This has been the fate of criminal justice as a partisan issue in U.S. politics: Stories of incarcerated people who have been paroled or released and then go on to commit violence have often been used for political ends—with barely veiled racial overtones. Tragic instances of wrongdoing after release do occur, and we do not mean to suggest that they are an invalid part of the public conversation. But because of the strong emotions that tend to swirl around crime and safety, such stories can sometimes be used to scare and manipulate people. In those instances, the public's common ground and judgment are not likely to be bolstered solely by statistics that show such events to be the exception rather than the rule or that show a receding crime rate overall. More effective, we'd guess, would be alternative compelling stories—of people unjustly imprisoned, of families reunited and of disastrous mistakes avoided.