

PUBLIC OPINION, MESSAGE FRAMING AND DELIBERATIVE DEMOCRACY:
STRIVING FOR A PROGRESSIVE CONSENSUS.

by

THOMAS BENJAMIN MCNEIL

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Department of Social Policy, Sociology and Criminology

School of Social Policy

College of Social Sciences

University of Birmingham

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ABSTRACT

Public opinion theories highlight a degraded civic and media discourse on crime. They also highlight the inter-relationship between political rhetoric on crime, rising public punitive sentiment, scapegoating of poorer communities and reactionary government policies. However, theories oversimplify public opinion and omit analysis of opinion formation mechanics and effective public engagement methodology for crime debates. Addressing limitations, this thesis presents a theoretical analysis of opinion formation mechanisms, including message framing. It also takes a position within deliberative democracy theory for enhancing public discourse on crime, while incorporating opinion formation mechanics including factual and emotional learning. To explore this theory, deliberative democracy exercises with public participants were conducted. It analysed the impact of deliberating on crime opinions by comparing pre and post-deliberation interview answers. This thesis found that deliberations brought participants to a progressive consensus. It also shifted punitive participants' perspectives towards more progressive opinions, stimulated civic inspiration and found that a mix of rational and emotional information was persuasive for influencing crime opinions. Public deliberation could therefore enhance public crime debates as a precursor to policy reform. However, further work is required to realise this potential, including overcoming logistical barriers for scaling-up deliberation to widen public participation.

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CHAPTER 1 POLITICAL STAGEFRIGHT

1.1 Degraded public discourse

This thesis starts with my own personal frustration. Growing up in the West Midlands, I was the grateful recipient of state welfare and key interventions at times of relative poverty and familial dysfunction. It helped me take a path of education and opportunity rather than one of hardship, desperation and potentially crime. I therefore have first-hand experience of social compassion and investment to elevate me in difficult times. I have held a powerful and influential political position as the region's Assistant Police & Crime Commissioner, tasked with ensuring effective and fair policing and crime reduction strategies. Shamefully however, I found myself paralysed with 'political stage fright'. This is a fear that championing radical criminal justice reform would be attacked in the media and punished electorally by a punitive public. I know other left-leaning politicians around me fear their more radical ideas would be poorly received. I therefore currently lack courage, and I am not maximising opportunities for change.

I believe we need serious debates about the decriminalisation of drugs pursuant to public health agendas (Eastwood et al., 2016). We should explore more radical reforms to policing powers; moving from personal intrusion towards a new era of youth service outreach (Smith, 2020). New laws should be considered to prohibit the exclusion of children from school in most circumstances or reform the exclusion system (Whitehouse, 2023). However, my experiences find these ideas would be frowned upon by a public committed to retributive solutions. The previous

Commissioner, to whom I was Strategic Adviser, was berated in the national press for calling for drug consumption rooms; safe spaces for people suffering addictions to take drugs and receive support (Warburton, 2020). The current Commissioner for whom I was Assistant, called for a more proportionate use of stop and search, to avoid many unnecessary intrusions on innocent people. Local Conservative Members of Parliament attacked the Office in the press for being soft on knife crime (Storer, 2021). I want us to make stronger public calls on radically reducing exclusions because of the link between exclusions and crime (Kennedy-Turner et al., 2020). However, the national press scaremongers, claiming it risks more crime in schools and lower overall attainment (Phillips, 2022). While my fear may arise from a disproportionate preoccupation with media reporting, it is reaffirmed in the Commissioner's casework I oversaw and the many community meetings to which I was called. These are often fuelled with public anger over perceptions of a soft on crime approach. As Garland (2021) says, "For politicians facing electoral challenge, a series of negative tabloid headlines may carry more weight than a whole shelf of research reports" (p. 263). Combined, rightly or wrongly, it leads to a general sense that significant portions of the public are punitive, and will not approve my desired reforms.

I still pursued progressive reforms, including reducing reoffending through holistic mental health and substance misuse support for women through women's centres (Slade, 2021), and longer term therapeutic support for persistent heroin addictions

(Aptus, 2022).¹ These programmes however, only reach hundreds of people, even though thousands could benefit due to poverty and associated needs (Joseph Rowntree Foundation, 2023, Alston, 2018). The UK austerity context means similar prevention efforts lack investment and existing programmes are precarious. They also often lack institutional support for ideological or political reasons. We are therefore left feeling silenced from fear of public critique. Meanwhile consecutive right-leaning governments continue to win elections, and appear to calculate that tough on crime policies have popular appeal. Consider recent proposals of passport confiscation for drug possession (Grierson, 2021), thousands of new prison places (Lloyd, 2022) or allowing more policing stop and searches without reasonable grounds (Badshah, 2022). Their electoral success may arise from various other policies and political dimensions. Our anxieties are that being tough on crime is a factor. This thesis however, goes beyond nervous boardroom conjecture, towards scholarly theory and evidence.

¹ Other examples of progressive work include school projects addressing the social causes of crime (SOCIAL FINANCE 2021. Pathfinder Evaluation. Online: Birmingham Children's Trust.);

psychological interventions for certain domestic violence perpetrators (CHRISTIE, C., KARAVIAS, Y., BANDYOPADHYAY, S., BRADBURY-JONES, C., TAYLOR, J., KANE, E. & FLOWE, H. 2022. The CARA (Cautioning and Relationship Abuse) Service: Theory of Change, Impact Evaluation and Economic Benefits Study Report. Online: University of Birmingham.); and

enabling wider public participation on crime prevention debates from diverse communities such as the Data Science Ethics Committee, Faith Alliance, Youth Commission, Victims Commission and the Stop and Search Commission (WEST MIDLANDS POLICE AND CRIME COMMISSIONER. 2023. *West Midlands Police and Crime Commissioner* [Online]. Online. Available: <https://www.westmidlands-pcc.gov.uk/> [Accessed 1 October 2023].).

The thesis is necessary because progressive politicians must overcome this fear to tackle the worrying levels of serious crime in the United Kingdom and the West Midlands like knife crime (House of Commons Home Affairs Committee, 2019, GOV.UK, 2021, Waddell and Jones, 2018, Parveen and Halliday, 2019, Parkes, 2022)² and sexual offences (Office for National Statistics, 2021).³ If we fail to win public mandates for progressive agendas, it could lead to ongoing injustices; avoidable victimisation and crime perpetration. Opportunities are being missed within criminal justice, social care, education, youth and health services to prevent crime and reoffending (Taylor, 2016, Commission on Young Lives, 2021, Young Minds, 2018). We are therefore too often failing to tackle the underlying influences on crime including trauma, addiction, mental ill health and inequalities (Smith and Gray, 2019, UK Parliament, 2021, Criminal Justice Joint Inspection et al., 2021).

Despite evidence on the social factors behind crime and effective prevention, public opinion is negatively influenced by sensationalist headlines and degraded public discourse. This engages in fearmongering, the demonising of offenders (Jewkes, 2015) and triggering appetite for punitive responses (Green, 2008). Public punitiveness is a political barrier to winning the argument for progressive prevention investment. A greater public understanding of these issues could correspondingly help society overcome criminal justice failures.

² There were 4,445 knife related offences in the West Midlands for 2021-22; a 46% increase on the previous year and the highest in England and Wales.

³ An estimated 1.6 million adults aged 16 to 74 years are believed to have experienced sexual assault.

I must use my privilege to better understand public opinion and the role of enhanced public discourse on crime. This thesis presents a unique analysis around increasing public exposure to evidence, debate and compelling narratives. This is to build support for preventative investment within a framework of democratic reform. The prize is less cowardice in politicians like me, and a democracy more capable of reducing crime and victimisation for the social and economic benefit of all.

1.2 Punitiveness, opinion formation and deliberative democracy

Given the concerns around public punitiveness, a central theme is this thesis' analysis of 'penal populism' and 'populist punitiveness' theories. Posited by scholars such as Garland (2021) and Bottoms (1995), this literature argues that Western nations have become increasingly punitive in recent decades. Critiques from Matthews (2005) and Jennings et al. (2017) highlight limitations in the punitiveness literature. However, this thesis concludes that punitiveness theories remain relevant for justifiably highlighting punitive criminal justice practice in contemporary society. This thesis' analysis also examines empirical studies into public opinion, demonstrating a degree of punitive public sentiment, ill-informed views and increases in punitive government policies. While concerns around punitiveness are central to this thesis' theoretical framework and fieldwork, the opening chapters also critically reflect on how punitiveness theories oversimplify the complexity and diversity of public opinion. The existing literature therefore neglects a full analysis of the 'mechanisms' behind opinion formation and methods for meaningfully engaging and influencing punitive attitudes.

A second key theme therefore seeks to address these gaps by exploring opinion formation mechanisms, to better understand the origins of punitive opinions. This thesis therefore draws on different literatures to identify ‘public education and information’ (Mitchell and Roberts, 2012), ‘message framing’ including media and economic frames (Jewkes, 2015, Gottlieb, 2017) and ‘underlying beliefs’ (Lakoff, 2017) as central mechanisms. These discussions also incorporate a sub-theme, which is the role of both emotion and reason in opinion formation (Lacey and Pickard, 2015). The analysis concludes that these literatures help bridge gaps in punitiveness theories. However, insights into opinion formation also fall short of analysing how to engage these mechanisms in real-world public debates. Further, emerging literature around worrying contemporary trends like ‘fake news’, make an understanding of effective public engagement even more pivotal. This ‘mechanics’ theme therefore connects the punitiveness literature to discussions on effective public engagement and deliberative democracy methods in particular.

The opportunities presented by ‘deliberative democracy’ is the third central theme. This incorporates the theoretical understanding of opinion formation mechanics, while addressing the gaps in the punitiveness literature on how to enhance public debate on crime ‘in practice’. It represents radical reform on how powerful institutions could engage the public on crime. It therefore adds theoretical depth on ‘how’ to challenge punitive attitudes and mitigate manipulative political discourse and emerging influences like fake news. This theme is discussed in relation to key theoretical debates within deliberative literature, providing clarity on how it could engage the

specific theme of public punitiveness. This includes discussions on the ideal location of deliberative democracy whether narrow constitutional settings or much wider public participation in crime deliberations (Dryzek, 2002). It considers the proper aims of deliberation such as the different theoretical emphases on seeking higher quality debate, consensus, perceived legitimacy and/or civic inspiration (Cohen, 1998, Timotijevic and Raats, 2007). Finally it discusses the different information types considered valid within deliberation, such as rational, emotional or alternative narratives (Deveaux, 2018). This thesis justifies a theoretical position to be explored empirically. It therefore contributes to the theoretical literature in deliberative democracy generally, but also specifically in the context of shifting public attitudes on crime. It proposes widescale public participation (e.g. discursive democracy) to try to stimulate wider social attitudinal shifts while broadening who benefits from deliberation (Mansbridge et al., 2012). It proposes that a key objective of deliberating should be to challenge the political status quo including the influence of neoliberal ideology on democracy and criminal justice (e.g. critical theorist) (Dryzek, 2002). This stance is linked to punitiveness theories which discuss these socio-political dynamics, but develops existing theories by considering how to engage and change them. Finally, it also proposes that we should strive for a progressive consensus through embracing rational and emotional frames. Here it proposes blending 'rational' and 'alternative expression' theories and their perspective on valid information, truth and consensus. These again connect to issues highlighted in the themes on punitiveness and opinion formation mechanics, which acknowledge the role of emotion and knowledge in public opinion on crime. This theme is therefore central to the research design and findings chapters, which explore empirical insights regarding these theoretical positions and their implications for real-world public crime deliberations.

1.3 Testing public deliberation

To explore real-world opportunities for public deliberations on crime, this thesis identified people with differing professions, demographics and opinions on approaches to crime. It brought public participants together within deliberative exercises to explore the impact of information, expertise, emotional narratives, message framing and participant debate on their post-deliberation attitudes. All participants were interviewed before and after deliberations. These explored the complexity of their opinions including actual levels of punitiveness and nuances. Interviews also explored participant experiences of the deliberation including the impact of expert and lived experience presentations, and their influence on participant attitudes.

The research questions guiding these methods arose from this thesis' identification of gaps in the existing literature regarding public opinion formation and deliberative democracy literature. The latter presents theoretical opportunities that are relatively untested within a real-world criminal justice context. The following research questions therefore explored novel empirical insights into the impact of deliberative democracy on shifting punitive attitudes towards progressive crime prevention:

- 'In what ways can the process of deliberative democracy influence public understanding and support for more 'progressive' forms of criminal justice intervention?' (RQ1).

- Sub-questions include:
 - ‘What forms of information appear to influence lay understanding and attitudes?’ (RQ1A);
 - ‘How does the process of dialogue and reaching consensus impact lay understanding and attitudes?’ (RQ1B);
 - ‘How does the process of deliberative democracy impact different constituencies and groups?’ (RQ1C); and
 - ‘How do different external ideological frames, personal circumstances and civic participation levels influence the process of deliberative democracy in this context?’ (RQ1D).
- ‘In what ways might deliberative democracy be 'scaled up' into effective forms of public engagement and consultation in criminal justice debates?’ (RQ2).

To answer RQ1-RQ2, a survey identified 17 participants with mixed levels of punitiveness and demographics (e.g. sex). Participants were interviewed before and after participating in two deliberations on crime. Pre-deliberation interviews explored attitudes towards crime in depth, including on punitive approaches and progressive prevention. Post-deliberation interviews explored opinion changes following deliberations, and the impact of deliberative dialogue, factual presentations and emotive narratives. This in turn helped answer RQ2, and whether the analysis of the deliberative exercises support making a case for scaling-up similar deliberative exercises for wider public participation.

1.4 Thesis blueprint

This chapter introduces a belief regarding the importance of winning public support for progressive crime prevention. It also summarises this thesis' key themes of public punitiveness, opinion formation mechanisms and deliberative democracy for enhancing public crime debates.

Chapter 2 discusses theories concerned with increased societal punitiveness, and hints at key dimensions in opinion formation such as message framing, underlying beliefs and emotion. Critiques highlight gaps in empirical evidence and overgeneralisations regarding societal punitiveness, such as omitting examples of progressive policies and sophisticated definitions of 'public'. Survey, polling and opinion research finds mixed evidence around public punitiveness, but also opinion diversity including progressive sentiment. However, it does little to explain the complexity of crime opinions, leading to Chapter 3's contemporary analysis of opinion formation mechanics.

Chapter 3 addresses the punitiveness literature's gaps by uniquely combining different literatures on public opinion formation including message framing, public education and underlying beliefs. It concludes that to further address the punitiveness literature's limitations a sophisticated public engagement model is required. This leads to Chapter 4's theoretical discussion of 'deliberative democracy' and its potential for embracing the complex interplay of opinion formation mechanics.

Chapter 4 explores deliberative democracy theory and its potential for enhancing public crime debates. First, it outlines the key aims and practical elements of deliberative democracy including respectful debate between diverging perspectives. It then discusses how this thesis addresses key theoretical conflicts in deliberative theory regarding 'who' should participate and 'where', the 'types' of knowledge deemed valid, whether we should aim for 'consensus' and the meaning of 'legitimacy'. The discussion concludes that we should widen public participation in crime debates beyond constitutional settings, to enhance flaws in aggregative democracy. It proposes that both rational and emotional content are integral. It proposes striving for a progressive consensus to enable political change, while recognising potential benefits without consensus. It clarifies the nature of 'legitimacy' including its connection to other theoretical dimensions and how 'perceived legitimacy' can garner wider deliberative benefits such as civic inspiration. Each conclusion highlights the implications for this thesis' research methods.

Chapter 5 outlines research methods incorporating Chapter 4's theoretical conclusions. This includes the case for public participation, rational and emotional frames and content, consensus seeking objectives and measures for ensuring procedural legitimacy. The chapter discusses how interview and deliberative methods are used to explore the impact of public deliberation on crime. The chapter also explains the thematic qualitative analysis of interview and deliberative exercise recordings, alongside research ethics.

Chapter 6 presents findings showing the deliberative exercises shifted a number of participants' punitive opinions towards a progressive consensus. It presents complexity regarding the degree and nature of the consensus. It also identifies a participant typology based on differences in post-deliberation attitudinal shifts. These empirical insights contribute to key deliberative debates, including how findings identify real-world potential for progressive consensus on crime in place of competitive democracy. It uncovers richness in the diversity of public opinion and the impact of deliberation on different participants, justifying critiques around oversimplifications in punitiveness theories. It identifies value in both emotional and factual frames, helping navigate the conflict between 'rational' and 'difference' democratic schools. It also presents uncertainty around the strength of the consensus reached, adding richness to our understanding of 'imperfect consensus' on crime in real deliberation.

Chapter 7 presents findings into the impact of different frames for shifting opinions towards a progressive consensus. This discusses the persuasive impact of 'crime costs' and emotional frames. It outlines findings on how deliberation can achieve 'perceived legitimacy' from participants thereby inspiring civic interest. It also discusses the significance of these findings for key theoretical debates including the value of deliberative education, non-rational frames and experiential knowledge and the meaning of 'legitimacy'.

The conclusion summarises the key findings, this thesis' strengths and weaknesses, future research opportunities and key policy recommendations.

CHAPTER 2 THE PUNITIVENESS PROBLEM

2.1 Understanding punitive dynamics

This thesis is concerned with punitive public sentiment, degraded political discourse, punitive rhetoric and the denigration of expertise on crime. This chapter therefore critically analyses existing academic literature into public and government punitiveness, to locate this thesis within the field and assess the degree to which society can be characterised as punitive.

It first defines what scholars call the 'punitive turn', with reference to mass incarceration and the dominance of punitive political rhetoric. It provides a contemporary overview of the key sociological theories regarding the mechanisms of 'punitiveness'. This includes the role of public punitive sentiment, media, political fearmongering and governments using crime as a mechanism of control. Combined this analysis highlights important avenues for this thesis, including the relevance of emotion, message framing, public education, underlying beliefs and democratic reform for changing these harmful societal dynamics.

A discussion of key criticisms of the punitiveness literature will highlight overgeneralisations and limited empirical evidence regarding 'public opinion' and public vulnerability to political exploitation. The chapter also notes national surveys on public attitudes, perceptions on crime and other relevant studies. This demonstrates

patchy and inconsistent findings but does provide some evidence of punitiveness, suggesting the theoretical literature remains relevant. Empirical studies highlight opinion variations between demographics, but omit qualitative analysis on how opinions are formed or capable of change. This thesis therefore explores the complexity of public opinion on crime and opportunities for engaging that complexity. By highlighting gaps in the existing theoretical and empirical literature, this chapter leads this thesis to a new analysis on how crime opinions are formed and the implications for enhancing public debate.

2.2 Depictions of punitiveness

2.2.1 The punitive turn

Theories of punitiveness emanate from what has been called the ‘punitive turn’ in Western Society (Bottoms, 1995, Pratt, 2007). This period is defined by several dynamics, elaborated on below. First, the rise of right-leaning political movements in the 1980s and 1990s which sought to politicise issues of law and order (Garland, 2017, Simon, 1993, Wacquant, 2009). Secondly, this corresponded with a cultural shift away from welfarism towards crime and punishment, resulting in increasingly authoritarian criminal justice policies (Garland, 2021); culminating in a centre-right consensus on law and order (Pantazis and Pemberton, 2012). Thirdly, it is marked by a denigration of expertise on crime and rehabilitation, in favour of populist ideas (Garland, 2021).

Regarding political dynamics, analysis has emphasised the rhetoric and policies of key right-leaning political figures. These are depicted as competing to enact the most punitive policies, seemingly helping electoral success (Pratt and Miao, 2019, Gunderson, 2022). Thatcher's Conservative government from 1979 is referenced for her pre-election pronouncement that "What the country needs is less tax and more law and order" (p. 191), resulting in new criminal sanctions, more prison places and increased policing (Charman and Savage, 1999). While Jennings et al. (2017) and Farrall and Hay (2010) argue Thatcher's tough rhetoric was superseded by other policy priorities, the punitive literature claims the punitive trend followed her rhetoric under subsequent governments. For instance, Conservative Home Secretary Michael Howard strongly advocated prison over rehabilitation in the mid-1990s claiming 'prison works', while New Labour presented itself as the party of 'law and order' between 1997-2010 (Hough and Roberts, 2017, Hough, 2011, Charman and Savage, 1999). A 'centre-right' consensus on security, law and order, including New Labour's authoritarian approaches to tackling terrorism, has again continued under subsequent Conservative-led administrations (Pantazis and Pemberton, 2012). The early 1980s saw similar punitive trends in the US from Republican and Democrat presidents including Reagan, Bush and Clinton. All oversaw the highest global incarceration rates, with continuing vocal support for the death penalty and rising imprisonment (Kramer and Michalowski, 1995). This is mirrored by state governors of both parties, evidenced through an analysis of implemented policies including increased incarceration (Gunderson, 2022).

The punitive political trend remains relevant. Recent Conservative Prime Minister Boris Johnson for instance reinforced police powers, increased sentence lengths,

ended automatic release and promised additional prison places (Bell, 2022). Likewise, Labour's current election campaign headlines include "Labour is the party of law and order. The next Labour government will...punish criminals" (The Labour Party, 2023).

Regarding increasingly authoritarian policies, the prison population doubled and longer sentences were given for repeat offenders for crimes like drug dealing, despite crime rates falling over that period (Hough, 2011). In the UK for instance, prison rates increased from 81 to 153 per 100,000 from 1975 to 2012 (Pratt and Miao, 2019). Recent statistics show England has had the highest prison rate in Europe, with worsening conditions (Ismail and Forrester, 2020). The UK also saw a growth in: tougher sentences such as life without parole (Garland, 2021); harsher anti-social sanctions including for non-crimes (Pratt and Miao, 2019); and mass incarceration for low level crime, surveillance and coercive law enforcement approaches, imposed by successive governments (Coleman and Sim, 2013, Jennings et al., 2017, Hutton, 2005, Turner, 2014). Western et al. (2021) highlight how in the US intensive policing such as stop and search and rising imprisonment since the 1980s heavily impacted poor and marginalised communities. These trends are said to have corresponded with the demotion of penal experts and their rehabilitative agendas, who pre-1980s had devolved authority to run the justice system (Garland, 2021). Pratt and Miao (2019) conclude that experts have even been scapegoated for rising crime rates.

Trends like rising prison rates and punitive political rhetoric, rather than approaches like community rehabilitation, are what concerns this thesis. However, before concluding that such trends are caused by or connected to punitive publics, this

chapter must consider key theoretical explanations for how and why this punitive turn occurred.

2.2.2 Punitiveness concepts

The perceived punitive turn resulted in multiple theories around the mechanisms behind punitiveness; often depicted as public vulnerability to political exploitation and/or the influence of actual or perceived public punitiveness on government policies. In most cases, the dividing line between public-government dynamics is blurred. Theories cannot all be neatly categorised, but in summary typically explore how vulnerable groups are scapegoated and blamed for rising crime. They often capture how misinformation fuels punitiveness, often in the form of denigrating expertise, or exaggerating crime threats (Garland, 2021). Punitiveness theories also usually explore the manipulation of public fear and insecurity, and how simple cures for crime are presented despite the actual complexity of underlying social issues (Loader and Sparks, 2017). Given this thesis seeks to better understand how to influence public opinion on crime within a punitive political context, this theoretical literature is foundational. This section therefore summarises some of the main theoretical schools, while highlighting those elements and flaws that illuminate novel theoretical and empirical avenues developed in this thesis.

Bottoms (1995) coined the phrase ‘populist punitiveness’, depicting a punitive public sentiment vulnerable to political exploitation. In this dynamic, politicians weaponize punitive rhetoric to take and maintain power. It was one of the first theories to suggest

the public's punitiveness significantly influences what ultimately becomes society's sentencing and penal policy (Dzur, 2012). The 'populist' element refers to existing:

“popular sentiments, beliefs, or ideologies held by particular groups in contrast to those of elites or policy makers, particularly in cases where segments of the public perceive a significant sense of marginalization or harm as a result of policy or rule by elites” (Wood (2014), p. 1).

The exploitation of populism also entails the deliberate oversimplification by politicians of complex issues; using terminology to pitch a 'righteous majority' against a selfish 'out of touch' elite characterised as being preoccupied with rehabilitation (Loader and Sparks, 2017). Alongside political exploitation, public punitiveness is presented as exerting pressure on governments to enact retributive policies (Canovan, 2005, Pettit, 2001), with a self-perpetuating cycle of public punitive expectations and government exploitation (Karstedt and Endtricht, 2022). Evidently as a starting point, these theories reflect this thesis' concerns over both manipulative political rhetoric and the pressures placed on progressive political actors to appease punitive expectations.

Building on 'populist punitiveness', Pratt (2007) presents 'penal populism', which goes beyond simply illustrating the relationship between retributive sentiments and electioneering. Here governments are seen as falling hostage to actual and perceived punitive sentiment, and cannot simply exploit and drop punitive sentiment for political utility whenever they choose (Pratt and Miao, 2019). This 'punitive trap' is said to emanate from:

“feelings of insecurity resulting from the social fragmentation, job loss, underemployment, and threadbare welfare safety nets characteristic of modern

neoliberal polities. Political entrepreneurs use the promise of criminal justice reform to focus and channel the worries of publics increasingly frustrated with governments seen as ineffective at helping them cope with the insecurities of late modern lives” (Dzur (2012), p. 3).

Pratt and Miao (2019) argue that through the government’s “containment role, penal populism then allowed the neo-liberal mode of governance to continue apace” (p. 18). This manifests in the infliction of punishment on vulnerable scapegoats in response to public insecurities that actually arise from degraded community and economic insecurity (e.g. zero hours contracts). This theoretical focus on ‘populism’ has contemporary relevance not least due to the role of online misinformation, post-truth dynamics and inaccessibility to facts as a cause of populist sentiment. These explanations of punitiveness therefore guide this thesis towards a developed exploration of how populist ideas are formed in contemporary society, analysed further in Chapter 3.

Alternative penal populism theories offer different emphases. Some focus on how politicians seek ‘public legitimacy’ by stoking punitive discourse, presenting punitive solutions and themselves as heroes, and dismissing the evidence proposed by the perceived ‘out of touch establishment’ (Hough and Roberts, 2017, Jones, 2010). David Garland likewise describes a ‘culture of control’ through which government denigrates ‘experts’ and peddles narratives of ‘common sense’ (Garland, 2001, Dzur, 2012, Garland, 2006). This is linked to a belief that criminologists are increasingly excluded by decision makers (Hallsworth and Lea, 2012) and a wider purposeful undermining by populist figures of any expert (Wood, 2019). Kakutani (2017) says:

“This is part of a larger wave of anti-rationalism that has been accelerating for years – manifested in the growing ascendance of emotion over reason in public debates, the blurring of lines among fact and opinion and lies, and denialism in the face of scientific findings about climate change and vaccination” (n.p.).

These theories are again important for guiding this thesis towards a deeper analysis of the role of information, facts and expertise in forming opinions on crime and countering punitive sentiment. These are discussed in Chapters 3 and 4, where this thesis will also explore the fundamental role of ‘emotion’. This considers the impact of emotion on punitiveness, but also its positive role for garnering support for progressive solutions.

Green (2014) argues that the media makes political support for new punitive sanctions particularly visible. Consequentially, this is believed to cement public confidence in punitive solutions and scepticism around rehabilitation. This makes it harder for policy experts to legitimise effective solutions. Stan Cohen and Stuart Hall in the 1970s emphasised the media’s demonization of groups like young offenders, to ‘orchestrate’ moral panics and rhetorical narratives of ‘unprecedented’ threats of crime. This legitimises government authority through the appearance of ‘strong leadership’ administered through longer sentences, more police and more prison cells (Scruton, 2008, Hall et al., 1978, Cohen, 1972). The reduction of complex issues to news headlines promoting punitive policies, e.g. ‘prison works’, remains relevant (Garland, 2021). Pratt and Miao (2019) add that this has been complicated through the emergence of ‘alternative media’ elevating populist content on rising crime and ‘overly lenient judges’. Shammass (2016) observes that this corresponds with the rising

influence of opinion polls illustrating punitive public attitudes. Such theories therefore conclude that public punitive sentiment is amplified and overstated. These theoretical dimensions, including the role of alternative media, are valuable for highlighting the need for further research into the true nature of public opinion. Wrongly characterising public opinion as homogenous or punitive, risks causing policy makers to underestimate public amenability to progressive agendas. The uncertainty over public opinion therefore requires research to explore what opinions 'could be' with enhanced engagement to address populist concerns. Correspondingly it further underlines the importance of Chapter 3's discussion on how crime opinions are formed, such as through message and media framing in a post-truth era.

Encapsulating a number of those dynamics discussed above, Coleman and Sim (2013) and Sparks (2003) theorise how society has become 'trapped' in a symbiotic interconnection of popular punitive sentiment and political exploitation. Richard Sparks emphasised the cycle of ideological punitiveness, the media, public and politicians (Sparks, 2003), within which "...the feelings, sensitivities, and intuitions at the core of debates appear impervious to critical discourse and academic interventions" (Dzur (2012), p. 4). John Pratt depicts a public that increasingly gives way to intolerance; demanding ever greater manifestations of repressive punishment (Pratt, 2000). This is fuelled by media and political portrayals of a justice system favouring criminals over victims (Pratt and Miao, 2019). Coleman and Sim (2013) describe this as a self-perpetuating and "seeping prevalence of the 'discourse of risk' into the criminal justice system..." (p. 103). This sees Britain treating crime as a 'risk' requiring 'management', legitimatising state authority through excessive CCTV, stop and search or the policing of young people, minorities or other vulnerable groups. Feeley and Simon (1992)

describe the governments' approach to crime in this period as a 'New Penology'. This captures the state's drive to efficiently manage offenders as a risk through a dispassionate actuarial justice; promoting prison for those perceived to be a danger to the public. These theories therefore inform this thesis' exploration into the potential value of reforming how political institutions and the public discuss crime, including new ways of framing crime debates.

Hallsworth and Lea (2012) argue that rising crime rates over the 1970s arose from neoliberalism's failure to stem poverty, leading to government and media scapegoating poorer groups (e.g. black muggers) to conceal the true cause. Loic Wacquant theorised that the US' expanding prison population was not driven by crime rates but a new institutional ghetto for controlling lower class African Americans. This was defined by growing privatisation in criminal justice and punishment of petty drug offences. He argues this reflects a growing penal management of poverty replacing welfarism; a consequence of neoliberalism and long-standing white supremacy and racism (Wacquant, 2001, Wacquant, 2009). Expressed another way, theories of economic-led punitiveness suggest laws have ultimately evolved to inflict unjust or violent punishment to preserve the property rights and privileges of the ruling classes (Tunick, 1992). Jonathan Simon and Henrique Carvalho likewise describe punishment as a control mechanism over minority groups and the poorest (Simon, 2001, Carvalho et al., 2020). These sociological paradigms help explain the punitive mentality of 'war on terror' and 'war on drugs'; perpetuating social cycles of punishment for being deprived (Sim et al., 2010, Wacquant, 2001). Alternative theories of power describe punitive measures as state 'expressions of power' to reassert control, while also appealing to the public's emotional desire for the spectacle of punishment and violence

(Tunick, 1992, Carney, 2015). These theories and their references to neoliberalism and desires for punishment, present yet further avenues to expand on in Chapters 3 and 4. They signal the potential role of underlying beliefs for driving punitiveness including racism or political and economic ideology, and therefore questions around how to shift those worldviews. They identify the potential role of emotion (e.g. desire for punishment), and therefore questions around the role of empathy for displacing retributive desires. Finally, they illuminate the need to explore new possibilities for democracy. In particular, they inform the call for models capable of uncovering and challenging power dynamics including neoliberalism, state power and how they marginalise communities.

Another segment of the literature examines illustrative examples of certain governments during the punitive turn; attempting to illuminate some of the theoretical dynamics discussed above. New Labour is held up as having purposefully blended punitive rhetoric and progressive criminal justice ideas between 1997 to 2010, to appease public punitive sentiment and fear of crime (Charman and Savage, 1999, Hough, 2011, Green, 2008). The party famously proclaimed they would be 'tough on crime, tough on the causes of crime' (Hough, 2011). However, analyses are unclear on whether Labour pursued genuinely held concerns around crime, (Green, 2008, Charman and Savage, 1999, Hough, 2011), or purposefully demonised certain groups as 'antisocial' to appease populist expectations (Vanstone, 2010, Scraton, 2008, Green, 2008). Either way, scholars observe that many of their policies were progressive. These included those aimed at tackling domestic abuse and institutional racism (Vanstone, 2010), reducing imprisonment through community sentences and probation (Mills, 2011, Matthews, 2005) and education, health and welfare investment

(Ryan, 2019, Gough, 2013, Giddens, 2010). However critiques observe that, for instance, attrition rates for rape and domestic abuse cases over this period was weak, further complicating the assessment of New Labour's crime policies (Pantazis, 2008). Notwithstanding the uncertain conclusions, these analyses argue that the observed 'tough on crime' policies (e.g. promotion of mandatory sentences, severe penalties, restrictive parole), were designed to avoid losing public support due to perceived leniency (Downes, 1998, Roberts, 1992). They likewise argue that governments recognise punitive messaging evokes strong emotional reactions, and that failing to appreciate public mood on crime risk electoral failure (Downes, 1998, Charman and Savage, 1999, Vanstone, 2010, Green, 2008, Squires, 2006). On the impact of media, they also suggest this New Labour era demonstrates an overestimation of public punitiveness, including a misplaced pandering to particularly vocal pressure groups (Miller, 2013) and the press (Vanstone, 2010, Green, 2008). It is claimed this was matched by an underestimation of the public's willingness to accept solutions such as community resolutions (Stokes, 1998, Mitchell and Roberts, 2012). More cynically, as is captured by theories above (Garland, 2006), the analyses typically postulate that part of the equation was the government's purposeful stoking of public punitiveness for electoral advantage. In doing so, they are said to have capitalised on fear and presented themselves as the solution (McAra, 2017, Williams, 2012, Kramer and Michalowski, 1995).

Guiney (2022) finds similar tensions within the Conservative Party, highlighting how different Home Secretaries conflicted with each other on whether there should be more or less focus on prison. For example, while Thatcher supported the reintroduction of the death penalty, her Home Secretary William Whitelaw did not. Instead, he favoured

more welfare-based policies consistent with so called One Nation Conservatism. Similar observations are made regarding the normalised 'tough on crime' mantras in US presidential elections (Wood, 2014, Kramer and Michalowski, 1995, Holian, 2004). Equally, it is suggested there are changing popular opinion dynamics that purportedly offer US politicians greater freedom around progressive reforms without fearing public backlash (Johnston and Wozniak, 2022). Democrat Bill Clinton for example famously showed visible support for the death penalty. This followed events in which Democrat candidates were successfully labelled 'soft on crime' for highlighting rehabilitative agendas. Subsequent Republican governments likewise remained steadfast regarding capital punishment, while enthusiastically promoting more prison and reduced procedural rights for perpetrators (Holian, 2004). More latterly and perhaps surprisingly Republican President Trump brought in new laws designed to reduce prison sentences and improve prison conditions (The White House, 2020). His recent bid to be elected President in 2024 however, has seen him advocate "for the death penalty for drug dealers and repeatedly used hard-line rhetoric when talking about criminals" (Pereira, 2023). Democrat President Biden offers further signs of softening with a recent White House briefing stating that:

"America was founded on fresh starts, new possibilities, and the belief that every person deserves to be treated with dignity and respect. Yet, for people returning home to their communities from jail or prison, obstacles often stand in the way of turning this promise into a reality" (The White House, 2023).

The New Labour example in particular however, represents an attempt to tie punitive theory more closely to an empirical analysis of punitiveness in practice. For this thesis,

this example indicates that party politics deserves attention in the field of public opinion on crime, which is relevant to the discussion on opinion formation in Chapter 3. However, its vague conclusions demonstrate the challenge in reliably disentangling punitiveness dynamics; illustrative of the general empirical weakness of the theoretical literature. This thesis therefore explores further below the limitations of the theoretical literature and a deeper analysis of the complex relationship between public opinion, politics and democratic discourse. Further, while there are contemporary signs of progressive political messaging, as noted above regarding President Biden, this does not answer the question of whether public attitudes (or less sympathetic segments of the public) are accepting of these progressive shifts.

2.2.3 Critiques of the theoretical foundations

On reviewing critiques of the punitiveness literature, this thesis concludes there are four main complaints, each guiding this thesis towards new avenues for development. First, failures to properly define the meaning of 'punitive' (Carvalho et al., 2020, Matthews, 2005). Secondly, over-generalisations of 'punitive societies', omitting references to simultaneous progressive developments such as increases in community sentences (Matthews, 2005, Vanstone, 2010). Thirdly, the fact punitive policies (e.g. increasing prison rates) have not risen exponentially, indicting limiting factors (Farrall and Gray, 2022). Fourthly, an over-simplification of public opinion, in terms of 'who' the public are, 'what' they believe and 'why' (Jennings et al., 2017). This section briefly appraises the validity of these critiques and their relevance for this thesis.

On 'vagueness', the literature often depicts punishment as punitive or non-punitive, without an analysis of the multiple motives and conflicting social context behind why society punishes (Matthews, 2005). This thesis acknowledges that, for example, references to mass incarceration usually omit an explicit definition of why this is disproportionate in the context, such as legitimate public fear around crime trends. However, this thesis suggests definitions of 'punitive' are implicit within the literature and need not undermine its core objectives of highlighting societal punitiveness. In Wacquant (2001) or Sim et al. (2010), it is implicit that imprisoning and scapegoating minority communities for being poor, is unjust, disproportionate and therefore punitive. The literature highlights the potential injustice from increased 'punishment', seeking to define 'punitive' as excessive, uncompromising and separate from any meaningful attempt to reduce or deter crime (Goshe, 2019, Wood, 2014). Punitiveness is also defined by notions of blame, hostility, vengefulness and preoccupation with individual responsibility. Such feelings are, it is contended, followed by unforgiving and disproportionate inflictions of pain and hardship (Lacey and Pickard, 2015). This thesis accepts that criminal justice, consequences for crime, individual accountability and collective condemnation are essential for satisfying the public and victims' emotional and retributive expectations, and public safety. However, as noted in the introduction, this thesis suggests the UK's criminal justice is overly preoccupied with imposing imprisonment, hardship and punishment. To address the critique of the literature, this thesis therefore defines 'punitive' as the disproportionate pursuit of punishment, rather than therapeutic support, collective responsibility for prevention over 'individual responsibility', community rehabilitation and crime prevention through improved health and wellbeing.

On the criticism that theories overstate the punitive turn, Matthews (2005) highlights the simultaneous growth in rehabilitative and restorative practice at the same rate as incarceration between the 1980s and 2000s. He also claims policy experts have still significantly influenced criminal justice policy, contrary to the allegation that experts have been denigrated. Further, Matthews (2005) adds that theories explaining the 'management of risk' could be explained by non-punitive motives and patterns (e.g. imprisonment rates justifiably increased for parole breaches). Garland (2018) acknowledges that punitiveness theories could develop discussion regarding the motives behind law enforcement movements (e.g. 'war on drugs') and the complex political ecosystem behind punitive policies. However, he concludes that does not mean there is no 'punitiveness' to analyse.

Some studies observe that punitive policies have not been fully enacted (e.g. imprisonment on 'third offence' laws in the US) (Green, 2014) or have actually reduced such as lower imprisonment rates for minor drug possession (Western et al., 2021) or minor infractions (Matthews, 2005). Likewise new emphases on reducing child entrants into the justice system (McAra, 2011), promoting community rehabilitation (Edwards and Hughes, 2010) and 'attempts' at prison reform (Greer and McLaughlin, 2018) suggest a more complex picture. Garland (2018) however, concludes that improvements in quantitative analyses have still uncovered new dimensions of punitiveness. These include consistently high imprisonment rates (Gunderson, 2022), findings regarding prison's long-term impact on family health, employment and relationships (Garland, 2018), comparative analysis highlighting Scandinavian

‘exceptionalism’ defined by greater welfare and lower imprisonment (Todd-Kvam, 2019) and other harmful dynamics in justice and political institutions (Kohler-Hausmann, 2017, Barker, 2009, Garland, 2021).⁴ As noted further below, this thesis rests on the fact that incarceration rates are high, alongside missed opportunities for effective crime preventions as outlined in the introduction.

Another criticism alleges the penal populism literature is elitist, implying that the public are currently intellectually deficient, overly emotional or require ‘guidance’ from rational experts (Matthews, 2005, Shammass, 2016, Jennings et al., 2017). Various studies present a mixed picture on public opinion on crime. Some show public fear of crime and calls for tougher sentences is linked to actual rising crime rates (Dzur, 2012, Jennings et al., 2017, Garland, 2018), others that fear of crime is unrelated to actual risk (Hutton, 2005, Farrall et al., 2009). Studies into crime opinions also find demographic variation such as older people favouring punitive policies (Haines and Case, 2007), Christian fundamentalists believing more strongly in individual responsibility (Seto and Said, 2022) or white Republican voters being less sympathetic to rehabilitative policies (Johnston and Wozniak, 2022). Of course, while empirical findings may illuminate rational bases for public opinion, the analysis does not explain why rising crime rates or demographic differences would necessarily result in growing calls for punitive policies, rather than policies aimed at tackling the underlying

⁴ For instance, some analyses highlight how justice procedures cause harm to individuals simply by the way they operate and failures to exhibit compassion.

influences on crime. It therefore fails to successfully undermine the punitiveness literature's concerns over, for example, high incarceration rates.

2.2.4 Addressing conceptual flaws

This thesis agrees with critiques that punitive theories have typically oversimplified the real-world complexity. They present the public as a fixed homogenous whole, vulnerable to political and media scaremongering. This thesis suggests that the literature does the same with 'governments and politicians'; suggesting all cower to or exploit punitive sentiment. Specifically, the theoretical literature omits any recognition of progressive proportions of the public or politicians. While it illuminates the harmful impact of punitive structures on marginalised communities, it does not consider attitudinal variety between communities, cultures, demographics or leaders. Nor does it explore how these influences could impact crime opinions or amenability to progressive socio-political dynamics. Further, it does not explore the existence of nuanced or complex views generally, and opportunities for stimulating attitudinal change. Critiques observe progressive policies over the same period, but offer limited assessment of party-political ideologies and dynamics. For instance, there is little on the mechanics within political parties, and how progressive politicians influence progressive agendas while managing internal and public conflict. While studies noted above (Johnston and Wozniak, 2022) highlight more nuance on public opinion, they provide limited depth to our understanding of 'punitiveness'. This includes the range of complexity existing among the public and how views have formed. The discussion in later chapters will highlight how 'punitiveness' scholars point to deliberative

democracy for substantive public engagement (Garland, 2021, Rowan, 2011). However, this thesis will go much further on what this means in practice for achieving wider political movements and justice reform.

While the theories have these weaknesses, the discussion has shown they remain relevant for this thesis. Punitive scholars like Garland (2021) have identified the need to explore the role of politics and opportunities for democratic reform. The literature has pointed to underlying beliefs and the impact of emotions and therefore the complexity of public opinion. It has also raised questions around the role of expertise and message framing in public debates on crime. It therefore provides a foundation for this thesis to build upon. Critiques highlight the simultaneous emergence of progressive policies, reduced prison sentence rates (Jennings et al., 2017) and limitations in the analysis of punitiveness. However the reality is that the UK has among the highest prison rates in Europe (Ismail and Forrester, 2020). Most are imprisoned for non-violent offences (Prison Reform Trust, 2022). Many prisons have overcrowding and high levels of violence (Council of Europe, 2022), and are failing to reduce reoffending when more successful community alternatives exist (Slade, 2021). This sits alongside the contemporary punitive rhetoric from UK political parties, outlined above. The system therefore exhibits levels of punitiveness that justify this thesis' call for reform, irrespective of the degree to which there was a punitive turn or theoretical limitations.

Notwithstanding its theoretical value, the punitiveness literature fails to present sufficient empirical evidence, beyond its broad observations of punitive policies and

rhetoric. Before this thesis addresses the literature's gaps on enabling meaningful public debate on crime, the next section notes empirical studies regarding punitive sentiment. Without this analysis, this thesis would be guilty of making the same assumptions as the punitiveness literature. Further, exploring empirical research into public opinion helps this thesis develop a more sophisticated perspective on what is needed for effective public engagement on crime.

2.3 The ambiguities of public opinion

Empirical research indicates a significant portion of the public hold punitive views, but not uniformly and often with nuanced perspectives. The research however is generally patchy, contains limited qualitative analysis and misses opportunities to understand crime opinions in depth. For this thesis a review of all British Social Attitudes survey (BSA) reports readily available on their website was carried out, including from 2011 until 2022.⁵ This looked for specific analyses relating to crime attitudes or topics that could be deemed proxy indicators, including public attitudes towards terrorism. It also looked at raw data relating to survey responses on issues like capital punishment. A review of Crime Survey for England and Wales (CSEW) and Office for National Statistics data on crime opinions was also conducted, looking at reports from 2010 to 2023. The analysis did not search further back than this, as old data lacks cotemporary relevance for this thesis. Relevant academic literature was also reviewed, with the

⁵ Report 28 to report 39.

most pertinent examples returned to in more depth in Chapter 3 regarding the role of public information for shaping opinions. Finally a search was conducted for other ad hoc public surveys conducted on crime opinions via web search, such as YouGov surveys, to see if they offered unique insights.

These searches highlighted the inconsistent and incomplete nature of public opinion research. The BSA reports for instance, focus on different issues and ask a range of new or amended questions each year, meaning irregular reports on crime opinions. This means considerable interpretation is required to extrapolate from other topics as proxies for crime opinions (e.g. discipline in education settings). Likewise the CSEW has not reported specifically on public perceptions of crime since 2017, instead focussing on victimisation rates across specific crime types. Older CSEW findings such as those looking at the relationship between newspaper readership and opinions are not replicated in more recent studies. On CSEW, Jennings et al. (2017) note that “most survey questions relating to crime/punishment have been infrequent and irregular”. This remains accurate, with CSEW asking different or no questions regarding crime opinions from survey to survey. Finally, non-government surveys are by their nature ad hoc, often conducted to look at a narrow range of questions, not replicated and varying across poll companies and researchers. While they offer additional insights, they do not provide a consistent assessment of opinions on crime, nor qualitative depth.

In summary, the BSA offers little comprehensive analysis of crime opinions. As the BSA's focus changes each year,⁶ even proxy measures means there is limited data to provide clarity over crime opinions. For instance, attitudes on authoritarian approaches in schools or to terrorism oscillate and are too ambiguous to neatly translate into crime related opinions.⁷ They also present little qualitative analysis to truly understand opinions, such as why a respondent might support more intrusive surveillance practises to tackle terrorism. Specifically on crime, the BSA finds significant reductions in support for the death penalty. In 1996 65% agreed that sometimes the death penalty is appropriate, in 2011 56% agreed, in 2013 51% agreed, down to 41% in 2020 (The National Centre for Social Research, 2021, NatCen for Social Research, 2017). Despite the downward trend, it finds a large proportion of the public support capital punishment. This presents some evidence of punitiveness and therefore legitimises the relevance of this thesis in seeking to engage and influence punitive attitudes. Equally, they are a crude measure of punitiveness in the absence of further qualitative analysis to explore why such beliefs are held and people's understanding of the death penalty in lieu of wider context such as individual circumstances (Aviram, 2015)).

The Crime Survey for England and Wales (CSEW) is the UK's most comprehensive survey of crime rates; occasionally considering wider issues such as public

⁶ For example, the most recent BSA includes a focus on issues such as constitutional reform and culture wars, but does not explore crime opinions closely (THE NATIONAL CENTRE FOR SOCIAL RESEARCH 2022. British Social Attitudes: The 39th Report. *In*: BUTT, S., CLERY, E. & CURTICE, J. (eds.). Online: National Centre for Social Research.).

⁷ See Appendix 1 for a table capturing some key survey findings regarding public attitudes on crime.

perceptions of crime (Office for National Statistics, 2017). However, it similarly has limited utility in bridging the empirical gaps in punitiveness theories. While it finds for instance inaccurate public perceptions on crime (Office for National Statistics, 2019) or inaccurate perceptions being informed by the media (Office for National Statistics, 2017) they do not incorporate a qualitative understanding of how perceptions are formed, or how they relate to attitudes on punishment. Some attempts are made in the CSEW and British Crime Survey (BCS) (the previous incarnation of the CSEW) to identify opinion variation between demographics. In the most recent ‘crime rate perceptions’ data, the CSEW explores differences on perceptions across protected characteristics (e.g. age, ethnicity etc.), education, employment status and whether individuals have been victimised in the preceding 12 months. For instance, 78% of 16-24 year olds believed crime is rising year ending March 2020, compared to 88% of 75+, despite declining rates over the same period (Office for National Statistics, 2020). As with the BSA, these insights offer richness compared to the generalisations of the theoretical literature, but offer little analysis on what these differences mean. Jennings et al. (2017) and Haines and Case (2007) also criticise how the CSEW is not consistently applied (i.e. the questions may change between surveys), come without sufficient contextual analysis (e.g. actual crime rates) and fail to sufficiently analyse differences between demographics.⁸

The review of independent polls illuminates similar demographic differences regarding punitive attitudes to the BCS findings. Polls have typically found men with right-wing

⁸ See Appendix 1 for a table capturing some key survey findings regarding public attitudes on crime.

political views, readers of right-wing newspapers (e.g. Daily Mail) or less educated people, are more likely to support the death penalty, harsher prison sentences or less support for rehabilitative interventions (Home Office, 2011, The National Centre for Social Research, 2022, Ipsos MORI, 2019b, YouGov, 2020b, YouGov, 2019, YouGov, 2020a). For example, Ipsos MORI (2019b) found 26% of Conservative voters favoured capital punishment for murder, compared to 16% of Labour voters. Combined with the BCS insights, they offer potential clues that underlying beliefs connected to party political trends play an important role in punitiveness levels. However, while demographic analyses within crime surveys and independent polling uncover some nuance, they offer little explanation into why there are differences between demographics. They do not develop our understanding of how exactly they relate to respondent attitudes on crime policy preferences, such as whether views on capitalism directly impact support for certain punishment types. Further, they do not explain why a proportion of educated women who read The Guardian might support the death penalty or why some Conservative voters prefer less harsh punishment. Certain studies present potential answers to these intricacies. For instance, they highlight that women are typically more fearful of crime due to higher victimisation levels (Toch and Maguire, 2014), or that special interest groups, such as certain women's rights advocates, seek tougher sanctions for gender-based violence (Ryan, 1999). However, these are rare acknowledgments of complexity. Further, the theoretical and empirical literature and government surveys typically fail to acknowledge or respect the legitimacy of experiential knowledge, or its role in the complex tapestry of public opinion. This therefore steers this thesis towards discussions around the public engagement methods capable of uncovering this depth, while incorporating the potential myriad of mechanisms behind opinion formation.

Academic surveys highlight trends around inaccurate public perceptions of crime rates (Office for National Statistics, 2011, Mitchell and Roberts, 2012, Haines and Case, 2007). Surveys have however also found correlations between perceptions of rising crime and actual rising crime rates (Karstedt and Endtricht, 2022), mirroring evidence into the links between rising crime and public punitiveness discussed above (Jennings et al., 2017). Research outside of the punitive literature however, signposts this thesis towards the sort of methods that uncover greater depth and complexity in opinions and the value of attitudinal diversity. Buck et al. (2021) suggest lived experience of criminal justice can be imperative for informing policies, highlighting this as an avenue to be explored in this thesis' methods. Higgins (2020) says deliberative exercises have shown 'lived experience' of crime is influential for shaping opinions, while Galvin and Simmie (2017) argue that community-based experiences are often wrongly underestimated or discounted due to policy experts' ideological biases or lack of cultural knowledge. Personal experiences of victimisation may lead to punitiveness and hostility towards 'criminals' due to feelings of vulnerability, fear and frustration rather than actual risk levels (Carvalho et al., 2020). These insights help affirm the need to understand and engage legitimate individual experiences, which could be a barrier to influencing attitudes or informative for crime opinions.

Other surveys and polling similarly find growing public recognition of the importance of employment, training, better education, health and rehabilitation to tackle the social factors behind crime. This support corresponds with reduced public support for prison (Toch and Maguire, 2014, Sundt et al., 2019, Johnston and Wozniak, 2022).

Deliberative polls or focus groups also frequently uncover contradictory views on sentencing; advocating for retribution and prison, simultaneously supporting drug treatment or community sentences (Hutton, 2005). These studies further underline the critique of the punitiveness literature's depiction of a 'homogeneous punitive public'. Equally, they still leave gaps in our understanding on how these opinions are formed and influenced, with limited discussion of message framing or public engagement methods.

In conclusion, the evidence outlined in this section does highlight some ongoing punitiveness among the public, justifying the concerns inspiring this thesis. However, it also shows evidence of progressive sentiment and differences in opinions based on demographics or variables such as political orientation. These present a more complex picture than the theoretical literature, restating the need for further enquiry into the nature of and diversity within public opinion. However, there is limited analysis of how opinions are formed or what they mean, beyond high level survey responses. The next chapters therefore explore the evidence on how crime opinions are formed, and how this informs the public engagement methods needed to embrace opinion complexity, including the role of underlying beliefs and message framing.

CHAPTER 3 MECHANICS OF OPINION FORMATION

3.1 The building blocks of opinion

Chapter 2 defines ‘punitive’ as ‘excessive punishment or hardship’ in response to crime. Theoretical literature has presented the public as ‘punitive’ and empirical evidence suggests there is a degree of punitive sentiment. However, what constitutes the ‘public’ is ill defined and oversimplified. Further, empirical evidence into the complexity and nuance within public opinion, such as variations by demographics, fail to explain ‘how’ and ‘why’ punitive opinions are formed or changed. This chapter therefore presents an analysis on opinion formation mechanics, pivotal for informing this thesis’ theoretical framework on enhancing public crime debate.

The chapter will outline three core elements of public opinion formation, which interact with the punitive-political dynamics discussed in Chapter 2. First it highlights the criminology literature’s findings that information, evidence and facts can shift public opinion on crime. This demonstrates the need for a ‘more complete’ analysis of public engagement methods that enable public consumption of this information. Secondly it draws on various literatures including in psychology, economics and media evidencing the importance of message framing for influencing crime attitudes. This evidence informs a proposed socio-economic message frame to be explored empirically in this thesis. This will uniquely combine the costs of crime literature and other evidence around progressive prevention. Thirdly it discusses the complex role of stereotypes, beliefs and emotions in individuals’ amenability to crime debates; drawing from

political psychology and criminology literatures. The conclusions reaffirm this thesis' focus on 'deliberative democracy', which embraces the complexity in underlying beliefs and presents a realistic opportunity for engaging this sophisticated opinion dynamic. Taken together, this chapter presents an original synthesis on crime opinion formation mechanics in contemporary society.

3.2 Public information

On opinion formation, the public opinion on crime literature has predominantly focussed on the impact of 'information'. It could be argued that it is obvious that providing facts and enhancing knowledge on crime would impact opinions. However, a discussion on information remains pertinent and complex. First, this is because facts sometimes have polarising effects when they conflict with someone's ideology. Information does not inevitably enhance understanding. Secondly, contemporary realities mean much of the public is subject to misleading information or otherwise consumes information from unreliable sources. Garrett (2019) for instance highlights evidence regarding the increasing use of social media as a key source of knowledge for many individuals, subjecting them to an increased prevalence of false information. The sources and quality of information remain a critical component of opinion formation.

The main interest and conclusion of most public opinion on crime studies is that significant proportions of the public are consistently found to hold inaccurate perceptions of crime (Mitchell and Roberts, 2012) without realising their knowledge

gaps (Hutton, 2005). This includes believing victimisation risks are higher than reality (Haines and Case, 2007, Mitchell and Roberts, 2012, Roberts, 1992, Office for National Statistics, 2017). It also includes believing the criminal justice system and judges are more lenient or less successful at prosecution or rehabilitation than is actually the case (Roberts, 1992, Research Development and Statistics Directorate, 2000). Inaccurate perspectives such as believing murder rates are higher than reality, are also linked to greater support for punitive policies such as mandatory life sentences for murder. In Mitchell and Roberts (2012) for example, 43% of those who inaccurately estimated higher murder rates favoured mandatory life sentences, compared to 33% with more accurate estimates. More generally, sceptical academics and journalists doubt the public's ability to make reasoned political assessments, suggesting voter decisions are unpredictable due to: party-political and ideological loyalty even when faced with allegations of corruption (Woodcock, 2021); poor assessments of complex global events, like the financial crisis in 2008 (Ussher, 2015); and particular susceptibility to punitive rhetoric, even when evidence casts doubt on the effectiveness of prison (Downes, 1998). Evidence on voter behaviour more optimistically finds people vote on how they perceive government decisions have impacted their lives personally rather than emotional or arbitrary whims; albeit without a forensic awareness or understanding of policy positions (Muirhead, 2010). Further, compelling arguments are found to be integral to voter decisions; potentially leading to voters swapping from their preferred party (Leeper and Slothuus, 2018). Analysis also finds that proposing pro-rehabilitation policies with explanations did not harm US candidate prospects, even if individual voters initially favoured punitive policies or Republican candidates (Johnston and Wozniak, 2022).

Simple polling typically fails to capture nuanced opinions or the impact of new information and facts on opinions (Johnstone, 2000, Hutton, 2005, Turner, 2014). In contrast, active public engagement in discussions on crime such as in-depth focus groups or deliberative methods, increase support for less punitive policies (Rowan, 2011, Roberts, 1992, Johnstone, 2000, Higgins, 2020, Ryfe, 2002). This is particularly the case when substantive public engagement is ongoing (Dzur and Mirchandani, 2007, Dzur, 2012). For example, when respondents are provided facts on sentencing, parole and the social context behind an individual's crimes rather than impersonal narratives, their support for community rehabilitation and targeting the underlying factors behind crime increases (Dzur and Mirchandani, 2007, Roberts and Plesnicar, 2015, Indermaur et al., 2012, Black et al., 2020). Persuasive educational information has also been found to include informing the public about the significant financial costs of policies like the death penalty, in conjunction with the social factors behind crime (Aviram, 2015). Elaborating on effective engagement methods, the public acceptance of new 'problem solving courts' in New York which promoted community rehabilitation, was considered to result from considerable and ongoing public engagement. This included the provision of information, evidence and education within affected communities, and a long lead-in time to implementation (Dzur and Mirchandani, 2007). Another example is the reduced support for mandatory life sentences for murder when participants are given real life cases to consider in focus groups and tasked to propose a sentence themselves. This reflective exercise was believed to stimulate more moderate approaches compared to when respondents are simply asked for opinions through surveys (Mitchell and Roberts, 2012). Scholars such as Johnstone (2000) and Indermaur et al. (2012) warn however that evidence shows information does not always moderate punitiveness; the impact varying between contexts and sometimes

being short-lived. Indermaur et al. (2012) says confidence in less punitive sentencing and acceptance of alternatives to prison rose when participants were given more information on the pros and cons of different approaches. However, attitudinal shifts had mostly reverted back seven months later in a follow up survey. Contextually however, Indermaur et al. (2012) recognised that respondents may give different responses to generic surveys compared to when tasked with making considered judgment calls in example scenarios. In this case, participants' more progressive responses had come on their completion of a case study exercise, whereas their follow-up involved a shallower survey.

Studies referencing the impact of 'contextual information around crime' in focus groups or public engagement, provide helpful indicators regarding the kind of information and context needed to absorb it. In particular, it shows public attitudes can change and that assumptions of public punitiveness theories are limited. However, studies typically lack detail in the specifics of the information provided and the way in which focus groups were run. They do not elaborate on the explanations given around the social factors behind crime or the level of conflicting information provided to test participants' responses to competing accounts. Nor do they elaborate on the nature of focus groups and community engagement, such as the degree of competitive dialogue, careful moderation and participant diversity in terms of ideology and other variables. Further, they omit discussion on the mechanics of how opinions change and the depth required to ensure longer term absorption of facts. Even literature discussing the possibilities regarding deliberative democracy on crime (Rowan, 2011, Garland, 2021, Bell, 2022) omit details around the types of information to be provided and the 'specific' methodology being proposed. This thesis therefore contributes an original analysis. It

explores in more detail the impact of different information sources on opinions. It considers the specific deliberative methodology and qualitative analysis needed to achieve and access these deeper insights. It also analyses how the complexity and contradictions within public opinion can be embraced, without requiring neat opinion categories.

The public opinion literature is also outdated due to the emergence of the post-truth era of fake news. Misleading information is now shared with malicious intent at a ferocious pace online, via social media, apps and other alternative information platforms. The public are bombarded with deceptive messaging or kept in echo chambers by algorithmic tools far more efficient at targeting than traditional media. This is often intended to increase online traffic for commercial reasons or to influence political outcomes. The Brexit referendum and Trump's Presidential election are standout examples. Meanwhile reputable and rigorous information sources, such as established media, academic expertise and scientific evidence are purposefully undermined and presented as commensurate with fake news or unsubstantiated opinion (Keiser, 2019, Boyte, 2017, Satariano and Tsang, 2019, Mavelli, 2020). For instance, Donald Trump's election campaign reportedly targeted black voters with adverts on Facebook using a secret database. This presented misleading information about Hillary Clinton having no sympathies with black people, to purposely suppress votes from black communities in battle ground states (Sabbagh, 2020). Pratt and Miao (2019) recognise the role of new and social media promoting populist ideology in their punitiveness theory, but 'digital age' references are rare within the punitiveness literature despite posing a major threat. Elaborating, Keiser (2019) says the bombardment of alternative media means authoritative sources get lost. Differences

in how sites or sources look are also minimal (e.g. minor change of font or banner), making it harder for the public to discern between longstanding reputable sources and those presenting low quality or misleading information. Mavelli (2020) says objective facts are purposefully denigrated through alternative media with deliberate appeals to emotion and personal belief. She highlights neoliberal dimensions, in which profit motives ensure individuals see and click on content that conforms with their existing preferences, irrespective of any associated harm. This contrasts with content being motivated by truth, which may inconveniently conflict with individuals' perceptions of reality. Malicious motives behind post-truth phenomena is also characterised by its hostile nature, such as false news about President Obama wanting gas prices for people to rise because of his commitment to green energy (Garrett, 2019). This changing information landscape renders previous traditional media analyses incomplete.

Political and other institutions therefore need to appraise their ability to communicate truth and evidence on crime to the public, to mitigate post-truth dynamics. Thorough and authentic public engagement methods therefore have great contemporary relevance; making the contributions within this thesis particularly important. Chapter 4's discussion of deliberative democracy has significant potential for addressing these risks; building public intellectual resilience against manipulation. As will be discussed, this is because deliberation allows the space, time and diversity of perspective for participants to uncover ulterior motives such as those behind algorithmically targeted ads (Boyte, 2017, Mavelli, 2020). It could ensure access to facts, evidence and alternative emotional narratives, contrary to their preconceptions. It could also foster

a culture of mutual respect, addressing hostilities perpetuated in alternative media (Garrett, 2019).

3.3 How framing shapes public opinion

3.3.1 Defining 'frames'

This section discusses how opinions on crime can be influenced by the way issues are 'framed'; leading to an original framing proposal empirically explored in this thesis. 'Framing' concerns how the presentation of choices or information influence decisions and perspectives (Rathje, 2017, Tversky and Kahneman, 1986, Kahneman, 2011). The concept exists across social science disciplines (Benford and Snow, 2000). It considers 'types' of frame such as metaphors, exemplars, catch-phrases, visuals and statistics. It looks at 'where' frames are deployed, including media (vanHeerde-Hudson and Fisher, 2011, Jewkes, 2015). It also explores the 'subject matter and objective' of frames, such as calls to action on key social issues (de Vreese, 2005, Benford and Snow, 2000). The following discussion uniquely combines these framing dimensions, presenting a persuasive 'costs of crime/economic' frame suitable for substantive public engagement.

3.3.2 Framing 'crime'

Bell (2022) theorises that crime can be successfully reframed away from 'criminal justice' towards 'social justice'. This is through shifting the focus on punishment to issues like fair pay and solutions to other inequalities as a way to reduce crime. Empirically, evidence shows certain crime frames are effective. Lacey and Pickard (2015) claim presenting responses to serious crime through a 'forgiveness' frame, while acknowledging the behaviour was repugnant and the offender responsible, garners more support for rehabilitation. This contrasts with 'blame' frames, which engender anger, disgust and desire for punishment. Karstedt and Endtricht (2022) outline how politicians have successfully persuaded voters by elevating the salience of crime through rhetorical and alarmist frames like those discussed in Chapter 2. They note however that deployment of these frames correlate with actual rising violent crime, making it hard to disentangle whether 'framing' or 'justified public fear' influenced voting. O'Neil et al. (2016) conducted surveys and interviews to test different criminal justice frames. Framing prison as a 'dead end' metaphor (i.e. sending people to prison leaves offenders with no hope) in conjunction with optimistic frames around human potential and rehabilitation, garners more support for less punitive responses. It also increases scepticism regarding incarceration. Based on their experience of policy, political and academic circles, Welsh and Farrington (2000) find cost-benefit frames increase support for crime prevention. They contend this is because dollar savings of a programme are considered synonymous with 'what works'. In turn this helps certain justice programmes seem more 'effective'; providing an 'economic' rationale as well as 'programme outcomes'. Gottlieb (2017) tested the impact of different online messages on 'public' participants' survey responses. He found that cost-benefit frames promoting community drug treatment over incarceration garnered more support for reducing imprisonment, compared to 'procedural fairness'

frames. He theorises this is because the frame appealed to participants' economic self-interest, e.g. reducing their taxes if more cost effective interventions were implemented. In focus groups, Thibodeau and Boroditsky (2011) found that framing crime in fictional scenarios as a 'virus', led participants to conceptualise crime as a curable 'health problem'. Participants subsequently proposed 'treatment', and efforts to prevent spreading through greater economic, health and educational equality. This contrasted with framing crime as a 'beast', leading participants to conceptualise crime as a violent threat; provoking solutions around capture, policing, punishment and imprisonment. Frames also led participants to gather or acknowledge information consistent with the initial framing. Thibodeau and Boroditsky (2011) theorise that this is because people seek to solve problems through constructed analogies; applying logic and knowledge from one context to another they consider similar. They further theorise that it implies frames can have a powerful affect for influencing how participants engage with a problem and their amenability to other new information. These findings therefore support the careful attention given to framing in this thesis.

Equally, O'Neil et al. (2016) say their surveys and interviews find frames referring to 'individual choices to commit crime', 'examples of prison working' or 'broad arguments about criminal justice being unfair', undermine support for tackling the root causes of crime. They suggest this is because they invoke existing punitive sentiment and beliefs about the effectiveness of punishment. Other studies find evidence conflicting with Thibodeau and Boroditsky (2011) above, showing how 'disease or virus' frames can trigger fear of contagion, disgust or that 'sickness' is easily linked with notions of immorality and therefore punitive solutions (Lakoff, 2017, Cohen, 2000, Scruton, 2008). Johnston and Wozniak (2022) analysed survey responses in connection with

US national elections, including questions on access to employment and welfare support for ex-offenders. They explored the relationship between respondents' levels of racial resentment and their amenability to policies ensuring ex-offenders had access to food, housing and employment. Framing the issue in terms of the 'disproportionate impact of prison on minority communities and children', was less effective for garnering support. This was theorised to be as a result of "stereotypical tropes about racial minorities' proclivity toward crime" (p. 209), suggesting an interaction between amenability to frames and underlying beliefs. This is returned to below.

More generally, economic frames are common within policy debates (de Vreese, 2005), such as metaphors supporting austerity by comparing national debt to household finances (Fairclough and Fairclough, 2012, Stephanie, 2020), or challenging 'pro-market' with 'environmental' (Schot and Steinmueller, 2017, Raworth, 2018, Schumacher, 2019) or 'social justice' frames (Aviram, 2015, Cohen, 2000, Sandel, 2012). It is the use of economic frames that inspires the 'costs of crime' frame proposed in this thesis, to be discussed below. On 'cost saving frames' within criminal justice, evidence suggests cost effectiveness arguments without fuller policy context, can actually reduce support for reform (O'Neil et al., 2016, Leeper and Slothuus, 2018). Based on analyses of public political statements, media reports and implemented policies in the US, austerity explanations can garner support for progressive prevention investment. This is provided they are within a fuller narrative on the state's obligation to support people's wellbeing and human rights, including around mental health support to prevent crime (Cate and HoSang, 2018, Aviram, 2015). Without this context however, such arguments inadvertently risk calls for cost efficiencies through reductions in rehabilitation or austere and harmful prison

conditions (Aviram, 2015, Rubin, 2015, Hutton, 2005, Welsh et al., 2008). For instance, analysis of policies in the US state of Oregon saw advocacy groups lobby for reducing prison rates through prevention investment to limit taxpayer burden (Cate and HoSang, 2018). This helped shift political discourse and the policy landscape towards reducing prison expansion, but failed to actually reduce incarceration rates. New fiscal narratives emerged that were actually more consistent with punitiveness. The Oregon Secretary of State argued imprisonment was cheaper saying: “Do not let the cost of INJUSTICE exceed the cost of JUSTICE” (p. 175) and advocated that:

“Prison work programs shall be designed and carried out so as to achieve savings in government operations, so as to achieve a net profit in private sector activities or so as to benefit the community” (p. 176).

These examples reframed economic arguments to justify imprisonment expansions. Here, criminal justice reform was framed solely as a ‘cost saving exercise’, rather than improving the understanding around the moral and social arguments for investing in tackling the social factors behind crime. By conjoining economic arguments with ‘tough on crime’ narratives by politicians, media and advocacy groups, Cate and HoSang (2018) argue it limited the opportunity to meaningfully shift public debate and ideology on criminal justice. In this case therefore, the economic arguments were incomplete or self-defeating; coinciding with increased imprisonment (Cate and HoSang, 2018). The relevance of providing a ‘fuller frame’ is therefore expanded on below; presenting a ‘costs of crime’ frame, enveloped within a wider narrative around the social influences on crime.

There is also concern that reducing social policy to 'monetary' analyses, risks dehumanisation through profit or market ideologies. These risk undermining 'wellbeing and sustainability' agendas, such as the value of environmental beauty and ecosystem health (Sandel, 2012, Schumacher, 2019, Raworth, 2018), including within criminal justice (Rubin, 2015). The criminal justice framing literature therefore leads this thesis to the following conclusions; elaborated on below. First, it provides an evidential and theoretical basis for the potential persuasiveness of economic and therefore 'crime cost' frames. Secondly, the evidence suggests economic frames require wider context to be effective; incorporating moral or wellbeing arguments to avert unintended interpretations and dehumanising debates.

While the framing literature highlights a relevant component of opinion formation, it does not explicitly consider the impact of framing in the post-truth era; as with the punitiveness and public opinion literature. Nor does it assess the kinds of substantive public deliberation needed for introducing or debating frames. This thesis therefore explores the contemporary relevance of 'crime frames' through deliberative democracy (discussed in Chapter 4), within a world of fake news and degraded civic discourse.

3.3.3 Media's influence

Although not always expressed as 'framing', criminological literature has discussed how media shapes public conversation and perceptions of crime. This includes how mainstream media oversimplifies crime and stimulates punitiveness by omitting social

factors behind crime (Chagnon, 2015, Jewkes, 2015, Kort-Butler and Sittner Hartshorn, 2011). It also looks at how media stokes fear and outrage by exaggerating crime, demonizing minority or lower social class groups and undermining progressive crime solutions (Greer and McLaughlin, 2010, Jewkes, 2015, Green, 2008). Further, the literature discusses how the media constructs misleading depictions of public opinion by suggesting they are more punitive than reality, potentially triggering reactionary government policy (Hough, 2011, Green, 2008). On the latter for example, Hough (2011) says governments between the 1990s and 2000s have oversimplified complex issues; preoccupied with imposing targets on criminal justice agencies including incarceration rates. This is based on their perceptions of urgent public priorities. A more contemporary example concerns immigration. The Daily Mail frequently promotes headlines regarding the need for urgent immigration removal policies, illegal immigration and corrupt immigration lawyers, and claiming public outrage (Mail Online, 2023). However, the European Social Survey for 2022 shows that for the first time a majority of respondents thought immigration was very positive for the UK, compared to around 20-30% in 2002 (Butler, 2023).⁹ The government's response however, whether to inflame or as a response to perceived public concern, is to "bring fresh prosecutions against corrupt immigration lawyers who could face up to life in prison for assisting illegal migrants to remain in the country by deception" (GOV.UK, 2023). Life imprisonment for illegitimate legal practice marks a very punitive response, with such sanctions normally reserved for murder and rape.

⁹ In 2022, respondents said immigration was good for the economy (59% ranking between 7 and 10), enriched the country's cultural life (58%) and made the country a better place to live (56%). In 2002 just 17% were very positive about the economic benefits, 33% thought it was culturally enriching and 20% thought it made the UK a better place to live.

Media exaggerations are not necessarily always deliberate. They could for instance emanate from journalists' erroneous beliefs that crime is always rising or from limited understanding of the social factors behind crime (Chagnon, 2015, Jewkes, 2015). Occasionally, sensationalist and emotive headlines are simply driven by organisational routines or seeking higher viewing figures and corresponding profits (Chagnon, 2015, Green, 2008, Dzur, 2012). Debate remains on whether the media reacts to pre-existing public punitiveness, shapes or constrains public opinion or an interaction between these dynamics (Green, 2008). Underlying theory on media bears resemblance to the punitiveness literature (Wacquant, 2001, Scraton, 2008). One argument is that mainstream media and those with influence over it such as politicians and business interests, deliberately perpetuate 'a culture of fear' to generate profit through alarmist content on crime (Glassner, 2018). Another is that media 'power brokers' weaponize crime to distract 'the public' from the financially and politically powerful; twisting public anger towards 'criminals' as the enemy (Chagnon, 2015, Jewkes, 2015, Chomsky, 2014). This thesis however seeks to develop a greater understanding of public opinion, beyond characterisations of a homogenous 'public' exploitable by media frames, or of a retributive public that demands and drives punitive media.

Notwithstanding criticism of the literature for generalising public sentiment or vulnerability, evidence suggests media frames have real-world validity. A large proportion of the public for instance, consumes most of their criminal justice information from the media (Kort-Butler and Sittner Hartshorn, 2011, Roberts, 1992,

Office for National Statistics, 2017).¹⁰ This is significant because findings also suggest the public typically believe the media's accuracy. It also estimates criminal trends consistently with news reports over official statistics and shows less sympathy for sentence leniency when given fewer facts by the media. Further, the public rarely has direct criminal justice experience beyond media representation (Roberts, 1992, Hough and Roberts, 2017). Public consumption of media also includes non-fiction and fiction crime programmes; both linked to greater public support for policies like capital punishment (Kort-Butler and Sittner Hartshorn, 2011). Jewkes (2015) also highlights 'user generated' social media; consistently promoting punitive approaches to criminality, including towards children. This is often elevated by mainstream media's promotion of online social media posts like tweets on X, formally Twitter. This observation therefore comes closer to acknowledging the post-truth developments discussed above; further substantiating the need for enhanced public deliberation. This is to help inoculate against rhetorical media frames, with greater exposure to explanations of the social factors behind crime and effective prevention.

The public still consumes media from a diversity of sources, including those that are politically left, right and neutral (Greer and McLaughlin, 2018). The BBC is still the most significant source of news (Nielsen et al., 2023) and is generally respected for its neutrality although not without challenge (Lewis and Cushion, 2019). These consumption patterns means the risk around the influence of unbalanced punitive

¹⁰ For instance, almost 70% of people who believed crime rates were rising in 2016, stated that their main source of information on national crime rates came from television and radio news (OFFICE FOR NATIONAL STATISTICS. 2017. Public Perceptions of Crime in England and Wales: Year Ending March 2016.).

rhetoric should not be overstated. However, the media remains powerful in society, and punitive media frames could still hinder progressive social investment, particularly in an era of algorithmic social media targeting and post-truth developments. For instance, the Daily Mail is considered to be right-leaning and often perpetuates misleading information (Ward, 2023), but accounts for a considerable 21% of online news consumption (Nielsen et al., 2023). Further, analysis and survey studies find a growing consumption of alternative media, often in the form of right-wing populist websites with higher readerships among people with populist attitudes (Muller and Schulz, 2019). Given that a proportion of the public could potentially be influenced by such, media framing remains relevant. This is potentially the case whether influencing how politicians act on their perception of crime opinions among those cohorts, voter behaviour or reactionary government rhetoric (Johnston and Wozniak, 2022). Scholars like Green (2008), Rowan (2011) and Bell (2022) have argued deliberative engagement could shift social attitudes and populist sentiment, correspondingly impacting government policy and the culture of media institutions. This thesis builds on this in Chapter 4; outlining a thorough vision for public deliberation including who should participate, content and frames, in order to mitigate the risks posed by a post-truth age.

3.3.4 The power of framing

Framing can be effective in public policy contexts (de Vreese, 2005). This is more likely when the frame's subject matter directly impacts the audience (Jacoby, 2000) and is tailored to the audience's language and perceptions without requiring a

significant opinion shift or acceptance of error (Vaughan, 2010). Frames are most effective when they help audiences consider subjects carefully, rather than shallow media headlines (Bizer et al., 2011, Leeper and Slothuus, 2018, O’Neil et al., 2016, Aviram, 2015). Frames should also avoid excluding important counterarguments on applicable issues, which risk visibly appearing biased (Jones and Exworthy, 2014).

On political campaigning frames, Garrett (2019) finds that high repetition of misleading social media posts can be very effective when they chime with the targets’ pre-existing political identity. This is particularly true for conspiracy theories within online echo chambers. Online ‘fact check’ services often fail to shift opinions, when corrections challenged the audience’s political leaning, sometimes entrenching views (Nyhan et al., 2019). However, research finds differences depending on individual personal ideology such as strength of political beliefs, and whether or not they are motivated to seek facts (Nyhan et al., 2019). Nonetheless, these findings further highlight contemporary risks in a time of populist political leaders (Bachtiger et al., 2018) and emerging trends like ‘Deepfakes’ which are bogus videos depicting politicians and celebrities in compromising circumstances (Cellan-Jones, 2019). They underline the importance of this thesis’ objectives around enhancing authentic public debate. In particular, this is to help ensure there is the required information, education, context and framing to defend against the harmful impact of misleading frames.

3.3.5 Framing for a progressive consensus

Applying principles from the framing literature, this thesis explores novel insights into the effectiveness of a 'costs of crime' frame. First, this is because economic frames regarding crime have contemporary relevance. This is within an austerity context of significantly reduced services responsible for preventing crime, including early years, youth development and addressing the relationship between trauma and crime, referenced below. Evidence also suggests such frames could resonate, finding a large majority of the British public prioritises economic and crime issues (Survation, 2018, Prescott-Smith, 2019, Morrison et al., 2020). Secondly, costs of crime literature provides an extensive evidence base (referenced below) for the economic imperative of preventing crime; making arguments emphasising the economic impact of crime credible and resilient to critique. If crime costs evidence is made accessible, this thesis suggests it could transcend a very technical literature into a helpful frame; facilitating public debate around progressive prevention. The following elaborates on this, and its implications for this thesis' research methods.

Relevant economic context includes understanding what increases risk of and prevents crime, referred to in this thesis as 'progressive' prevention. Consider the link between crime and negative childhood experiences and trauma (Kennedy-Turner et al., 2020, Webb, 2021, Bellis et al., 2016, Waddell and Jones, 2018), and social challenges like mental ill health, poverty and substance addiction (Parliamentary Office of Science & Technology, 2019, Advisory Council on the Misuse of Drugs, 2011, Harwin and Barlow, 2022). Notwithstanding the evidence around the importance of support aimed at these social influences on crime, austerity in the UK has seen a significant reduction in prevention services such as children, education and mental health services (Alston, 2018, Burns, 2019, Ayrton et al., 2019).

Debates on public expenditure and affordability are of significant public interest (Jacoby, 2000, Mattinson, 2020, Lowndes and Gardner, 2016). Economic rationales for increased crime prevention investment, especially with growing public concern over austerity (Ferguson, 2020, Butler, 2017, NatCen for Social Research, 2017, Survation, 2018), may therefore be particularly pivotal for winning public confidence in criminal justice reform. Anxiety over public expenditure could for instance trigger public concern for costly failures in the current justice system; presenting an alternative perspective to punitive instincts. Equally, without persuasive arguments regarding cost effectiveness, public anxiety could block political support for increased upfront expenditure on prevention (Rajkumar and French, 1997). For these reasons, the costs of crime literature could make a particularly useful contribution to the framing discussion. As well as chiming with the public's economic and crime priorities noted above, it could frame the problem of crime as a big economic burden that should not be ignored, thereby implying the need for preventative measures. The stated purpose of crime costs literature is mainly to amplify the significant economic burden of crime, and the utility of crime prevention efforts for policy makers (Anderson, 2021, Morgan and Brown, 2015, Cook and Ludwig, 2000). The literature therefore does three things. First it provides a thorough analysis and estimate of 'aggregated crime costs' within a country or region, calculating the significant economic burden across government agencies like law enforcement, victim services, businesses and individuals (Heeks et al., 2018, Anderson, 2021). This includes multi-billion pound estimates for the UK for total crime costs, organised crime, modern slavery and other categories (Heeks et al.,

2018, Grimshaw et al., 2018, Newton et al., 2019, Oliver et al., 2019).¹¹ Certain studies similarly highlight the economic impact of specific crime types; theft (Cohen, 2004), sexual crimes (Saied-Tessier, 2014) and other categories (Millman, 2010, William, 1995, Prison Reform Trust, 2019). This economic evidence gives the crime costs frame credible factual foundations, compared to frames based on conjecture.

Secondly the literature extends the notion of ‘cost’ to include ‘intangible costs of crime’, presenting different survey methodologies for calculating the emotional impact of crime. This includes pain, suffering or fear of crime; often amounting to the largest proportion of total cost estimates (Lee and Fisher, 2020, Streff et al., 1992, Dolan et al., 2005, Moore and Shepherd, 2006). This is significant for instilling normative value and human wellbeing into economic debates, helping address the risk of dehumanising social issues, as mentioned above. Although not articulated in these terms, this literature’s discussion on intangible impacts ‘frames’ crime costs as a social justice issue, by elevating the human experience of crime within the economic assessment. This emphasis on widescale pain and suffering also helps frame crime as something that needs to be prevented as a collective concern, i.e. it is not just isolated individual incidents that require procedural justice.

¹¹ For instance the estimated total costs of crime in England and Wales in 2015/16 was £50 billion from crimes against individuals; a large majority from violence and £9 billion against businesses, using reported and unreported crime figures from the Crime Survey of England and Wales (HEEKS, M., PRINCE, S., REED, S. & TAFSIRI, M. 2018. *The Economic and Social Costs of Crime*. Second ed.).

Thirdly, the literature presents cost-benefit analyses to inform public policy decisions, usually demonstrating the significant economic and social advantage of preventing crime through investment in services like mental health and employment support (Farrington and Welsh, 2014, Decker et al., 2021). While this objective is typically aimed at policy professionals, it introduces a potential ‘prevention’ frame for public consumption.

Without this research, economic arguments on crime with the public would be more vulnerable to challenge. Academic critiques of the methodology are mostly technical in nature and focus on questions of econometric accuracy.¹² The literature’s main weakness however is its failure to explore opportunities for incorporating the literature’s evidence within public discourse. Policy professionals are only one part of

¹² For instance, critiques consider whether crime cost estimates are too conservative (e.g. not capturing the wider emotional impact on victims’ family members) (COHEN, M. 2004. *The Costs of Crime and Justice*, London, Routledge, JOHNSTON, D., SHIELDS, M. & SUZIEDELYTE, A. 2017. Victimisation, Well-being and Compensation: Using Panel Data to Estimate the Costs of Violent Crime. *The Economic Journal*, 128, 1545-1569, FADAEI-TEHRANI, R. 1990. Costs of Crime, Unemployment and Poverty. *Mankind Quarterly*, 31.).

They also explore the intricacies of cost-benefit methodology (BUTTS, J. & ROMAN, J. 2009. Juvenile Crime Interventions. In: WEIMER, D. & VINING, A. (eds.) *Investing in the Disadvantaged: Assessing the Benefits and Costs of Social Policy*. Georgetown University Press, WELSH, B. & FARRINGTON, D. P. 2000. Monetary Costs and Benefits of Crime Prevention Programs. *Crime and Justice*, 27, 305-361, MANNING, M., WONG, G. T. W., GRAHAM, T., RANBADUGE, T., CHRISTEN, P., TAYLOR, K., WORTLEY, R., MAKKAJ, T. & SKORICH, P. 2018. Towards a ‘Smart’ Cost-benefit Tool: Using Machine Learning to Predict the Costs of Criminal Justice Policy Interventions. *Crime Science*, 7, DOMINGUEZ, P. & RAPHAEL, S. 2015. The Role of the Cost-of-Crime Literature in Bridging the Gap Between Social Science Research and Policy Making. *Criminology & Public Policy*, 14, 589-632.).

They also look at data accuracy and availability issues like challenges in ascertaining precise government spend on crime (ROPER, T. & THOMPSON, A. 2006. Estimating the Costs of Crime in New Zealand in 2003/04. *New Zealand Treasury Working Paper 06/04*. The Treasury, BOWLES, R. 2009. Introduction. *European Journal of Criminal Policy and Research*, 15, 307-308.).

the socio-political ecosystem. The discussion below therefore seeks to uniquely translate this work into an accessible frame more capable of contributing to public opinion formation. Vitally however, this thesis also contends that in order to absorb the different elements of this narrative, the frame requires the time and space afforded by deliberative forums. This would allow the evidence to be presented, heard, debated and reflected upon, as discussed in Chapter 4. Applying a crime costs frame within deliberative forums therefore bridges the crime costs literature's gap on making its findings consumable. It also adds significant depth to the types of 'content' required for public crime deliberation, moving beyond the limited specificity in the public opinion literature.

Taken alone, the crime costs literature might not be a sufficiently persuasive frame, because it only tells a portion of the story. In order for a cost benefit frame to work for instance, it requires a fuller explanation of preventative interventions, and their effectiveness (O'Neil et al., 2016). This thesis therefore proposes an 'economic sustainability' frame in conjunction with crime, to encapsulate a more complete narrative. Here, 'sustainability' means: activities that do not rely on infinite resources; more is replenished than consumed; more is repaired or protected than is damaged; and social behaviour that accommodates future demands on society such as population growth, social disharmony and dwindling resources. UK austerity demonstrates societal concern around affordability as noted above. Many fear excessive public expenditure or that ambitious public investment on decent housing, health care and education is unrealistic. This thesis suggests that concern for affordability is a proxy for anxieties over sustainability. Just as cruelty is intuitively bad, so too is other behaviour that jeopardises human wellbeing. Unsustainable practice is

bad because it threatens wellbeing; risking physical hardship through poverty, food and housing deficits, ill health and associated emotional suffering. This comes together, in what this thesis calls the 'Social Sustainability Frame' (SSF). As well as being a new frame and contribution to the crime costs and public opinion literature, it is fundamental to the later discussion on the proposed content of deliberation within the methods in Chapter 5, and is therefore elaborated on in the next section.

3.3.6 The Social Sustainability Frame

First, the SSF, as conceptualised and presented by this thesis, captures the core finding from research showing the costs of crime are huge and harm societal wellbeing by diverting resources from investments in social good like education. These costs are thereby economically wasteful and socially unsustainable, which triggers the audience's concern for sustainability of resources and its implications for our wellbeing. Next, the SSF presents how punitive responses to crime are ineffective at reducing crime and associated costs; incorporating evidence such as high reoffending rates for prison leavers (The Centre for Social Justice, 2020, Prison Reform Trust, 2012). This ineffectiveness is explained in terms of a failure to prevent or tackle the interrelated social factors behind crime like trauma, mental ill health and addiction (Farrington and Welsh, 2014, Decker et al., 2021, Waddell and Jones, 2018). The SSF therefore frames 'crime' as a preventable cost to society that has arisen from an overemphasis on punitive approaches rather than 'progressive' solutions targeting evidenced social influences on crime. While it is implicit that crime harms societal

wellbeing, the SSF frames crime through both the economic and ‘pain and suffering’ burden of crime, as depicted in the crime cost literature. By presenting a narrative on preventing economic harm, this thesis suggests the SSF can resonate with the human desire for economic sustainability, and the reduced threat this presents to our wellbeing. The frame’s encapsulation of ‘pain and suffering’ in addition directly strengthens the case that prevention can garner greater human wellbeing, without only relying on the abstract proxy of economic stability. Likewise, the frame’s explanation of what can help cause crime, such as traumatic childhoods, also stimulates thinking about human wellbeing and a deeper understanding of what prevents crime. These elements contribute to the frame’s ‘fullness’, i.e. it satisfies different perspectives we might hold on the different elements of societal wellbeing; both emotional and economic. The ‘rational’ relates to effectiveness of prevention and associated economic advantages. The ‘emotional’ relates to addressing our fear of unsustainability, the desire to avoid the pain and suffering of victims, and empathy for why many people commit crime and the actions needed to prevent that cycle. In summary, this thesis proposes combining rational and emotional dimensions to resonate with our: deep emotional concerns for economic sustainability and the implications this has for safety and fundamentals like food and shelter; emotional response to the social factors behind crime such as stories of childhood trauma; emotional response to victim suffering; and rational appreciation of public finance, finite resources, and how government must maintain economic stability.

Evidently, the SSF incorporates a significant range of concepts and areas of academic enquiry. Chapter 4 therefore discusses the fundamental discursive conditions required

to enable meaningful public dialogue on such a complex and multi-layered frame. Here it will also embrace other mechanisms of opinion formation to comprehensively bridge the gaps in existing punitiveness and attitudes research around how to engage and influence opinion. Further, the discussion below on political ideology and underlying beliefs presents a very uncertain picture, with people's beliefs being hard to identify and define. For the SSF, this means two things. First, people's complex belief structures means the impact of the SSF on different ideologies is likely to be imprecise, and explains why this thesis considers it important to explore empirical insights into its real-world impact, discussed in subsequent chapters. In doing so, it explores the ability for the SSF to find common ground on ideals that concern most people like economic security, that traverse conflicting ideologies. Secondly, it means the SSF may need to adapt in various ways to accommodate different worldviews, either shifting to find common ground, or shifting in different ways for different people. Again, this thesis explores how the SSF's impact varies on different participants in terms of resonance and interpretation, and indeed whether it is impactful at all.

3.4 Underlying beliefs and perceptions of crime

A third pillar in opinion formation includes underlying beliefs, stigmatising schemas, unconscious biases and discriminatory misconceptions. Insensitivity to pre-existing underlying beliefs risks alienating those with conflicting ideologies on divisive issues. Differences in beliefs or stereotypes also underlie the importance of message framing, because 'reframing' issues could help ideas resonate with people who see matters differently. Likewise, recognising people's beliefs helps identify how 'not' to frame

issues and avoid triggering particular anxieties, prejudices, falsehoods or tropes (see Lakoff (2017) below). This discussion outlines evidence around 'underlying beliefs' and its relevance to other opinion formation dynamics like message framing. This informs Chapter 4's analysis of deliberative democracy, and its potential for helping people with conflicting ideologies find common understanding.

Punitive theories discussed in Chapter 2 highlighted the relevance of underlying beliefs in society's response to crime including racism, neoliberal ideology and the purposeful scapegoating of minority groups in administering structural punitiveness (Wacquant, 2001). Research identifies stereotypes commonly perceived by the public and perpetuated in the media, depicting 'offenders' or 'parolees' as predatory, violent, immoral, having sole responsibility for their crime, and having biological deficiencies or low self-control. All typically omit contextual influences on crime such as racism, joblessness, poverty and lack of education (Leverentz, 2012, Chagnon, 2015, Jewkes, 2015, Sundt et al., 2019, Williams, 2012). As Chapter 4 discusses further, these stereotypes inherently promote the belief that people committing crime simply make 'bad choices', rather than highlighting the common reasons for those actions such as poverty. Indeed, people's poverty is also often depicted as a 'lifestyle choice' or individual deficiencies (Pantazis, 2016, Pemberton et al., 2017). These are stereotypes because they generalise and simplify (Bordalo et al., 2016) an individuals' criminal acts, making it easier to feel anger towards them and believing that they deserve punishment. When politicians and the media frame crime as 'individual responsibility', it risks entrenching stereotypes among the public; requiring both factual challenge and alternative rational and emotional frames.

While evidence finds stereotypes can be perpetuated in the media and commonly believed by the public, 'ideologies' are messy, vary significantly between individuals in unpredictable ways and rarely correlate neatly with the generalised positions of political parties (Guiney, 2022). Political psychologists actually query the existence of measurable or consistent ideologies, finding for instance unreliable correlations on views around morality, freedom and economics among 'conservatives'; rarely fitting a neat definition (Feldman, 2013). This is an important conclusion because it challenges the idea that people can be neatly categorised. It would therefore be unreliable to conclude that views are unchanging or stuck within a particular political ideology. Consequentially, ideologies associated with punitiveness should not be considered an inevitability or that criminal justice attitudes cannot be shifted. Notwithstanding ongoing theoretical uncertainty, links are made between political ideology and 'underlying beliefs' on crime. Broadly, political scholars like Jost et al. (2003) depict conservative ideology as being motivated by maintaining the status quo; desiring order, certainty and security because changes pursuing fairer societies present unknowns and therefore unwanted risk (Feldman, 2013). People sympathetic to conservative ideology have been found to place more weight on 'loyalty to religious groups or nationality', 'respect for authority' and notions of 'purity', while left-leaning people emphasise more strongly 'caring' and 'fairness' (Graham et al., 2009). More specific to crime, conservative ideology is linked to punitiveness and authoritarianism; expecting retributive responses for those they perceive as bad people 'choosing' immorality (Andreescu and Hughes, 2020, Unnever et al., 2008), rather than believing in 'root causes' of crime, as noted with stereotypes above. Racist stereotypes specifically, like believing black people are inherently more inclined to commit crime,

are also linked to conservative ideology. Such beliefs are often accompanied by lower education levels, resentment towards minority communities based on perceived threats to economic security and a rejection of 'structural racism and inequality' narratives (Unnever et al., 2008). Underlying beliefs are also thought to be influenced by 'contemporary political dynamics' whether progressive or punitive. This includes the popular support that grew in responses to President Ronald Reagan's undermining of welfare policies for tackling poverty-linked crime (Wood, 2014) in contrast to the more preventative narratives promoted by more socially liberal governments (Holian, 2004). Another contrast includes the deliberative stoking of racist stereotypes by politicians, appealing to evidence of white voters' greater propensity to support punitive policies for black people (Gunderson, 2022), versus social movements like Black Lives Matters challenging structural racism (Pilling, 2020).

Scholars like Haidt et al. (2009) emphasise the underlying values and morality behind political ideologies, ranging from compassion or fairness to values of purity and authority (Feldman, 2013). With specific reference to criminal justice, Lakoff (2017) theorises that conservative and liberal worldviews and stereotypes are explained by unconscious 'family models'. Conservatives are said to adopt a 'strict father' concept, envisioning ideal father figures protecting the family from danger. This encapsulates rule setting, enforcement, tough love and punishment, responsibility for difficult family decisions and demanding respect for his authority. Proponents believe this authoritarianism best achieves wellbeing; necessary to survive in a dangerous world. Lakoff (2017) adds that this mirrors religious principles of obeying a male God's moral doctrine for his children, or military authoritarianism, with breaches deemed a serious violation of virtue. Conformity with 'strict father' ideology yields a sense of moral

supremacy, often associated with other concepts of supremacy; being male, Christian, white, wealthy. These beliefs, argues Lakoff (2017), are consistent with support for punitiveness in criminal justice, especially for marginalised communities 'falling short' of supremacists' optimal characteristics. Stanley (2018) says fascism similarly relies on the dehumanisation of and limited empathy towards groups with characteristics and circumstances outside their control; preferring harsh punishment of minorities. Fascists frame political debates with mythologised history depicting 'better' times of ethnic and sexual purity and white male supremacy. For perceived rises in crime, fascist frames blame immigrants as 'others' who are 'bad' (Stanley, 2018); once again omitting social context as is common with media frames discussed above (Jewkes, 2015).

Fascism and authoritarian ideologies, contrast with the 'nurturant' model more consistent with left-leaning political ideology; emphasising parental nurturance over obedience. Rather than teaching fear of 'evil' people, the nurturing model promotes tolerance, empathy, love and care for the community; believing wellbeing is achieved through emotional development. This corresponds with the compassionate call for offender rehabilitation (Lakoff, 2017). While Lakoff (2017) presents 'family models' as cognitive constructs focussing on the logic of our thinking, 'underlying beliefs' also hint at an 'emotional' level, including beliefs on punitive approaches. The nurturing family model for instance is founded in 'empathy' (Lakoff, 2017). Other theoretical analyses however are more explicit about emotion. Punitive perspectives are said to emanate from instrumental reasons such as the practical utility of punishment through deterrence. However they can also be driven by emotions, like satisfaction and vindication from punishment (Sundt et al., 2019, Lacey and Pickard, 2019). Equally,

Lacey and Pickard (2015) argue 'forgiveness' can instrumentally promote rehabilitation to reduce reoffending, while providing emotional gratification. Other theories emphasise how punitiveness emanates from emotions connected to personal experiences and fear of victimisation (Carvalho et al., 2020, Andreescu and Hughes, 2020). It can also manifest in fear of threats to collective values (Carvalho et al., 2020, Williams, 2012) or pleasure derived from collective societal rituals of punishment (Carvalho and Chamberlen, 2018). The literature therefore recognises both rational (e.g. cognitive or instrumental) and emotional (e.g. empathy, fear, desire) components to our beliefs on crime. This informs discussions in Chapter 4 on deliberative democracy, and its ability to embrace the complex interplay of different emotions and reasons for establishing and changing our opinions.

While evidence and theory regarding these varied belief structures develop our understanding of opinion formation, the literature is overly simplistic. This is because it presents binary categories on political orientation or underlying cognitive models. Consistent with the other literatures discussed above, 'ideology' concepts therefore continue to depict 'the public' within easily categorised groups. Political psychology literature recognises the challenge of categorising individuals within one-dimensional right of left ideological categories due to their complex mixture of views, and suggests political ideology research needs development (Feldman, 2013) and Lakoff (2014) acknowledges individuals will rarely fit 'family models' perfectly. They do not however highlight the need for theoretical development around the role of ideology on crime opinions. For instance, empirical evidence on punitiveness finds contradictory views or imperfect correlations between political affiliation and crime opinions generally (YouGov, 2020b, Hinsliff, 2021). This demonstrates unresolved questions regarding

the link between ideology and crime attitudes. Further, the political psychology literature makes similar mistakes to the public opinion on crime research, by predominantly focussing on survey methodology and regression analyses such as between 'values' and 'political ideology' (Feldman, 2013). This misses opportunities for deeper qualitative analyses to address flaws in surveys, as discussed. This informs Chapter 6's qualitative methodology.

Similarly, the underlying family models articulated by Lakoff (2017) omit detailed discussion of complex real-world and changing family dynamics, and non-binary experiences of nurturance and authoritarianism households. Likewise, references to 'emotion' as a component of 'underlying beliefs' neglect consideration of how emotions can change, conflict or manifest inconsistently. This complexity again illuminates the potential of deliberative democracy discussed in Chapter 4. This is because of how it advocates the time and space required for presenting and discussing nuance and multi-layered reasons for people's beliefs.

Academic contributions regarding 'underlying beliefs' on crime do nonetheless forward our understanding of opinion formation. The stereotypes discussed above (Unnever et al., 2008) show how commonly held beliefs often conflict with the evidence around the social factors behind crime, as highlighted in the discussion on social sustainability. It helps evidence the imperative of challenging those underlying beliefs with facts, whether or not individuals are easily categorised on political views. This conclusion therefore develops the punitiveness literature; moving it towards opportunities for garnering support for progressive prevention. On solutions, Unnever et al. (2008)

argues that providing context around the social influences on crime can cultivate the empathetic and intellectual appreciation of others living under different circumstances. Further, right-leaning political ideology appears to be linked with punitiveness and less compassionate values like 'purity' or 'security, guiding this thesis to solutions that promote empathy. Lakoff (2017) says diverging belief structures means debates need to find common ground through sensitive message framing, highlighting objectives in which nearly all people believe. Further, this thesis suggests the emotional dynamics highlighted in the above literature require recognition within substantive crime debates, given the literatures' claim that they play an important role in people's attitudes. The deliberative theory and methods proposed in chapters 4 and 5 therefore seek to apply and combine key lessons from these different literatures on underlying beliefs. It presents a practicable model of public engagement embracing reason, emotion and common ground while challenging prejudice and educating on the contextual factors behind crime.

3.5 Opportunities in substantive debate

Chapter 3 defined and summarised empirical evidence around 'punitiveness' and complexity of public opinion. This chapter has addressed gaps in that literature by providing a synthesis of opinion formation dynamics including information and expert evidence, framing and underlying beliefs. The complex interplay between these highlights the advantages of 'deliberative democracy' because it is capable of embracing this complexity. Chapter 4 therefore explores a deliberative model suitable for enhancing public crime debates, capable of capturing different forms of information

including emotional and rational frames. It therefore moves beyond existing punitiveness and public opinion literature by acknowledging the greater complexity of opinions and exploring how to influence the public for progressive agendas.

CHAPTER 4 DELIBERATIVE DEMOCRACY: ENHANCING PUBLIC ‘CRIME DEBATES’

4.1 Context for enhanced dialogue

Chapter 2's critiques illuminated the punitiveness literature's failure to properly define the 'public' and 'public opinion'. It also missed opportunities to meaningfully consider how to engage the public on crime, the complexity and diversity of public opinions and the political context in which public debates can occur. Chapter 2 also discusses the empirical literature. This identifies public punitive sentiment, but also greater nuance such as difference in opinion between demographics as well evidence of progressive views. Chapter 3 was needed to address the gaps in both the theoretical and empirical literature on how opinions are formed, to better understand the mechanics around influencing diverse opinions. This analysis identified the importance of facts, message framing, beliefs and ideology, as key dynamics of opinion formation. It therefore informs this chapter's discussion on how to apply those dynamics within democratic society to influence public opinion and shift punitive attitudes. It therefore presents a unique analysis of 'deliberative democracy'. This serves as a theoretical and practical model of public engagement capable of enabling high quality public debate on crime, incorporating complex opinion dimensions.

First, this chapter defines 'deliberative democracy', its inherent relevance to criminal justice and how it can enhance public crime discourse. It moves onto a discussion of 'deliberative democracy' theory. This includes the social challenges it seeks to

address and how it can enable a better understanding of the complexity of public opinion. An analysis of key theoretical debates helps outline the novel deliberative model proposed in this thesis, its methodological implications and how those uniquely address the limitations in the existing public opinion literature.

4.2 The promise of deliberative democracy

4.2.1 The concept

While there is no one fixed definition, broadly ‘democracy’ concerns the rules required for a fair society (Rummens, 2018, Birch, 2007, Cunningham, 2002, Sokolon and Malone, 2011). This includes the rights afforded to citizens and limitations on state power including systems of punishment (Garland, 2021, Carney, 2015). It incorporates state apparatus such as military and courts and the expectation of collective decision making such as electing representatives to govern society (Lyon and Hiskey, 2011). Contemporary Western democracy is founded on ‘competitive’ voting mechanisms whereby personal preferences are ‘aggregated’ (Marti, 2017, Birch, 2007). In contrast, ‘participatory democracy’ advocates greater public education, empowerment and substantive public participation in democracy beyond elections. These reform advocates emphasis empowering those with low socio-economic status, trust and control (Elstub, 2018, Cammarota, 2009). ‘Deliberative democracy’ is an enhanced model of participatory democracy, seeking consensus building, reciprocal understanding and collective endeavour (Bachtiger et al., 2018).

Deliberative democracy principles go back to the fifth century B.C. (Elster, 1998b), with Athenian and non-Western philosophies (e.g. Confucian) (Bachtiger et al., 2018, Chambers, 2018) emphasising substantive public discussion for achieving better and more democratic decisions (Bachtiger et al., 2018, Chambers, 2018, Elster, 1998b). More recently it is attributed to Jean-Jacques Rousseau, Edmund Burke, John Stuart Mill and John Dewey, each advocating wider democratic participation through constructive reasoning and public dialogue (Floridia, 2018, Chambers, 2018). Bessette (1980) coined the term 'deliberative democracy' in the context of US congressional policy deliberation, and was contributed to by scholars like Manin et al. (1987) and infamous treaties from Rawls (1997), Habermas (1990) and Cohen (1989) (Dryzek, 2002).

Deliberative democracy aims to tackle representative democracy's flaws, claiming increased public participation in public policy decisions will enhance public knowledge, improve decision quality, create perceived legitimacy, procedural fairness and achieve public consensuses (Fearon, 1998, Knappe, 2017, Elster, 1998b). Representative democracy is considered vulnerable to politically efficacious messaging, ulterior and profit-driven motives or superficiality (Ettema, 2007, Chappell, 2011, Fearon, 1998). Deliberation however seeks consensus through greater mutual understanding of background, alternative perspectives, new ideas, morally compelling arguments and empathy between participants (Taslitz, 2011, Bachtiger et al., 2018, Parkinson and Roche, 2004). Correspondingly, deliberative scholars believe substantive debate that

incorporates facts can improve participants' reasoning and capacity for knowledge (Chappell, 2011, Fearon, 1998).

There are different models of and emphases within deliberative democracy to be discussed in this chapter, such as whether the primary goal is to reach consensus (Taslitz, 2011, Tan, 2014). The fundamentals however, are consistent. They require respectful, authentic, empathetic discourse, all with the aim of more transparent and better collective decisions through reasoned debate and information, mutual understanding and appreciation of diverse perspectives (Elster, 1998b, Bachtiger et al., 2018). Chapters 2 and 3 highlighted the existence of punitiveness and degraded civic discourse on crime. This sits alongside the complexity of opinion formation, and the impact of framing, post-truth dynamics, government influence and underlying beliefs. They also highlight how public information can cultivate more nuanced perspectives on crime. This thesis sees the fundamentals of deliberative democracy as a unique opportunity to enable appropriately detailed public discussion on crime. The discussion below regarding the practical elements of deliberative democracy and associated theoretical debates, will expand on how the principles of deliberation can achieve this. It will explore 'how' deliberation can 'enhance knowledge' (Habermas, 1990) including on the social factors behind crime, the effectiveness of punishment and progressive solutions (Green, 2008). This will incorporate a discussion on how dynamics like 'framing' can be harnessed, including the role of reason and emotion. It will outline how promoting public consensus or developing a shared understanding (Cohen, 1998) around crime solutions can challenge populist movements or exploitative rhetoric, by again blending emotional and rational narratives to allow a fair debate around progressive prevention. It will also explore deliberation's emphasis on

achieving 'legitimacy', in terms of better collective decisions and perceptions of 'procedural legitimacy' (Chambers, 2018). This in particular will explore how deliberative legitimacy can move away from the politicisation of crime which stokes fear and depicts government 'legitimacy' through tough law enforcement (Hough and Roberts, 2017). Instead, it pursues 'legitimacy' through an authentic and honest discussion on how society should respond to crime.

4.2.2 The practice

The discussion so far has highlighted a gap in the 'mechanisms' for engaging public opinion, including its complexity, such as the fact opinions vary significantly (NatCen for Social Research, 2017) and have multiple influences (Lakoff, 2017). Deliberative democracy's focus on 'practicalities' of public dialogue therefore makes it particularly useful for developing this thesis. It has a number of 'procedural conditions' that are intertwined with theoretical underpinnings elaborated on below. First, this thesis outlines these practical conditions, because it is these practicalities that make the deliberative democracy 'tangible'.

An unnegotiable condition is that participants commit to mutual respect for each other's diverging interests, goals and moral, political or religious viewpoints (Dryzek, 2002). From this, participants with conflicting views are considered more likely to find common ground, elaborated on further in the discussion on 'consensus'. Associated with 'mutual respect', participants are also encouraged to consider collective interests (Kim et al., 2009), civic responsibility (Weeks, 2000) and critically reflect on pre-

existing political ideology (Blau, 2018). This closely aligns with the discussion below on deliberative democracy's challenge to the 'self-interest' nature of aggregative democracy. In a further challenge to aggregative democracy's focus on 'private interests', a further condition involves ensuring equal weight is given to each participant. This requires practical efforts are made to empower those lacking political influence because of socioeconomic status, educational barriers or other disadvantages (Chappell, 2011, Parkinson and Roche, 2004, Bachtiger et al., 2018). In holding these honest conversations about different interests and perspectives, there must be a commitment to truthfulness and authenticity during deliberation, but not to the exclusion of diplomacy or sensitivity (Steiner, 2012). This condition ties most closely to the theoretical notion of 'legitimacy'; explored in depth below. Blending notions of 'consensus' and 'legitimacy', participants and conveners of deliberation are also asked to commit to honour or respect the group's decisions (Chappell, 2011), but without pressure to conform or reach consensus (Polletta and Gardner, 2018). As will be discussed, this is about ensuring deliberations have meaning through having influence on tangible outcomes of some kind.

To enable the conditions above, participants should be provided with a comfortable space and atmosphere to be honest and debate new perspectives without judgment (Bachtiger et al., 2018, Elster, 1998a, Gambetta, 1998). It also requires choosing debates relevant to participants (Pratkanis and Turner, 1996), like criminal justice (Ipsos MORI, 2019a). This goes to the main objectives of deliberation considered below, which is to plausibly reform our democracy. This is only made possible if participation is made relevant and welcoming. More specific mechanics require the incorporation of evidence to inform deliberations (Resnik, 2010, Weeks, 2000). This is

central to the theoretical objectives around increasing public knowledge. To ensure knowledge acquisition can happen, there needs to be an appropriate intensiveness and length of deliberation necessary for substantive debate (Habermas, 1990, Carman et al., 2015). This needs to come alongside sufficient support or resource to help participants meaningfully engage (Hamlett, 2003) or understand the process (Weeks, 2000).

The literature discusses doubts over the practical feasibility of these deliberative conditions. This includes questioning whether the public is sufficiently educated, interested or intellectual, and whether it risks polarising people or succumbing to self-interest (Somin, 2010, Vaughan, 2010, Muirhead, 2010, Wojcieszak et al., 2010). Successful examples of deliberative democracy in practice help rebuff critiques. These include evidence of public appetite, learning, consensus on collective interests and participation satisfaction. They include civil society's success in developing deliberative cultures. Successful inclusion of participants from deprived communities has also been achieved (Gastil and Dillard, 1999, Carman et al., 2015, Gupte and Bartlett, 2007, Mansbridge et al., 2012). For instance, there are empirical examples of large scale deliberation on public budgeting exercises which successfully incorporate public participation in government prioritisation decisions (Weeks, 2000). There has been widespread deliberation through informal 'civil society networks', on issues around human rights and environmental justice which have included significant numbers of people within discussions of evidence and collaborative solutions (Dryzek, 2001). Examples of civil society networks are wide-ranging and not always easy to define. Likewise their outcomes can similarly be difficult to articulate given their more informal character and their role in complex democratic ecosystems. A more tangible

example includes successful social movements like the collection of organisations behind the Suffragette cause. Other broader movements include the emergence of democratic worker cooperatives¹³ or the role of environmental organisations having a meaningful influence on state policy. Consider Friends of the Earth in Norway on environmental regulations or pressure on politicians at United Nations conventions from the collective stance of environmental groups (Dryzek, 2002). Alternatively there are examples of harnessing a culture of systemic deliberation within educational institutions evidencing successful participation initiatives (Hennessy, 2020) and more generally across schools, community groups and wider society (Mansbridge et al., 2012). On a practical level, other examples include groups coming to a consensus on issues over online deliberations, showing logistical problems like travel and barriers to participant access can be overcome (Mackenzie, 2018, Gronlund et al., 2009, Wright and Street, 2007). This thesis itself explores the practical feasibility of deliberative democracy; applying methods that try to instil mutual respect and inclusion, while analysing participants' ability and desire to engage with the exercise, content and reach consensus. This thesis therefore seeks to contribute empirical depth on the workability of deliberative democracy in practice; discussed in the following chapters.

Later in this chapter, this thesis discusses the ambition for mass public participation, in order to shift attitudes on a larger scale. There are concerns however that logistics and costs are a barrier (Friedman, 2006, Weeks, 2000, Wright and Street, 2007,

¹³ For a more detailed analysis of the benefits of democratic organisations like worker cooperatives and their ability to improve worker and community conditions through their enhanced democratic structures, see WOLFF, R. 2019. *Democracy at Worker: A Cure for Capitalism*, Chicago, United States, Haymarket Books.

Abelson et al., 2003) or that deliberations inevitably require aggregated voting mechanisms to be workable with large numbers (Mackie, 2018). Again, the successful examples referenced refute this, including participatory consultations on government budgets,¹⁴ less formal deliberative networks involving larger numbers in civil society (Berinsky, 2005, Weeks, 2000, Mansbridge et al., 2012) and technology enabled debate through online methods (Gronlund et al., 2009, Wright and Street, 2007).

Concerns remain that deliberation, like representative democracy, is exploitable by the powerful or self-interested. Critics fear discussions will be manipulated for ulterior ends through rhetoric, misleading information or dictating terms of debate. Deliberative democrats however argue that deliberation by design gives equal weight to less powerful participants, challenges evidence and purposefully uncovers participant motivations (Przeworski, 1998, Sunstein, 1998, Johnson, 1998, Chappell, 2011, Pettit, 2004). Chapter 5 outlines measures taken to ensure genuinely balanced debate and mitigate risk of manipulation, including incorporating perspectives divergent with this thesis. When discussing key theoretical debates below, this thesis elaborates on how deliberative exercises can challenge harmful political dynamics that present barriers

¹⁴ For example, in the face of serious financial crises matched by demands from communities for more public services, the Eugene and Sacramento local authorities initiated deliberative exercises. This was to enable more honest conversations about the kind of long-term decisions required on borrowing, tax, service reductions and priorities. The engagement involved multiple stages and hundreds of citizens, starting with polling but moving towards more substantive discourse through community workshops, followed by further engagement on publicly-informed iterations of policy. Both exercises resulted in greater public support for taking difficult longer-term decisions to manage public finances including service reductions and taxes (WEEKS, E. 2000. The Practice of Deliberative Democracy: Results from Four Large-Scale Trials. *Public Administration Review*, 60, 360-372.).

to progressive crime policies and debate. In particular, it builds on the discussion in Chapter 3; highlighting the importance of information for influencing public opinion, especially in a post-truth era. Therefore this thesis has designed methods cognisant of manipulation and participant power dynamics. In particular, it seeks to capture the educative advantages of deliberation, including opportunities to deliberate competing message frames chosen to reflect real-world debates without any rhetorical or ulterior motives.

Deliberative democrats contend that the risk of ‘expert’ or ‘eloquent’ participants dominating discussions can be mitigated by ensuring all participants meaningfully contribute, listen and maintain mutual respect. This includes inviting healthy scepticism of expertise and valuing alternative forms of expression such as lived experience of the subject matter, inclusion of minority perspectives or ensuring accessible language appropriate for the audience. Fundamentally, deliberative scholars believe these measures actually mean influence and power is unveiled and scrutinised; contrasting with contemporary echo chamber debates and degraded civic discourse on social media (Wojcieszak et al., 2010, Davidson and Elstub, 2014, Binnema and Michels, 2022). As well as exploring the theoretical basis for deliberative conditions discussed below, the research methods in Chapter 5 will outline measures taken to address these specific risks; including diverse perspectives, elevating ‘lived experience’ and challenging expert testimony. Further group moderation techniques will be outlined that are designed to empower all participants. Principally, this thesis approaches deliberation with the authentic intention of stimulating substantive public debate on criminal justice reform. It therefore adopts deliberative democracy methods in good faith; moving the punitiveness and public opinion and crime literature towards

a practical model of public engagement to stimulate progressive change. It relies on expertise to do this, but takes steps to ensure dialogue is free of self-interest and ulterior power dynamics.

4.3 Deliberative ‘schools’

Notwithstanding core conditions, there are significant philosophical differences between deliberative democracy models. This section outlines this thesis’ position within these theoretical debates, the implications for the research methods and clarifying how this thesis contributes to the literature.

The deliberative literature typically highlights general theoretical distinctions and emphases like Marti (2017) discussing the nature of deliberative consensuses, rather than delineating clear categories of deliberative democracy. However, it is vital to consider ‘deliberative schools’ closely as they have significant implications for deciding the key objectives and practical application of deliberative democracy. This section therefore identifies and summaries distinct deliberative models. These vary in terms of their intended participants, such as a small number of elites deliberating complex constitutional issues, or mass public participation. They differ regarding their purpose, whether aiming for public education, better decisions, a consensus or legitimising decisions through procedural fairness. They also vary based on the communication forms deemed valid, such as whether they emphasise purely ‘rational’ contributions, or accepting ‘alternative expression’ like artistic communication. These models overlap and adopting one does not automatically exclude all others. It is however

essential to distinguish them; establishing the foundation for the theoretical debates below, and how this thesis helps resolve key debates.

‘Epistemic democrats’, like Rawls (1996), emphasise the development of participants’ knowledge, pursuit of truth and ability to make better decisions through weighing up reasons and arguments within higher quality dialogue (Estlund and Landemore, 2018). While some deliberative scholars debate the nature or value of types of ‘knowledge’ (discussed below), all are ‘epistemic democrats’. This is because they all believe deliberation enhances knowledge in some form. Differences may exist however, in terms of the objectives of deliberation. When the goal of deliberation is to bring people with competing worldviews together to garner perceived fairness in decision making processes, the acquisition of knowledge might be a lower priority, even if it is implicit in the process of forging mutual understanding. The epistemic benefits of deliberation are however fundamental to this thesis. This includes cultivating substantive debate to enhance public knowledge regarding the social influences on crime, progressive prevention and challenges to harmful stereotypes. Theoretical debates around the intricacies of educative benefits of deliberation will be developed below.

‘Liberal constitutionalist democrats’, like Ackerman (1992), emphasise the need for ‘constitutional contexts’ to embrace deliberative principles such as constitutional courts or legislative chambers (Dryzek, 2002), like the UK Supreme Court (Bowcott, 2019). Fundamentally, liberal constitutionalists are worried that centres of representative democracy, such as parliamentary chambers, are characterised by rhetoric. Parliamentary debates are also framed for electoral successes rather than

improvement of knowledge and solutions (Bachtiger et al., 2018). Deliberative reforms would instead seek to ensure representative politics minimises the exclusion of poorer or marginalised voices and prevent undue manipulation from private interests (Brown, 2018, Gargarella, 1998, Deveau, 2018). This school notably contrasts with theories that have evolved more latterly, which promote wider public participation in deliberation and can be called 'discursive democrats', discussed below (Dryzek, 2001, Dryzek, 2002). The liberal constitutionalist school contends deliberation can improve the quality and legitimacy of decisions made by formal government authorities, through more informed debate. In this sense they prioritise 'epistemic' benefits, with a focus on how deliberation within powerful institutions can improve knowledge through a culture of more critical reflection. Enhancing decision making within constitutional contexts is clearly extremely relevant in the ecosystem of criminal justice policy given their power to enact law and policy changes. However, Chapter 2 highlighted concerns regarding 'public' punitiveness and the argument for enabling 'widescale' public debate to enhance understanding and support for progressive crime prevention. For instance, in order to introduce information and sophisticated frames like those discussed in Chapter 3, this thesis explores models that advocate wider public participation beyond institutions. This is to explore how we stimulate public attitudinal change and challenge harmful dynamics like post-truth social media and government manipulation. The liberal constitutionalist model is therefore less suited to the specific ambitions of this thesis around public participation. Equally, given the punitiveness literature's discussion of political rhetoric and governments' role in penal populism dynamics, the liberal constitutionalist school remains relevant to the broader context of this thesis and the means of changing political cultures in places of power either directly or indirectly.

Another category is closely linked to the liberal constitutionalist school, but marks an evolution in thinking, looking for a closer connection to public involvement beyond elite circles. This thesis calls this school 'reflective-liberal constitutionalists' and captures the thinking of Cohen (1996) and Gutmann and Thompson (1996). They still emphasise deliberative principles within constitutional settings, but seek broader democratic reform. These seek to challenge liberal economic paradigms that inherently doubt the public's ability to deliberate and reach agreement (Dryzek, 2002). 'Reflective-liberals' therefore argue those in power are obliged to ensure deliberated positions are intelligible to all, particularly on complex debates around religion and morality. Consequentially, they believe public attitudes are capable of change, when afforded deliberative opportunities (Moore, 2010, Dryzek, 2002). As concluded in Chapters 2 and 3, this thesis explores the ability to involve and shift public attitudes on crime through substantive debate. This thesis therefore sympathises with reflective-liberals' call for greater public connection to power, but considers below more ambitious models of public participation.

A clearer distinction can be seen from 'critical theorist democrats', who are sceptical about a preoccupation with deliberation in power settings. Spearheaded by the likes of Habermas, critical theorists challenge liberal political paradigms that entrust power within a small number of political elites. This is because they consider them exclusionary and miss the advantages of wider participation such as decisions in the collective interest and public education. Critical theorists therefore advocate far wider participation, with a key objective of challenging the political and socio-economic

status quo (Dryzek, 2002). This can be through informal but more reasoned conversations or new media and entire socio-political movements built on deliberative dialogue (Bachtiger et al., 2018). The critical theorist objectives therefore resonate with this thesis, which as discussed in Chapters 2 and 3, highlights the importance of exploring wider public involvement to mitigate the manipulative influences of rhetorical media and post-truth dynamics. For instance, if deliberation only occurs within elite settings, the public will not acquire knowledge from participating in debates directly, and therefore potentially less able to critically assess rhetoric and fake news. The below elaborates on challenges presented by aggregative democracy to progressive prevention. The critical theorist perspective particularly resonates with these for confronting the current 'political punishment orthodoxy' and its harmful association with neoliberal ideology. This is because critical theorists seek critical reflection of harmful and powerful political agendas and profit motivations behind punishment (Aviram, 2015). It also illuminates questions of economic justice (Dryzek, 2002), uncovering for instance the types of capitalist motivations behind punishment more broadly, discussed in Wacquant (2009). Critical theorists are therefore seeking more radical democratic reform, which informs this thesis' greater focus on public participation.

A sub-category for critical theorists, is 'discursive deliberative democracy', with proponents like James Bohman, John Dryzek, and at points Habermas; advocating deliberation within civil society 'networks', workplaces (Dryzek, 2002), schools and community settings (Boyte, 2017). In doing so, they argue it catalyses political activism, increases appreciation for human rights and changes political systems and democratic machinery everywhere (Dryzek, 2002, He, 2018, Boyte, 2017). Again, this

thesis draws from ‘discursive democracy’, wishing to explore wider public engagement for its potential epistemic benefits and associated protection against harmful disinformation, discussed further below. As with critical theorists, a ‘discursive’ stance conflicts with the emphasis of ‘liberal constitutionalists’, going to the core debate of ‘who’ should be participating in deliberations and ‘where’. This debate has profound consequences, because even if one argues for greater public involvement in decision making, it does not automatically translate into much wider participation, which has significant implications for the level of ambition of deliberative theory. It can be for either a select few or transformational for how society enables participation in complex debates. Again, this thesis will discuss how this debate can be resolved, seeing wider public participation in deliberation as essential for addressing the gaps in the punitiveness literature.

‘Rational democrats’, advocate ‘rational’ debate within deliberation; avoiding rhetoric or subjective insights, which risk manipulating others (Bachtiger et al., 2018, Dryzek, 2002). This emphasis is fundamental, because it is central to the debate on the kinds of information and dialogue deliberative scholars consider to be valid within deliberations. Rational democrats are usually therefore also ‘consensus democrats’, such as Habermas and Cohen who argue participants should aim for consensus around the ‘truth’ through exchanging facts and rational logic. Rational democrats are not however always purist – Habermas sometimes acknowledging the importance of emotion in deliberation (Bachtiger et al., 2018, Habermas, 1990). Discussed further below in the theoretical debates and research methods, this thesis emphasises the importance of rational debate, such as the value and truth of crime cost and progressive prevention evidence. However, rational democrats are typically seen as

in conflict with 'difference democrats', which advocate much greater flexibility in terms of valid deliberative communication, such as emotional or spiritual contributions. The discussion below explores how this thesis seeks to address this apparent conflict, exploring a pragmatic blending of rational and alternative expression (i.e. less factual or rational arguments). It will discuss the case for embracing this conflict through an appreciation of the complexity of human experience and value of subjective interpretations, while recognising 'rational' evidence. As will be discussed, for purists, this thesis could not constitute 'rational deliberative democracy'.

Again, 'difference democrats' or 'pluralists' are normally seen as conflicting with rational democrats. Instead, they emphasise the value of storytelling or rhetoric, provided it is not used to deliberately manipulate or coerce (Dryzek, 2002). They believe emotion gives relevance and human meaning where 'rational' arguments might not. For them, the proper purpose of deliberation is as much about cultivating empathy (Bachtiger et al., 2018). Recognising multiple worldviews, difference democrats like Young (1996) and Sanders (1997) prioritise unique cultural self-identities such as indigenous communities over rational discourse, notions of objective truth and accepted wisdom (Bachtiger et al., 2018, Deveau, 2018). The discussion below outlines this thesis' appreciation for emotional and non-rational perspectives for developing public understanding of crime and prevention. It also explores the debate on whether there can be benefits of deliberating beyond achieving consensus; accepting there might not be 'one' rational truth and that civic inspiration is just as important a goal. Again, this thesis explores addressing this theoretical conflict through a pragmatic analysis of truth, consensus and other less tangible benefits of public deliberation.

In summary, this thesis draws particular influence from the discursive and critical theorist approaches. It explores arguments for widening democratic participation in crime debates. This allows a challenge to political dynamics that hinder progressive reform and wider attitudinal change, such as government manipulation or neoliberal depictions of criminal behaviour. It does not reject liberal constitutional models, but 'prioritises' wider public participation as best suited to this thesis' objectives. It also explores the plausibility of uniquely blending 'rational' and 'difference' democrat schools, recognising the potential value of diverse forms of information for developing public knowledge and understanding of crime. In either case, core to this thesis is the exploration of the epistemic value of deliberating, without committing to one strict notion of 'truth' or 'knowledge'. Key theoretical debates are interwoven within the deliberative categories outlined above, underpinning the differences between them. These therefore require further discussion to fully appraise the different conceptual options and dilemmas presenting themselves for this thesis. The discussion that follows elaborates on these debates to explain why this thesis believes deliberation is essential for challenging aggregative democracy, widening public participation, combining both rational and emotional knowledge and 'how' it prioritises 'procedural legitimacy'.

4.4 Theoretical 'fault lines'

4.4.1 Challenging aggregative democracy

Quirk et al. (2018) argue that aggregative democracies are characterised by concealment of true agendas and cynical efforts to win advantages for private interests. Critical theorist democrats therefore promote transparency of motive and public trust. They believe these arise from citizen education, cultivating empathy, platforming collective interests, and establishing cultures of compromise and authentic public involvement in substantive political debates (Quirk et al., 2018, Dryzek, 2002). Direct public participation is also seen as better protecting the public against ill-informed polarisation, ulterior motives, political rhetoric and weaponizing of issues (Polletta and Gardner, 2018, Blau, 2018, Gargarella, 1998). As noted above, critical theorists are therefore closely aligned with discursive democrats, because they advocate wider public participation as part of their vision for democratic reform (Dryzek, 2002, Florida, 2018). Deliberative democracy's hopes of addressing weaknesses in aggregative democracy such as voting in a competition of interests, is central to all deliberative theories. However, while both 'liberal constitutionalists' and 'critical theorists' seek improvements through enhanced quality of debate, the former is less ambitious about widening public participation (Dryzek, 2002). Constitutionalists could be considered elitist (Gupte and Bartlett, 2007) for emphasising expert deliberation within constitutional settings like citizens' juries (Parkinson and Roche, 2004). Further, their commitment to current political structures is problematic because it limits the extent democrat reforms can challenge neoliberal dynamics and their link to punitiveness, expanded on below. For instance, it is harder to see how maintaining democratic structures would sufficiently curtail powerful interests from exerting influence on elected representatives. This section therefore expands on these different theoretical emphases, and the implications for this thesis.

Chapters 2 and 3 have articulated weaknesses in Western democracy regarding penal populism and dynamics such as manipulative media (Jewkes, 2015, Loader and Sparks, 2017). This thesis has therefore explored opportunities for greater public engagement and efforts to reframe key crime debates, provide information, challenge punitive ideologies and shift public opinion beyond policy elites. Clearly therefore this thesis orientates towards the critical theorists' focus on widening democratic participation in debate. This is to help educate, find common ground and mitigate undue influences on the public whether by government, media or emerging trends. Deliberative democrats do not typically argue for a replacement of aggregative democracy altogether, but strive for improvements that promote collective public benefit (Hamlett, 2003, Fearon, 1998). This includes meaningful public influence on governments whether it be their policies or election mandates (Dryzek, 2002, Florida, 2018), potentially arising from deliberation in communities and criminal justice contexts, academic networks and civil society (Mansbridge et al., 2012, Dryzek, 2002, Dushman and Hannah-Moffat, 2015). It could also come from government-convened deliberation in communities (Deveaux, 2018, Elstub, 2018), and specifically on criminal justice (Green, 2008). Consistent with that ethos this thesis proposes reform more akin to those of Ackerman and Fishkin (2004). They proposed government enabled public holidays, paying people to attend intensive 'deliberation days' close to general elections, all with the aim of enabling mass substantive public engagement and political education (Berinsky, 2005, Hauptmann, 2004). This thesis explores a role for government bodies as conveners of wider public participation; blending liberal constitutionalists' desire for changing government culture, with the discursive democrats' ambitions of widening participation. For instance, this thesis contends that Police and Crime Commissioners, Regional Combined Authorities and Mayoralities

present unique opportunities to enable mass deliberation on crime. This is because they represent a novel and visible democratic reform and bring power 'closer' to communities, thereby having the influence to widen participation ('Devolved Deliberative Democracy'). Devolved government will vary in governance, funding, and political culture, but is recognised as potentially garnering greater public legitimacy for policing (Higgins, 2020, Bradford et al., 2013). As well as being located in and representing local communities, PCCs are well positioned to criticise central government and liberal-economic paradigms, as seen by the West Midlands PCC's challenge to austerity (West Midlands Police and Crime Commissioner, 2018, West Midlands Police & Crime Commissioner, 2021). The specific mechanisms for devolved public deliberation will be explored in the findings chapters, on themes arising from the fieldwork. Fundamentally however, this thesis considers the 'liberal constitutionalists' focus on constitutional settings as limited. It recognises that constitutional models could reduce the risk of public manipulation by enhancing the deliberative quality of parliament through more authentic and rational debate (Bachtiger et al., 2018). For instance, improving parliamentary culture might reduce the worst examples of political rhetoric on crime, like those discussed in Chapter 2. However, such improvements do little to outline how public populist sentiment might be moderated or made less vulnerable to manipulation. This thesis proposes that this could include how powerful ulterior interests target the public through alternative media and fake news, as noted in Chapter 3. Without wider and substantive public participation, opportunities could be missed to reduce the pressure felt from punitive public expectations. Alternatively, a more engaged citizenry might prevent politicians from refusing to honour the policies and outcomes of more deliberative parliaments. Further, while liberal constitutionalists seek better decisions within powerful

institutions, there is little assessment from them of the potential advantages of widening participation. This could include informal social benefits from an invigorated citizenry such as shifts in how local communities address social problems, of their own more informed demands for democratic reform.

In contrast, critical theorists launch a more acute critique of how aggregative democracy is manipulated by powerful incumbents and lobbyists (Vaughan, 2010, Hamlett, 2003, Florida, 2018, Dryzek, 2002). It depicts a system preoccupied with private financial interests, minimisation of minority voices, electoral gaming and short-term solutions for electoral advantage (Mackie, 2018, Dryzek, 2002). It highlights specifically rhetorical politicisation of crime with limited attempts at an educated consensus (Green, 2008, Estlund and Landmore, 2018, Fishkin, 1996, Mackenzie, 2018). Ryan (1999) argues this is enveloped by a culture of political elitism and top-down ideology, minimising the need for public engagement. This includes political dismissiveness of expertise (McAra, 2017), mainstream media's rejection of diverging opinions (Wahl-jorgensen, 2002) and a reliance on unreliable opinion polls and surveys. The latter comes with limited context and eliciting off-the-cuff answers to questions the public have not properly considered (Fishkin, 1996, Green, 2008, Kim et al., 2009). It is contended this makes the powerful resistant to criminal justice reform due to ulterior or disconnected priorities of a small elite (Ryan, 1999, McAra, 2017, Quirk et al., 2018, Miller, 2013). Further, the public is disorientated through adversarial bombardment, competitive messaging and commercial advertising (Pratkanis and Turner, 1996). With the emergence of fake news and other threats of public manipulation discussed in Chapter 3, this thesis recognises critical theorists' concerns. While liberal constitutionalists advocate deliberation to address the above, this does

not address offer solutions to voter malaise,¹⁵ further degraded civic engagement (Muers, 2004, Davidson and Elstub, 2014, Rosenberg, 2006, The National Centre for Social Research, 2020a) and limited public appetite for justice reform (Ryan, 1999, Miller, 2013). Therefore politics fails to achieve democracy's aims (Dryzek, 2002) including outcomes for the common good (Florida, 2018).

This thesis suggests that concerns around existing democratic structures are particularly relevant to crime. Chapter 2's analysis illuminated concerns over the politicisation of crime for power and electoral advantage, prioritising punitive solutions. Chapter 3's analysis highlights opinion formation dynamics including facts and evidence-led frames. This thesis therefore proposes that enhanced public deliberation presents an opportunity for developing public understanding and their political focus on reducing crime for the common good through progressive prevention. This includes garnering greater public support even when attempts are made by politicians or private actors to manipulate the public during competitive elections. It is therefore difficult to see how these objectives could be achieved with only a focus on deliberation in constitutional settings. Critical theorists are also specifically concerned about how aggregative democracy intertwines with neoliberalism and free market economics (Mavelli, 2020, Birch, 2007). Although not espoused by all academics (DeLisi and Wright, 2017), proponents fear 'liberal democracies' prioritise laws promoting competitiveness and self-interest; undermining collaborative cultures within

¹⁵ This has contemporary relevance with surveys finding public trust in British politics to be at a 15 year low, helping substantiate the need for democratic reform (BLACKWELL, J., FOWLER, B. & FOX, R. 2019. Audit of Political Engagement 16: The 2019 Report. London: Hansard Society.).

institutions and communities (Dryzek, 2002, Loader, 1997). This degraded democratic culture therefore also prevents opportunities to challenge neoliberal ideals within criminal justice. The claim is that these ideals overemphasise individual responsibility, assuming all people are 'rational actors', make free decisions and are solely responsible for their crimes (Green, 2008, Dryzek, 2002). This legitimises punishment for those 'choosing to be bad', while in reality suppressing vulnerable groups pushed into crime by the economic consequences of capitalist society (Simon, 2001, Carvalho et al., 2020, Wacquant, 2001). They also perpetuate economies that weaponize criminal justice to maintain power for wealthy interests. Here the claim is that significant wealth is made and protected within a system that readily incarcerates vulnerable people who are economic losers in neoliberal states (Aviram, 2015). As discussed in Chapter 3, neoliberal framing also thrives through media's emphasis on rational choices to commit crime (Chagnon, 2015, Green, 2008). Further, neoliberal ideology underlines aggregative democracy's competitive voting mechanics. These are based on assumptions that individual preferences are 'unchanging', that democracy should be a competition between private interests (Knappe, 2017) and is 'necessarily' a game of electioneering or manipulation of voting systems (Dryzek, 2002, Mackie, 2018). While all deliberative democrats believe people can change their mind through enhanced debate (Florida, 2018), this emphasis on neoliberalism again highlights a distinction between deliberative schools. For instance the focus from Rawls (1997) on deliberative constitutional courts for improving decisions on complex issues (Bachtiger et al., 2018), does not challenge the neoliberal dynamics of representative democracy. This thesis suggests that challenging competitive democracy is integral to helping reframe crime and associated economic arguments, as proposed in Chapter 3's Social Sustainability Frame. This thesis therefore adopts

the critical theorist stance, seeking general democratic reform but also challenging neoliberalism's direct hinderance to progressive criminal justice reform. In particular, the Social Sustainability Frame challenges austerity narratives that might harm communities through reduced social support, but benefit short-term profit motives of private interests like prioritising lower taxes. It also reframes criminal acts within their social context, challenging neoliberal depictions of 'individual responsibility'. This consequentially informs this thesis' fieldwork methods; exploring these new economic 'frames' within public deliberations.

In conclusion, the critical theorist school informs this thesis' focus on widening public participation. This is to reduce the impact of the politicisation of crime through electioneering, while challenging associated neoliberal frames of criminality. Equally, it anticipates that deliberative participation can help deconstruct neoliberal ideology in other ways, such as stimulating a more collective perspective such as the role of community in preventing crime. This is in contrast to the individualistic character of competitive voting. Likewise, this thesis suggests public deliberation could build public resilience to fake news, while unveiling capitalist motivations behind aggressive social media strategies prominent within aggregative democracies. This chapter's analysis is therefore original for strengthening the theoretical case for widening public participation in deliberative democracy. It sharpens the theoretical link between neoliberalism, further highlighting the relevance of new economic frames within deliberation and the case for widening participation in crime debates. The following chapter will outline how this thesis explores empirical insights into these interweaving theoretical dimensions.

4.4.2 Enhancing public knowledge

As noted, all deliberative democrats are 'epistemic democrats'; emphasising deliberative democracy's ability to cultivate knowledge. Acquiring knowledge is distinct from 'procedural legitimacy', which relates to the value of participants perceiving fairness through respectful dialogue, irrespective of any new knowledge or consensus. Deliberative scholars do however vary in the forms of knowledge they emphasise or consider valid, which goes to the distinction between 'rational' and 'difference' democrats. This section highlights key theoretical positions on knowledge, and the pragmatic and broad interpretation adopted in this thesis.

Philosophers like Aristotle (Estlund and Landmore, 2018), Rousseau (Johnstone, 2000, Knappe, 2017) and John Stuart Mill (Birch, 2007) argued responsible citizenry is cultivated through opportunities for active political participation. Similarly, deliberative democrats believe public participation in deliberation cultivates knowledge, problem solving, language skills, empathy and other intellectual faculties; through dialogue and weighing up competing reasons, facts and interpretations (Estlund and Landmore, 2018, Fearon, 1998). This includes thinking 'longer-term' (Mackenzie, 2018) and enhanced understanding of crime (Mitchell and Roberts, 2012). The key theoretical debate concerns the nature of 'knowledge' itself. Habermas (1990) believes 'objective truths' and 'moral truths' can be established through 'rational' human dialogue involving propositions of pure reason, fact and evidence

from the observable world. His commitment to 'reason' is Kantian for believing in 'universal truths' that are true for everyone. Distinctly, Habermas proposes that rational discourse 'between people' rather than internalised reason, is fundamental for challenging or substantiating our propositions. This includes deliberating whether our 'truth' is empirically corroborated, reliant on flawed intuitions and overgeneralisations (Habermas, 1990). Chapter 3's discussion on social sustainability reflects this thesis' position that there is 'truth' substantiated by evidence, such as the crime costs literature and the logical long-term economic advantages of investing in progressive prevention. It contends there is a real-world that exists and is capable of being observed, tested and studied for the identification of reliable truth. The original empirical insights later in this thesis therefore add depth to the theoretical claim that introducing evidence within authentic dialogue can help the public coalesce around notions of universal truth. While authentic deliberation requires open mindedness to new perspectives and changing opinions, acknowledged in the nuanced and complex findings outlined in later chapters, this thesis presents social sustainability as a truth capable of garnering public consensus.

The belief in and emphasis on rational discourse also underlines the rational democrats' concern that non-rational and rhetorical representations can be used to manipulate and obfuscate the truth, rather than stimulate authentic and collaborative dialogue (Dryzek, 2002, Vaughan, 2010, Pratkanis and Turner, 1996). In contrast, difference democrats places significant value on storytelling, art, roleplay, gender-based interpretations, cultural interpretations, rhetoric, humour and emotional expression including anger and fear. They argue that excluding these risks

disenfranchising or silencing alternative moral, religious or unrepresented perspectives. Further, the exclusion represents a manipulative power dynamic and deference to 'expert opinion' over diverse and lived experience perspectives (Dryzek, 2002, Griffin, 2021). It therefore breaches deliberative principles of fairness, equality and legitimacy (Deveaux, 2018, March and Steinmetz, 2018, Dryzek, 2005, Sass, 2018). Instead, difference democrats see authentic alternative expression as particularly powerful for garnering trust, empathy, inspiration, open-mindedness and enjoyment between individuals, by forging a collective human experience and mutual understanding (Polletta and Gardner, 2018, Knappe, 2017, Deveaux, 2018). This conflict in the types of 'knowledge' or 'contribution' considered valid therefore highlights a further complexity, such as the role and value of 'emotion' in deliberation on crime. While the above might imply rational democrats exclude any 'emotional dialogue' altogether, the picture is more complex. Habermas (1990) contended that emotions can 'evidence' our moral intuitions. He presents a case study of human moral development, demonstrating how our rational, moral and emotional understanding can complement each other. When looking at how humans develop moral reasoning during childhood, he says that scientific observations show us how children develop problem solving skills regarding questions of morality. Our conclusions that better moral decisions are being made, are based on normative views around what 'better moral decisions' look like. They are a perspective on what actions we believe are objectively 'good' or 'bad'. Our normative stance is likewise informed empirically by our emotional reactions to behaviour. Things that upset us for example helping inform our view on what is 'right and wrong'. This analogy informs this thesis' consideration of how emotions on crime might be important for informing or justifying our intuitions. The positive emotions stemming from altruism substantiates our moral intuition that

violent, cruel and criminal behaviour is objectively bad, save for complex debates around self-defence and war etc. However, Chapter 2 outlines literature linking public punitiveness with vengeance, collective solidarity in retribution and fear of crime (Flynn, 2014, Carvalho and Chamberlen, 2018, Green, 2008). This indicates a complex relationship between feelings and crime. Equally, the literature highlights 'empathy' for cultivating emotional intelligence and compassionate understanding in the context of crime (Flynn, 2014, Lacey and Pickard, 2015). Another body of literature raises other complications around emotion. Sociologists like Reiff (1987) worry that contemporary society is characterised by individuals who are preoccupied with their own emotion, narcissistic tendencies and excessive consumption of emotional and physical wellbeing pursuits. Bellah et al. (1996) take a 'communitarian' approach, worried about the collapse of community and moral role models arguing "that contemporary individuals come to construct an emotivist self", in which they take "charge of moral decision-making but lacks the essential social and moral building" (Hookway (2013), p. 848). Here people are described as being led by their own emotional desires rather than a care for wider society. Challenging these depictions Bauman (1995) is more optimistic about the importance of cultivating emotions. His conclusion is that "emotions and embodied feeling can be morally generative and performative" (Hookway (2013), p. 851). In his view, human feelings towards others like affection and sympathy, and emotional communication, are to be embraced garnering our sense of responsibility to others (Hookway, 2013).

Evidently therefore, there is a debate about the role of 'non-rational discourse' and emotion in crime deliberations. This thesis proposes that deliberation should explore

opportunities for reflecting on our emotions and promoting empathy, consistent with 'difference democrats'. It contends that this is vital for positively harnessing anger, fear, sadness and sympathy towards agreement on moral duties of the state and communities to prevent crime. It therefore considers emotion to be central to deliberation; reinterpreting retributive sentiment and encouraging forgiveness and empathy by reference to the life struggles and trauma that increases the risk of crime. This emotional recalibration potentially engenders productive solutions, particularly around progressive prevention and Chapter 3's social sustainability proposition. The Social Sustainability Frame proposes rational frames around crime costs evidence, but also an emotional appreciation of how social factors, particularly traumatic experiences, can lead to criminality. It is contended that deliberation can therefore enhance 'emotional knowledge'; further addressing the gaps on how to shift punitive attitudes in the punitiveness literature discussed in Chapter 2. Equally, this thesis has noted the worrying ascendancy of social media echo chambers (Mansbridge et al., 2012) and hostility towards expertise within the media or political rhetoric (Green, 2008). Both are characterised by unchallenged narratives whether rational or emotional and a careless dismissal of facts, evidence and otherwise coherent argument. The discussions in Chapters 2 and 3 around these dynamics including post-truth trends also demonstrates this thesis' recognition that arguments can be 'purposefully' manipulative, whether to stimulate certain emotions or present misleading information as fact. This thesis therefore proposes that neither rational or non-rational discourse is immune to manipulation, and that the key emphasis needs to be on maintaining the principles of deliberative practice. As already outlined in this chapter and in Chapter 5's research methods, deliberation therefore requires careful

moderation to ensure authentic dialogue that questions information and motives as a key rule of discussion.

While heavily influenced by Habermas' view that emotions can substantiate reasoned stances, this thesis poses a messier interconnection between reason and emotion. It suggests emotion is inseparable from our rational or moral intuitions in an indistinguishable loop. Emotions can confirm reasoned positions, but also be the very basis of such. The Social Sustainability Frame outlined in Chapter 3, embodies emotion in various ways. One might fear economic unsustainability, such as anxiety around the unaffordability of growing prison expenditure. Alternatively people might fear or feel anger about crime generally. In any case, it supports the moral intuition that sustainability and prevention is good. Likewise, feelings of relief, comfort and gratitude around sustainability and prevented crime, help substantiate that the rational position that these outcomes are good. However, this thesis also contends that it is these emotions themselves that make sustainability and reduced crime good, rather than merely supporting the logical conclusion that these outcomes are good. Arguments could be made that in fact things are only good or bad precisely because of the emotional reaction humans have, and that without it 'events' and 'acts' would be arbitrary. However, this thesis suggests that there need not necessarily be a firm distinction on whether something is either 'good as a universal truth separate from human existence', or 'because it is emotionally important to humans'. For one, arguments could be made that human beings are completely inseparable from every other cause and effect relationship in the universe, such that emotion and reason are essentially one and that the 'truth and experience of truth' are inherently intertwined

even if we do not perceive it that way. Alternatively, one might argue that there are objective moral truths, but that human emotional responses somehow elevate their importance rather than just substantiate those moral truths. Key to this thesis, is that it considers 'emotions' to be fundamental, without needing to fix on whether it is the reason for truth or merely supportive of the truth. This thesis calls this the 'Emotional Loop', capturing the messy circular relationship between emotion and reason.

'Difference democrats' are less preoccupied with scientific logic and objectivity; arguing that valid knowledge includes the complex interplay of emotion, interpretation and creativity (Dryzek, 2002). It therefore places less emphasis on 'truth' generally. Further, Estlund and Landmore (2018) suggest a 'useful or socially productive position' might be just as valuable as any consensus around objective truth. This represents a significant conflict in the theoretical literature. While rational democrats typically advocate seeking a consensus around objective truth (Habermas, 1990), difference democrats accept different interpretations and experiences of truth and therefore that consensuses may often be impossible (Deveaux, 2018). Chapter 3's discussion highlighted the interaction of emotion and underlying beliefs, and 'emotion' as a form of knowledge. This thesis contends emotions are likely to be extremely relevant within crime debates and could play a key role of shifting perspectives. This is why stimulating emotional elements is a key feature of this thesis' fieldwork. Likewise, Chapter 2's discussion on the impact of information and facts, as well as social sustainability framing, indicate the importance of rational dialogue. With a commitment to a notion of truth, alongside the messy interplay of the Emotional Loop, this thesis proposes both facts and emotions are potentially complementary and

fundamental forms of knowledge. This thesis therefore seeks to resolve the conflict between rational and difference democrats by exploring empirically, the ability to pragmatically blend the benefits arising from different knowledge types. While on the one hand evidence of effective prevention programmes demonstrate rational evidence, it might be that the empathy and compassion exhibited by people in the community are what is needed to ensure such efforts succeed. Appreciating the latter may require a cultivation of empathy in its own right; a form of emotional understanding which may not have the conceptual precision of 'evidence-based' prevention. This can include the evidential relevance and educational value of lived expertise as discussed in Chapter 2, and therefore the value of diverse non-rational ways of expressing crime experiences. Excluding emotional expressions could in turn inhibit potentially insightful contributions, including new ways of framing issues and our emotions towards them. Further, as the discussion below elaborates on, excluding non-rational contributions could negatively impact participants' perception of procedural legitimacy, potentially leading to feelings of oppression or a sense that the outcomes will be flawed as a result of an ideological exclusion.

Outside of the debate on what constitutes 'truth' or whether 'truth' exists, Habermas (1990) argues substantive public dialogue helps participants deconstruct their own cultural experiences, language and normative values. It allows for free and uncoerced communication, within the complex experienced realities of the human world. This can be taken to mean a better understanding of their own and others' sense of morality and how this varies across different personal and cultural experiences. As such, this thesis suggests this can be characterised as a form of 'cultural and moral knowledge'.

Correspondingly, Habermas (1990) believes people can arrive at agreed moral maxims through collective reasoning. He calls this “discourse ethics” (p. 197) and a competition for the “better argument” (p. 160). Likewise, Chapter 2 acknowledged the complex plurality of, and multiple influences on, opinion. This leads to the deliberative democracy envisaged by Habermas, because of its focus on the new understanding and knowledge of different worldviews arising from substantive debate. This thesis therefore contends deliberation presents a powerful opportunity to develop public knowledge on crime through more substantive democratic engagement; including informed discussion on progressive prevention and challenges to punitiveness.

In summary, this thesis proposes a resolution to the theoretical conflict in deliberative theory, by uniquely blending the rational and different deliberative schools, to be expanded upon below in the discussion on consensus and in Chapter 5’s research methods. The findings chapters that follow, therefore contribute new empirical insights to the theories on public knowledge in deliberation. This includes findings on enhancing understanding of crime’s social influences, economic impact and long term advantages of early intervention.

4.4.3 The power of consensus

There is considerable academic debate on whether deliberative democracy should strive for consensus, binding decisions or respectful disagreements (Marti, 2017, Muirhead, 2010, Cohen, 1998). Rational democrats like Rawls (1997), Habermas (1990) and Cohen (1989) believe consensus is the proper objective because, as

discussed, they believe universal 'truths' exist to be found and agreed upon, especially through the power of deliberative discourse. However, even founding rational democrats Habermas and Cohen conceded that voting is often inevitable in real-world settings, when consensus is unattainable (Dryzek, 2002). Critics like Przeworski (1998) say the inevitability of voting means participants will often vote selfishly even if indefensible when scrutinised within deliberative discourse. His conclusion is that ultimately big decisions require government authority and that deliberated consensuses at that level are implausible.

By adopting notions of truth above, this thesis believes a consensus could be achievable and should be a key objective of deliberation. It proposes that reaching consensus among members of the public around progressive crime prevention would be powerful for stimulating political change in criminal justice policy. However, as elaborated here, this thesis is not wedded to 'consensus'. It accepts participants may not ultimately agree to one 'truth' and that deliberation can spur educative and civic inspiration benefits, even where a consensus cannot be reached. Deliberative scholars like Cohen (1998) and Polletta and Gardner (2018) argue that simply convening people with different moral worldviews for the purpose of a higher quality and respectful debate could bring significant benefits. These include alleviating contentious divides, forging mutual understanding and finding common ground even without reaching consensus. This is expressed as 'accepting' differences (Knappe, 2017), "reasonable pluralism" (Cohen (1998), p. 222) or "positive dissensus" (Estlund and Landemore (2018), p. 161). Consider for instance someone sceptical about progressive prevention through tackling addiction. While deliberation might not fundamentally change their mind, having the opportunity to discuss the pros and cons

might help them understand the limitations of punitive approaches and why some pursue progressive policies. This thesis anticipates that enhanced debate will generate more nuanced and tolerant appreciation for different perspectives among members of the public, including less opposition to rehabilitation agendas. Notwithstanding the benefit of greater tolerance, this thesis recognises the particular value in 'consensus'. Specifically, it contends that greater agreement over progressive solutions to preventing crime could meaningfully shift wider public attitudes on crime. This could therefore positively influence participants' community activities, their political expectations and voting preferences, such as generating stronger public emphasis on public health approaches to drugs. A more progressive electorate could consequentially empower progressive political leaders. Without consensus and the attitudinal shifts required for that to be realised, it seems less likely deliberation could stimulate widescale behavioural and political change. This is because simply accepting disagreement does not equate to activism or support for significant reform. Society may well be improved from reducing conflict through more palatable disagreements, but this thesis seeks more ambitious change. A progressive consensus would contribute to that.

Difference democrats argue there are more profound benefits of pluralism and reasoned disagreement. They claim this is capable of improving decisions through enabling more avenues for respectful challenge (Marti, 2017) or giving oppressed groups a voice without institutional bias (Chappell, 2011, Ghosh, 2010, Dryzek, 2002) and parochial interests (Mintrom, 2003). This overlaps with the critical theorist school because it embraces perspectives that might for instance challenge dominant neoliberal paradigms and institutions. It also links to discursive democracy's call for

wider public participation, particularly for marginalised groups that might be excluded from offering alternative perspectives in elite constitutional settings. Although this thesis seeks a progressive consensus, it therefore recognises the value in simply broadening public debates, including marginalised perspectives that might help reframe complex issues for new solutions. Incorporating emotional or less mainstream contributions may itself help participants develop new perspectives that generate common ground and reach consensus. However, this thesis recognises diverse perspectives introduce inherent unpredictability and might actually lessen the chance of a consensus. This might apply when conflicting worldviews are simply too far apart to reconcile. However, even if consensus could not be reached, this thesis proposes that by incorporating the kinds of narratives discussed above like the Social Sustainability Frame, deliberation could at least help ‘chip away’ at punitive sentiment. Therefore this thesis suggests a consensus is not fundamental, and can help broaden perspectives on challenging topics in the long journey towards change, just as society has done over many years on women’s rights.

Concerns are raised in the theoretical literature suggesting that seeking unanimous agreement could pressurise participants to conform or polarise (Vaughan, 2010). While this thesis recognises this possibility if deliberation is executed clumsily, research into deliberative outcomes suggest this risk could be overstated. In particular research identifies how participants have acquired knowledge, and has used other measures like an analysis of dialogue quality, to provide evidence around the authenticity of consensus (Estlund and Landemore, 2018). Further, this thesis contends that high quality moderation can mitigate the risk of conformity or polarisation, such as clearly outlining the ground rules throughout. This includes

promoting authentic and respectful discussion and ensuring equal weight is afforded to each participant in terms of their ability to contribute. This thesis explores this risk empirically, looking at the outcomes from well-facilitated deliberation that honours the principles of respectful and open dialogue. The practical steps are discussed in Chapter 5 and add detail to the theoretical position taken here, relying on guidance for effective moderation in the deliberative practice literature (Abelson et al., 2003).

Debate exists as to whether a 'consensus' should be binding, to avoid a deliberation being mere lip service. Chappell (2011) argues consensus should not necessarily be binding, because the process rarely matches up to the theoretical conditions, including insufficient time to deliberate complex issues. Equally, there are theoretical expectations that deliberative processes at least 'influence' the decisions of those in power (Davidson and Elstub, 2014). This thesis recognises that participant trust may be significantly enhanced if participants believe their deliberated conclusions will influence subsequent decisions. This is because a sign that participants are genuinely respected, which is a key principle of deliberative democracy, is that their contribution will mean something to those in power. This thesis also recognises better decisions could arise from deliberations, especially those that incorporate diverse and nuanced perspectives. This is for the reasons discussed above around the different types of knowledge acquired. These acknowledgments therefore suggest there should be a commitment to guarantee decisions are influenced by deliberations. However, this thesis accepts it is not always realistic to ascribe that power to deliberative exercises due to institutional, political, legal or other technical barriers to delegating power. Further, there are potentially multiple other benefits from deliberation, without needing to be preoccupied with the influence of a group's consensus. For instance, as

proposed above, deliberation might shift participants' attitudes and therefore voting preferences or community activism. This could potentially benefit participants with the new knowledge or pride acquired through participation, as well as wider society, without the deliberation having formal power.

In summary, this thesis supposes that deliberating emotional and rational reasons can bring public participants to a consensus around 'social sustainability' and progressive prevention, as defined in Chapter 3. However, it also recognises the realistic prospect of disagreement due to the emotive and complex nature of crime debates. This complexity is highlighted in Chapter 2's evidence regarding inconsistent public opinions on crime. Further, the complex blend of emotional and factual reasons behind opinions on crime, makes any neat consensus around 'truth' challenging in practice, even if there is a broad commitment to a 'rational truth' from participants. This thesis therefore contends there are benefits in 'positive dissensus'. Ideas like 'social sustainability' could at least be more tolerated due to credible reasons given within deliberation, even if some remain unpersuaded. Further, it may be that a new willingness to tolerate progressive perspectives following deliberation is the start of longer-term attitudinal shifts away from punitiveness towards a future consensus. This might be achieved through repeated deliberative engagement. This thesis contends that the ideal outcome of the deliberative process envisaged is a shift in punitive opinions towards a progressive consensus; influencing participants themselves and policy makers. It could be argued that if a deliberative exercise is not binding, that it renders the deliberation pointless and unappealing for potential participants. This thesis however suggests the emotive nature of crime and the context of rising serious violence in the UK, presents ample incentive. As Chapter 3 discusses, this thesis

contends most people have a desire for human wellbeing, with safety from crime being a key component. It further contends that the incentive will be stronger if deliberation is convened by a democratic and visible authority such as the Police and Crime Commissioner's Office (PCC). This is provided participants have and perceive that their deliberation has the potential to impact the PCC, even if there is no firm commitment to enact any consensus. As participants would not normally have the prospect of influencing power directly, deliberation like this plausibly represents a worthwhile opportunity while impacting on an issue most care about. Chapter 5 sets out how this position is explored empirically, and the degree to which participants were sufficiently incentivised to participate, notwithstanding the limitations of their influence.

4.4.4 Public legitimacy

The concept of 'legitimacy' is integral to deliberative theory. This lends itself well to the criminal justice context, with honest citizen engagement, scrutiny, democratic accountability and transparency fundamental to the 'perceived legitimacy' of police powers (Bradford et al., 2013, Bradford and Quinton, 2014, Higgins, 2020, Laniyonu, 2018, Virta and Branders, 2016). The primary theoretical focus is on the procedural fairness of deliberative exercises. However, all deliberative democrats believe substantive and respectful debate results in better decisions or greater knowledge. Here, 'legitimacy' therefore means 'better outcomes' achieved by people working together, rather than acting alone with less information and fewer perspectives (Chambers, 2018, Floridia, 2018). This goes to the heart of Habermasian deliberative democracy that depicts 'legitimacy' as "the force of the better argument" (p. 89). This

‘outcome legitimacy’ therefore closely relates to the epistemic benefits of deliberation; emphasising the positive gains in knowledge. Therefore the discussion on ‘knowledge’ has essentially already articulated this aspect of legitimacy. As outlined, this thesis emphasises the epistemic benefits of deliberation through reason and emotion. It also considers any progressive consensus on crime to be a better conclusion, if achieved through high quality discussion, reason and emotional analysis. In part, this is because such an analysis will help challenge conclusions based on misleading media frames, stereotypes and government manipulation, as discussed in Chapter 3. While this thesis theorises that deliberation will result in more informed and therefore more legitimate conclusions, it recognises that it cannot predict those outcomes with any precision. First, this is because of the complex and multi-layered nature of crime debates, meaning the specifics of conclusions could pursue many different avenues or emphases. Secondly, this is because deliberation is, by definition, designed to elevate diverse and potentially unique perspectives. This means authentic dialogue could and should result in unanticipated dialogue and conclusions. The nuances arising from such group discussions, and the more legitimate outcome of deliberation, will therefore be explored empirically in this thesis.

A further distinction is ‘procedural legitimacy’. This emphasises the process of fair, authentic and inclusive debate whereby all are heard and genuine reasons are given for decisions including unpopular conclusions (Cohen, 1998, Floridia, 2018). Vitally, ‘procedural fairness’ can “render the ultimate choice legitimate in the eyes of the group, so as to contribute to group solidarity or to improve the likely implementation of the decision” (Fearon (1998), p. 45). Procedural legitimacy is seen as key to an

acceptance of decisions even without complete consensus, or when not everyone can participate in the deliberation, including the wider population (Chambers, 2018, Brown, 2018). The deliberative conditions discussed earlier in this chapter underpin procedural legitimacy. These are fundamental to ensuring ‘perceived’ fairness through genuine and respectful participation for all while preventing manipulation and ulterior motives (Knappe, 2017). This thesis further contends that procedural legitimacy is not just achieved when participants ‘perceive’ fair process, but when the process ‘is’ fair. While it might be politically convenient or have other positive outcomes, there would be no ‘procedural legitimacy’ if participants were essentially manipulated into believing deliberation had been authentic. This thesis therefore contends that true deliberative democracy should honour the moral standpoint that it is ‘wrong to exploit people’. This requires honest deliberation including participants attending and contributing in good faith with discourse moderated to ensure deliberative principles. Seeking to ensure ‘actual’ procedural fairness in this thesis’ fieldwork, the research methods chapter will outline how participants’ contributions were diligently recorded and analysed as part of an authentic deliberative exercise, including facilitating authentic participant conflict.

‘Legitimacy’ connects to other important theoretical dimensions of deliberative democracy. ‘Difference democrats’ are less preoccupied with consensus and ‘one truth’. For them, the potential wider benefits of finding common ground, accepting differences or building mutual understanding all hinge on participants’ trust and perception that debate has been fair and authentic. As a minimum, this thesis presumes procedural legitimacy is necessary for participant trust and any realistic prospects of consensus. Without a sense of fair and balanced dialogue, any progressive consensus around social sustainability seems unlikely. This thesis also

accepts that benefits outside of any consensus like civic inspiration, also require perceived legitimacy to avoid participants feeling disillusioned or cynical. Fundamentally this thesis theorises that ensuring fair process including the practical conditions in this chapter, is essential for achieving not only better collective decisions on tackling crime, but also the prospect of other benefits for public participants. This includes how participants might engage in civic activities post-deliberation, or their trust in the new acquired knowledge from deliberating. The deliberations in the fieldwork of this thesis therefore seek to honour the deliberative principles discussed. Chapter 5 will elaborate on steps taken to ensure a diversity of participant perspectives and presentations on competing arguments within criminal justice debates, notwithstanding the expectation that the Social Sustainability Frame will be persuasive.

Perceived legitimacy could potentially extend to non-participants. For instance, decisions of deliberating 'mini-publics' might be perceived as legitimate by the wider public when recommendations are communicated to them (Brown, 2018). However, this thesis has emphasised the importance of widening direct public participation in deliberation. Ultimately, this thesis theorises that without substantive engagement, it is difficult for the public to acquire the same kinds of rational and emotional knowledge arising from a deliberative process, including meaningful perceptions around procedural fairness. Simply communicating the findings of deliberation might mean certain policies are more convincing for members of a public, but this thesis is sceptical about the extent of that impact. First, the thesis has discussed the post-truth era, in which the public is bombarded with competing messages, many of which are designed

to stimulate distrust.¹⁶ Secondly, simply communicating findings of a crime deliberation seems unlikely to counter punitive media frames, long held ideologies and the limited time most people have to engage in more nuanced information. As such, this thesis suggests that only substantive participation in deliberation can realistically achieve the positive effects of deliberating, including procedural legitimacy. For those that do participate, if they have no influence on decisions or the ultimate outcome it risks being 'lip service' and undermining legitimacy (Johnstone, 2000, Bradford et al., 2013, Friedman, 2006). As noted in the discussion on consensus, this thesis recognises this risk. However, other potential benefits of deliberation such as new knowledge or civic inspiration, leads this thesis to suggest that the key to procedural legitimacy is transparency over process and agenda. By doing so, participants' expectations are managed, ensuring all understand the exercise's purpose. Provided participants wish to participate on that basis, this thesis contends perceived legitimacy is attainable. As is discussed in relation to consensus, this thesis proposes that deliberating on crime through PCCs offers sufficient incentive to participate. Procedural legitimacy however, will still require transparency about the limitations of any consensus achieved.

Deliberative scholars also fear deliberation could be illegitimately manipulated for political purposes (Pettit, 2004, Muirhead, 2010). This links to the discussion on government influence on public opinion in Chapter 3 and above regarding the risks from non-rational contributions. Conversely, Blau (2018) argues deliberation is healthy

¹⁶ Consider for instance the fake news spread around Covid-19 (NELSON, T., KAGAN, N., CRITCHLOW, C., HILLARD, A. & HSU, A. 2020. The Danger of Misinformation in the COVID-19 Crisis. *Missouri Medicine*, 117, 510-512.).

for encouraging politicians to reflect on their ideology, by creating a space that allows individuals to step outside their 'political' identity and simply engage with the better argument. McAra (2017) concludes criminology is inherently intertwined with political debate and that embracing public political dialogue has been shown to win greater public support for progressive criminal justice reforms in Scotland, such as restorative justice and community rehabilitation. Mendelsohn (1996) highlights the important role politicians have in stimulating policy debates. This includes their "ability to encourage political discussion, organize political debate, and broker competing interests" (p. 7) and "also provide a continuity and accountability to political debate" (p. 8). Mendelsohn (1996) therefore argues politicians are key for bringing about more public deliberation. Equally, politicians risk backlash if efforts to convene deliberation are perceived as purposefully manipulative (VoB and Amelung, 2016, Jones and Exworthy, 2014). Combined, this further underlines this thesis' position, which stresses the methodological commitment to honouring the deliberative conditions discussed above. This includes a rigid focus on procedural fairness including maintaining balanced debate, notwithstanding this thesis' leaning towards the persuasiveness of social sustainability and progressive prevention. If deliberation does not allow discussions on conflicting political ideology or respectful challenge, this thesis acknowledges how political manipulation could undermine procedural legitimacy. Chapter 3 highlighted the overlap between political identity and underlying beliefs. Unbalanced political debate without opportunities to challenge political motives within deliberation, would likely trigger distrust from participants with opposing political orientations; rendering the deliberation illegitimate in their eyes.

This thesis explores the advantages of introducing progressive frames to a large number of public participants, theorising it will be persuasive for garnering progressive attitudinal change. The discussions in Chapter 2 and 3 also highlight the political nature of crime debates; associating punitiveness with right-leaning politics (Pantazis and Pemberton, 2012). Therefore this thesis' 'progressive' objectives could be considered highly political, and what this thesis calls 'Political Deliberative Democracy'. Expressing deliberative democracy like this, is novel for locating deliberation within partisan political realities. If this resulted in biased deliberative content, insufficient diversity in participant selection, shutting down dissenting or marginalised voices or overt electioneering, it would severely undermine or remove any procedural legitimacy. Equally, this thesis suggests that framing any crime debate as apolitical, is artificial given the political reality of crime and punishment. The key is therefore to ensure that, as noted, deliberation honours the procedural conditions. It is not automatically problematic that one party's ideology is associated with perspectives presented within the deliberative process, provided deliberative content is grounded in credible arguments, invites debate and incorporates diverse perspectives. It is possible that deliberation convened by PCCs that also introduces a broader audience to progressive crime solutions could change voting behaviour. However, this should not justify blocking such engagement, again provided deliberative content is grounded in evidence, diversity and fair procedure. Indeed, if public participants are persuaded through evidence and authentic deliberation then this makes Political Deliberative Democracy a legitimate enhancement of aggregative democracy. Therefore this thesis theorises that the potential connection to politics does not necessarily damage, but offers a new perspective on, legitimacy. It thereby presents further avenues for realising the critical theorist ambitions discussed earlier

in the chapter. This is to widen participation in overtly political discourse, but in a way that enhances the quality and fairness of that dialogue.

4.5 A framework for public ‘crime debates’

This chapter has outlined key theoretical schools and deliberative democracy debates, how this thesis navigates key theoretical conflicts and their implications for the fieldwork. Considering the debate between liberal constitutionalists and critical theorists, this thesis draws more strongly on the latter, exploring more fundamental reform to aggregative democracy by widening public participation beyond constitutional settings. This is to mitigate the influence of manipulative government, media and post-truth dynamics. In order to build upon the weakness in the punitiveness literature, it borrows from the critical theorists ambitions of stimulating political change through public education and progressive consensus. It also aims to broaden access to narratives that challenge neoliberal paradigms of competitive democracy, exploitation by powerful private interests and rational choice justifications for punitive justice. The implications lead this thesis towards the importance of public participation in its methods; shifting public attitudes on crime beyond policy elites.

Critically considering the conflict between rational and difference democrats, the discussion steered this thesis towards an exploration of how both rational and emotional knowledge within deliberation could stimulate criminal justice reform. Rather than adopting one school, it seeks to explore how public knowledge on crime can be

enhanced through blending rational evidence about the social factors behind crime, and emotional frames in support of progressive prevention. The extension of this debate extends to whether the deliberation should aim for 'consensus'. This thesis proposes that we should strive for a progressive consensus around notions of truth such as the evidence around the social influences on crime. Equally, the conclusions regarding non-rational contributions lead this thesis towards a pragmatic appreciation of the wider benefits to deliberation beyond consensus. This includes reduced public opposition to progressive policies, even if there is no wholesale acceptance. The debate therefore again guides this thesis towards an aspiration of consensus on crime, but a comfortable acceptance if no consensus can be reached.

The analysis around rational and non-rational knowledge has also informed this thesis' position on the key theoretical elements of legitimacy. This brings into focus the steps needed in the research methods to ensure participants perceive the deliberation to be fair. Without this, any direct or indirect benefits like civic inspiration are unlikely. Consequentially, this has implications for this thesis' novel theoretical perspective, of 'deliberation within political processes'. This Political Deliberative Democracy again hinges on careful and authentic methods to ensure legitimacy. Together, these conclusions present a public engagement method capable of moving the punitiveness and public opinion literature forward, by outlining 'how' to engage, educate and influence public opinion. It also accommodates the complexity of public attitudes, the interplay of reason and emotion and the public's capacity for change. The proposed deliberative democracy also incorporates the original analysis of opinion formation in Chapter 3, setting a practical path for presenting message framing, challenging

stereotypes and shielding against government manipulation. The following chapter outlines the empirical exploration of this unique theoretical position.

CHAPTER 5 DELIBERATIVE DEMOCRACY IN PRACTICE

5.1 Putting deliberation to the test

The research questions, rationale for each and summary outline of the methods are set out in Chapter 1.¹⁷ This chapter outlines these methods in detail, with reference to Chapter 4's theoretical conclusions and qualitative and deliberative research methods literature. It presents a unique qualitative methodology for deliberative exercises in criminal justice contexts and deliberative practice generally. Bevir and Bowman (2018) highlight how deliberative practice lends itself to multiple forms of qualitative methods due to their blend of complex topics from economics to sociology. They explain that this can involve speech analysis, ethnography and case studies, among others. As will be explained throughout this chapter, deliberative democracy's track record in

¹⁷ For ease of reference, see research questions as follows:

'In what ways can the process of deliberative democracy influence public understanding and support for more 'progressive' forms of criminal justice intervention?'

Sub-questions:

'What forms of information appear to influence lay understanding and attitudes?';

'How does the process of dialogue and reaching consensus impact lay understanding and attitudes?';

'How does the process of deliberative democracy impact different constituencies and groups?'; and

'How do different external ideological frames, personal circumstances and civic participation levels influence the process of deliberative democracy in this context?'

'In what ways might deliberative democracy be 'scaled up' into effective forms of public engagement and consultation in criminal justice debates?'

qualitative methods has helped inform the qualitative approach in this thesis, including the analysis methods. More generally, this thesis' focus on the complexity of public opinion and dialogue also invites qualitative approaches; better suited for analysing depth and nuance (Watkins and Gioia, 2015, Saldana, 2011, Ritchie and Lewis, 2010). Further, the methods are informed by the theoretical discussions above and associated practical preconditions, such as the importance of bringing participants with differing worldviews together to establish mutual understanding, common ground and attitudinal shifts. This is explored mainly in the sample selection section highlighting how participants were chosen for their opinion diversity, and also the interview process for exploring attitudinal change post-deliberation. However they also reflect this thesis' commitment to both rational and emotional content in deliberation, to challenge the dichotomised way they are often treated within the theoretical literature. This is discussed below regarding the deliberative content and the interview process for exploring participant experiences of different aspects of the deliberative content. It includes the efforts made by the moderator and the format of the deliberative sessions to strive for a consensus, which as discussed in Chapter 4 is a key objective of this thesis. This is again reflected below in the discussion on deliberative content. The theoretical discussion also informs other methodological measures taken to ensure procedural legitimacy and perceived fairness from participants. These include steps to minimise researcher influence over the discussions, elaborated on below.

5.2 Collecting data from deliberations

5.2.1 Participant recruitment

5.2.1.1 Sampling for opinion diversity

The complex theoretical questions concerning the nature of public opinion and what influences attitudinal shifts made ‘purposeful sampling’ suitable. This because it is:

“generally associated with small, in-depth studies with research designs that are based on the gathering of qualitative data and focused on the exploration and interpretation of experiences and perceptions”,

and when “there is no attempt to create a sample that is statistically representative of a population” (Matthews and Ross (2010), p. 167). Participants were therefore chosen based on their levels of punitiveness, civic engagement, education and other demographics, looking for potentially transferable patterns but not reliably generalisable (Williamson, 2018, Howitt, 2019). This sample method is also consistent with previous deliberative research (Ryfe, 2002). The rationale for these characteristics is elaborated on below.

‘Snowball sampling’ involves approaching personal contacts for help identifying potential participants in their network. This can include accessing people with similar characteristics to the ‘personal contact’, and other desired characteristics. The approach is suitable for identifying people with specific characteristics to be more representative of a wider population including age and ethnicity, even if not statistically representative (Howitt, 2019, Matthews and Ross, 2010). It is also appropriate for

identifying 'hidden' characteristics such as 'punitive opinions' which "starts with a few people who are known to be the type of people the researcher wants to involve in the research" (Matthews and Ross (2010), p. 166), accessed by tapping "into pre-existing social networks" (Williamson (2018), n.p.). Participants were therefore accessed by collaborating with 'community leaders' with contacts across diverse communities in the West Midlands. Here, 'community leaders' means prominent individuals with extensive public-facing community networks, as opposed to senior statutory managers that might not have as many grassroots relationships. The first, was a senior social worker who leads a West Midlands schools-based project, with strong links with communities through direct family support work. They also have wide-ranging relationships with statutory bodies and practitioners. These include local authority housing departments, social care, health agencies like child mental health, third sector organisations working on housing and domestic abuse and central government bodies associated with welfare and work.¹⁸ The second key contact runs a respected social enterprise that works directly with the public across the West Midlands. This includes mental health and youth support services, delivered through longstanding partnerships with policing, local authority departments, third sector funders and private partnerships. Being a respected black person of faith specialising in community engagement, his community prominence also gives him community relationships that might be less easily accessed through statutory agencies.¹⁹ My existing relationship with these individuals through my work with the Police and Crime Commissioner's

¹⁸ For more information on this project and its wide-ranging partnerships including public facing and organizational networks see <https://birminghampathfinder.org.uk/>

¹⁹ For more information see <https://aspire4u.co.uk/>

Office, meant I knew about their diverse community networks including in a criminal justice context, and would help access people with diverging views and backgrounds. For example, the social worker engages a broad range of community members through their 'family forum'. He was therefore able to invite forum attendees to participate, providing access that would be challenging without existing relationships. The individuals involved were known in advance to be diverse in terms of demographics and also civic engagement levels, and typically of lower income. The social enterprise leader gave me confidence he had relevant community relationships due to work he had done with my office previously, including successfully consulting underrepresented groups on the use of artificial intelligence in policing. Aside from being guided by the literature on purposeful sampling, the use of genuine community contacts was also influenced by the critical theorist and discursive democracy principles discussed in Chapter 4. This concluded it was important to broaden public participation within deliberation, to widen access to substantive public debate on crime opinions and address gaps in the punitiveness literature discussed in Chapter 2. The methods therefore sought participation from community members beyond policy elites, to provide novel empirical insights into wider community participation. Opportunistic methods were also deemed suitable due to the research's financial and time restrictions, as opposed to, for example, commissioning a marketing organisation to identify desired cohorts.

Access involved having an initial informal conversation about the research aims with the respective community leaders. This was followed by a written outline of the research and a formal request for help accessing participants through their social channels, contact lists and relationships, subject to their data protection policies. The

invitations to participate shared through these networks included a brief and accessibly written research overview. It also contained a request for interested people to complete a pre-deliberation survey and consent forms.²⁰ The letter included privacy information and details of the interviews and deliberation stage for selected participants, discussed below regarding research ethics. Other opportunistic invitations involved directly contacting certain personal professional contacts; allowing me to encourage participation from people I believed met certain characteristics suitable for the intended group mix, including criminal justice views. This risked unknowingly approaching people I thought would feel pressure to give responses they believed the researcher expected or hoped for (e.g. confirmation bias). This risk was reduced by ensuring the research overview provided did not indicate particular expectations regarding the research outcome. All participants were ultimately chosen for the interviews and deliberations based on their survey responses and not guesses about their views. Further, risks were managed through careful moderation of the deliberations to promote authentic dialogue; discussed further below.

5.2.1.2 Identifying participant characteristics

Chapter 4's theoretical discussions underline the importance of the different participant characteristics sought within the sample. These are elaborated on in the section below on 'participant groups'. In brief, 'participant punitiveness' was central to

²⁰ See Appendix 2A and 2B.

exploring whether pre-existing views on crime could be shifted through substantive debate, reasons and emotional narratives. It was also central to exploring the complexity of crime opinions, beyond surface level opinions identified through simplistic surveys, as discussed in Chapters 2 and 3. 'Civic inspiration' was central to exploring the ability for deliberation to garner benefits beyond attitudinal shifts. For instance, the theoretical discussion on consensus concludes that wider benefits beyond a consensus or where a consensus is not reached, could include greater enthusiasm for civic activities like political engagement. Involving participants with different levels of civic engagement therefore helped explore the different impact of deliberation across participants and their starting levels of engagement. 'Education levels' was to explore the different impacts of deliberation on participants or contributions made by participants, based on their pre-existing knowledge and professional experience. This helped explore insights into how deliberation might enhance knowledge, further to the detailed discussion in Chapter 4. This again includes the impact of rational and emotional information on crime opinions and understanding of key debates. The discussions in Chapters 2 and 3 also highlight the need to recognise and engage with the complexity and diversity of public opinion. Given society varies significantly regarding education levels, pre-existing knowledge or access to information, differences in 'education level' was considered integral for exploring the real-world complexity beyond homogenised depictions of punitive publics. For instance, this was to help uncover insights into public amenability to rational arguments based on pre-existing education levels.

Participant punitiveness, civic engagement levels, education and demographic categories were identified from 'pre-participation surveys', elaborated on below. The

aim was to access a larger pool of potential participants and whittle down to the desired group make-up, also elaborated on below. In practice, challenges identifying a larger number meant nearly all who completed the pre-participation survey were invited to participate further; only two appeared uninterested in continuing, probably due to the time commitment. Fortunately, the available participants gave sufficiently diverse survey responses to largely form the desired group make-up, especially with mixed punitiveness levels. Once people approached directly or those introduced by community leaders agreed to undertake the pre-participation survey, it was sent to them by email. These were completed between 24 October 2021 and 29 November 2021, with 17 of 19 agreeing to participate in the full research.

Deliberative methods acknowledge that opinions are significantly more complex than is apparent from simple surveys, as highlighted in Chapters 2 and 3. While the pre-deliberation survey method shares faults with the simplification in the punitive literature, the detailed participant interviews that followed delved much deeper into opinions on crime. These allowed for the exploration of novel insights regarding our understanding of punitiveness, civic inspiration and related opinions. Chapter 2 defines punitiveness for this thesis as ‘attitudes prioritising punishment for crime, especially calls for disproportionate hardship’. This contrasts with advocates of therapeutic and rehabilitative responses, and prioritising addressing the social factors behind crime. The pre-deliberation survey therefore asked for ‘yes’, ‘no’ or short written answers to questions on ‘personal responsibility for crime’, ‘support for punishment’,

‘capital punishment’ and/or ‘harsher punishment’.²¹ Based on their answers, respondents were categorised as ‘punitive’ if they answered ‘yes’ to all or at least half of the question, or if they simply answered ‘yes’ to believing in capital punishment. The latter position was taken because death is one of the harshest punishments possible, often considered disproportionate and therefore indicative of punitiveness. Those answering ‘no’ to capital punishment and ‘no’ to more than half of the questions were therefore categorised as ‘non-punitive’. An alternative categorisation could have used ‘political orientation’ as a proxy for punitiveness. However, direct questions on crime opinions were considered more reliable, because party political affiliation does not always neatly correlate with policy positions. For example, people often vote for parties for the different reasons, e.g. some voting Labour for domestic workers’ rights policy, with others more concerned with international development commitments. This was highlighted in Chapter 3’s discussion on the challenge defining political ideology (Feldman, 2013). Further, some may hide their political affiliation, perhaps sometimes fearing judgment (Shriver, 2015).

For civic engagement levels the survey asked for ‘yes’ or ‘no’ responses, and requested examples or written answers where applicable. Queries asked about volunteering, community work, political activities or other campaigning and any other relevant information. ‘Yes’ answers were classed as evidencing ‘civic engagement’. In determining ‘high’ versus ‘low’ civic engagement, judgments were made regarding participants’ present civic activity versus past activity, activity frequency (e.g. daily,

²¹ See Appendix 2A.

monthly etc.) and activity in substance. For example, community activity like food bank volunteering was considered in keeping with the intended definition of ‘civic engagement’ compared to socialising in local pubs, despite the latter potentially being an important contribution to community social fabric. Participants who considered themselves civically inactive and did not undertake any community activities by choice, were regarded as having ‘low’ civic engagement. For education levels, the survey asked respondents if they had any qualifications, including GCSEs, A Levels, degrees, professional qualifications or equivalents. Participants were then categorised as: ‘no qualifications’; ‘school level qualifications’; ‘degree and professional level qualifications’; and ‘postgraduate qualifications’. In practice, participants fell neatly within these categories. The following table summarises participants’ characteristics for the two deliberative groups captured from pre-deliberation surveys, including demographics and demographic splits within the deliberation groups to ensure group diversity including on punitiveness. A breakdown of these characteristics across participants is shown in Appendix 2C.

Table 1 Deliberative Democracy Sample

	Total sample	Group 1 sample	Group 2 sample
Sex	8 Women	4 Women	4 Women
	9 Men	5 Men	4 Men
Ethnicity	3 Black	2 Black	1 Black
	9 White	4 White	5 White
	2 Asian	1 Asian	1 Asian
	3 Mixed	2 Mixed	1 Mixed

Religion	10 No religion 7 Religion	3 No religion 6 Religion (4 Christian, 1 Muslim, 1 Buddhist)	7 No religion 1 Religion (Greek Orthodox)
Sexuality	16 Heterosexual 1 Bisexual	8 Heterosexual 1 Bisexual	8 Heterosexual
Civic engagement	9 Active civic engagement 8 Low civic engagement	6 Active civic engagement 3 Low civic engagement	3 Active civic engagement 5 Low civic engagement
Punitiveness	7 Punitive 10 Low punitive	4 Punitive 5 Low punitive	3 Punitive 5 Low punitive
Education	15 University educated 2 Non university educated	8 University educated 1 Non university educated	7 University educated 1 Non university educated
Disability	4 Disability 13 No disability	3 Disability 6 No disability	1 Disability 7 No disability
Age	1 Unknown 1 Age 18-25 3 Age 26-35 4 Age 36-45 4 Age 46-55 4 Age 56-65	1 Unknown 0 Age 18-25 2 Age 26-35 2 Age 36-45 1 Age 46-55 3 Age 56-65	0 Unknown 1 Age 18-25 1 Age 26-35 2 Age 36-45 3 Age 46-55 1 Age 56-65

Pre-participation surveys helped purposefully select 17 potential participants, divided into two groups based on the specific characteristics (Saunders and Townsend, 2018) including punitiveness and civic activism levels and other demographics. While 18-20 participants were sought, with consideration given to holding more groups to compare more participant characteristics like individual wealth or earnings, the required

participant commitment made recruitment challenging. Consistent with typical focus groups (Watkins and Gioia, 2015, Glitz, 1997), eight/nine participants per group was considered proportionate for ensuring discussions were manageable. For instance they were small enough for all to contribute and be heard, while ensuring enough varied perspectives for rich discussions and data. Further, the level of time and resource would make it difficult to involve a greater number and as the research is not seeking to demonstrate statistically generalisable findings, too many additional participants might represent diminishing returns (Williamson, 2018, Matthews and Ross, 2010).

Table 1 shows an almost even split between men and women, across age groups, punitiveness and civic engagement levels. The sample also shows diversity across ethnicity and religion. The findings in Chapter 2 highlights some evidence around the variations in public opinion on crime based on demographics. Research sampling typically also seeks diversity within a sample, recognising certain characteristics may influence participant differences (Matthews and Ross, 2010). The diversity of those selected was therefore considered advantageous. However, the sample was biased towards those with degree level education. While the invitations to participate and community contacts sought a greater diversity including those with fewer qualifications, in practice it was harder to identify these participants. With greater time and resource, more participants could have been sought to capture greater educational diversity. Further, as is elaborated on below, further consideration could have been given to the income level and other poverty factors of the participants, which may have presented a different dimension relevant to the deliberations such as different experiences of crime in the community. Finally, the sample arguably

represents a professional bias towards people working in social and public services, including for some of those participants classified as punitive. There is a risk this skewed the discussions towards 'pro-public service' arguments thereby favouring 'social support' solutions to crime. Given the sample is not intended to be a representative of the wider public, this is not necessarily problematic. However, it does potentially present greater limitations on the transferability of the findings to other professional groups, that might undergo a different deliberative experience. Equally, having a number of public servants does not mean their perspectives will equate to a homogenous worldview. While some may be strong advocates of public investment or confident talking about social issues relevant to crime, others may be jaded by their frustrations or hold different views depending on their level in organisations. Widening participation would bring people with different jobs, experiences, religions, cultures and so on, and could potentially result in different deliberative outcomes. Therefore, while claims cannot be reliably made about their representativeness, caution should also be taken in assuming homogeneity.

5.2.1.3 Ideological balance in deliberating groups

Consistent with purposeful selections in deliberative methods literature (Abelson et al., 2003, Ryfe, 2002, Esterling, 2018, Timotijevic and Raats, 2007, Deng and Wu, 2010, Carman et al., 2015), two heterogeneous groups were formed, based on the characteristics outlined above. This follows examples in Ozanne et al. (2009), in which participants are deliberately chosen for deliberations "to share their different knowledge and perspectives", including mixing "experts", "lay citizens" (p. 35) and

participants chosen to represent different demographics (Ryfe, 2002). This creates the conditions for “Competing ideas representing different values” to be “discussed and criticized, [whereby] new solutions are created” (p. 35). A “purposive sample usually derive from the research questions themselves” (Matthews and Ross (2010), p. 169). Likewise, as discussed, this thesis’ research questions steered the design to include a mix of participants based on ‘punitiveness levels’. In addition to the general exploration of how deliberation could shift punitive views, each group was deliberately evenly split between participants’ varying in punitiveness; exploring the impact of bringing participants with diverging views together. This was to uncover empirical insights regarding Chapter 4’s conclusion that substantive debate could help participants find common ground and potentially reach consensus. It is anticipated that this is through better understanding diverging worldviews. It therefore explores the challenge to assumptions of aggregative democracy, which depicts ‘unchanging’ individual preferences. Further, the participant opinion mix allowed for the exploration of deeper empirical insights regarding Chapter 2’s discussion on the punitiveness literature. This helped, for instance, explore whether participant dialogue does demonstrate that the punitiveness literature oversimplifies public opinion or miss opportunities to explore complexity. For instance, the analysis of empirical studies in Chapters 2 and 3 highlight complexity in opinion, which varied based on demographics or characteristics. It highlighted inconsistent trends such as growing support for welfare but significant ongoing public support for authoritarian government approaches. It also suggested views shift with more information, thereby challenging assumptions on punitiveness based on survey data. Therefore by involving participants who superficially appear to vary on opinions and in terms of demographics and characteristics, it allowed for a richer analysis of actual opinions, the relevance of

other characteristics like professional experience and the impact of dialogue on attitudes.

Secondly, each group had participants with varied civic activism levels, although not evenly split. This was because the small sample made neat categories difficult to arrange when prioritising an even split on punitiveness, which did not necessarily directly correlate with civic activism levels. Previous deliberative methods literature analyses 'civic inspiration' shifts, as a measure of deliberation's positive impact (Timotijevic and Raats, 2007). Likewise, as noted above, the civic activism characteristic here explored whether differing civic engagement levels positively influenced civic enthusiasm post-deliberation. The group splits therefore helped explore whether one participant's civic inspiration could inspire another. Again, analysing civic interest was central to the theoretical conclusions that deliberation could stimulate public action, such as community activities or voting behaviour. Consequentially it helps explore new insights into benefits beyond consensus, perceived legitimacy and the advantages of widening public participation.

Thirdly, splitting groups with even mixes of 'education levels' was to explore if education affects willingness or ability to engage with deliberative content. It was also to see if more educated participants dominate others such as through confidence, eloquence or expertise. Vitally, this thesis' exploration of 'discursive democracy' intrinsically embraces public participation, including diverse dialogue between people with different educational backgrounds; believing in people's capacity to learn from each other. The group mix on this participant variable therefore sought to investigate

empirical insights on the real-world application of discursive democracy. It therefore helped examine the educational benefits for wider audiences including those with less education through deliberating facts and ideas, pursuant to the opinion formation dimensions discussed in Chapter 3. However, while education did vary between participants, most had degrees. This limited variability therefore made plausible between-participant comparisons difficult, touched on further in the findings chapters. Other participant categories were also considered when designing the research, such as exploring the impact of income levels or poverty factors within the group mixes. For instance, this could have examined whether poverty impacted people's experiences of crime, their access to information and evidence and their experiences of how crime is discussed in the media or by government. The scope was limited by the research time and resources.

Participant demographics (age, ethnic background, religion, gender, sex, disability, sexuality) were recorded where participants consented. While the groups could not be statistically representative of any population, the inductive analysis of the interviews considered whether individual differences like religion or ethnicity offered unique insights regarding receptiveness to or interpretations of deliberated content. This reflects this thesis' 'difference democrat' position in Chapter 4 and the importance ascribed to cultural diversity (Dryzek, 2002), including ensuring participants perceive deliberation as procedurally legitimate through inclusivity of their cultural perspectives. Further, the methods recognised that outcome legitimacy and better decisions are plausibly enhanced with diverse cultural perspectives whether emotional or rational. For instance, certain religious perspectives might support the critical theorist's critique of Western economic paradigms such as through emphasising collective ideology over

‘rational choice’ depictions of crime. They might also offer challenges to progressive ideas, testing their resilience to competing worldviews. More generally they could help participants reach richer and novel group consensuses. While demographics were recorded and methods allowed for diverse cultural expressions, the findings do not over generalise themes from these small groups. This is because it would be unreliable and risk being culturally insensitive given significant cultural and ideological diversity within communities.

5.3 The fieldwork

5.3.1 Constructing substantive group dialogue

Differences exist in deliberative methods depending on the stated goal of deliberation, such as building relationships, achieving a policy consensus or agreeing specific recommendations or decisions (Ryfe, 2002). This thesis concerns the ability to shift participants’ crime attitudes and their ability to reach a consensus. This leads to methods comparing pre and post-deliberation attitudinal shifts (Kim et al., 2009), in contrast for example to ethnographic methods exploring participant relationships (Bevir and Bowman, 2018). Previous deliberative methods have used participant interviews to compare pre and post-deliberation attitudinal shifts and associated complexity (Graham and Tamara, 2003, Deng and Wu, 2010), contrasting with the more shallow and common quantitative comparisons using numerical survey data (He, 2018, Timotijevic and Raats, 2007). The former has influenced this thesis’ methods, which likewise use interviews to qualitatively analyse post-deliberation attitudinal shifts

and explanatory reasons. To uncover depth regarding Chapter 4's theoretical conclusions, this includes analysing interview data for evidence regarding knowledge acquired, the impact of rational and emotional frames, and the nature of any consensus.

A body of deliberative methods literature explores the use of group observations and speech analysis. This examines deliberation's complex dynamics, such as evidence of empathetic behaviour, trust building and use of reasons, facts and experience in making arguments (Graham and Tamara, 2003, Wright and Street, 2007, Walmsley, 2011). Previous deliberative research has also assessed 'debate quality' (Steiner et al., 2004, Stromer-Galley, 2007, Esterling, 2018, Torrance, 2012). As noted above, this thesis is focussed on exploring the extent and reasons for attitudinal shifts post-deliberation, and therefore borrows most heavily from deliberative methods using interviews as the primary data collection source. With more time and resource, an ethnographic approach or a stronger emphasis on speech analysis might also provide rich additional data on participant dynamics that help contribute to the benefits of deliberation. However, the speech analysis methods of previous research still informed these methods. In particular, as the analysis section below outlines, participant contributions and dynamics during deliberations were still analysed. This looked at the evidence around authentic discourse and deliberative principles like mutual respect, pursuant to the centrality of 'procedural legitimacy' discussed in Chapter 5.

All participants underwent three stages. First, participants undertook pre-deliberation interviews to understand participants' criminal justice views in detail. The use of interviews was shaped by the limitations highlighted in the theoretical and empirical literature into public opinion on crime discussed in Chapter 2. This goes beyond the generalisations made over public punitiveness; exploring reasons and depth behind opinions identified in surveys. Next participants took part in two structured deliberations, asking the question 'What would have the biggest impact on reducing crime in the community in the long term?'. These explored the extent to which deliberating can shift attitudes on crime and help participants come to a consensus. This instrument is informed by the discussions in Chapters 3 and 4. This first examined the role of information, message framing and challenges to underlying beliefs. It then theorised the ability to incorporate these within structured 'deliberations'. The conclusions in Chapter 4 informed a deliberative democracy instrument that purposefully embodies rational and emotional frames, alongside opportunities to collectively deliberate solutions to crime. Finally, participants underwent post-deliberation interviews exploring participant views following deliberation. These specifically explored whether participants acquired knowledge, underwent attitudinal shifts and were impacted by deliberation more widely. The more in-depth nature of interviews also allowed other dynamics discussed in Chapter 4 to be explored, like civic inspiration and participant reflections on the deliberation itself. The later included perspectives on the authenticity of the consensus. Each research instrument will now be outlined in more detail.

5.3.2 Pre-deliberation interviews: establishing attitudes

The pre and post-deliberation interviews enabled an in-depth analysis of individual participants' opinions, including a detailed examination of any opinion shifts following deliberation, reasons behind any shifts and the significance of the deliberation process. Using interviews distinguishes this thesis, because most deliberative democracy studies analyse opinion shifts using quantified survey responses (Kim et al., 2009). However, on deliberations, Walmsley (2011) argues that "quantitative methods for analysis of a process of inter-subjective communication seems insufficient" (p.211). Likewise, as noted, there are examples of deliberative research using interviews for a deeper understanding of participant views, to understand changes in opinions and perspectives about the deliberation itself (Graham and Tamara, 2003, Deng and Wu, 2010). These therefore informed similar methods, allowing for detailed insights into the theoretical conclusions on deliberation including epistemic benefits, the impact of rational and emotional framing and participants' perception of procedural legitimacy.

Pre-deliberation interviews were conducted at least two weeks before group deliberations. This allowed a time lag to reduce the risk that interviews inadvertently influenced participants within deliberation by being unintentionally leading and fresh in the mind. This could have undermined dialogue authenticity and procedural legitimacy (Ettema, 2007). Interviews were scheduled over email at each interviewee's convenience, between 30 November and 8 December 2021. Interviews lasted up to one hour each, which was considered long enough to achieve the depth in insights outlined above. They were conducted over recorded phone conversation rather than

in-person, to minimise risks associated with Covid-19. Phone calls were used rather than virtual meetings as it was logistically very difficult to schedule times with all participants that enabled them to participate virtually. For instance, some participants sat interviews during work lunch breaks without access to computers due to the nature of their work, or found it difficult to sit interviews virtually at home in quiet places away from children. Participants did manage to conduct the deliberations virtually as they recognised this was essential for the group component of the research. However, they were less accommodating when agreeing to individual interview times. This meant logistical problems arose that made phone calls most suitable, even if ideally all could have been conducted virtually. While some could have been conducted virtually, calls were used to ensure all interviews were conducted in the same way. This was to avoid the methods inadvertently changing the nature of interviews, such as visual cues meaning more or less was acquired in virtual interviews compared to non-virtual.

Interviewees were encouraged to answer honestly and assured that there were no trick or intentionally leading questions. Efforts were also made to give a positive and welcoming voice tone, listen patiently and show interest by acknowledging things that were said (e.g. saying “yes”, “interesting”, “thank you for that”). This was to make interviewees comfortable, consistent with guidance for interviewers in Legard et al. (2010). The topic guides²² contained key questions, accompanied by a number of prompts for each question where needed to invite further detail. Key questions included asking about what comes to mind when thinking about crime and the degree

²² See the topic guide in Appendix 2D for the full open-ended and semi-structured interview questions.

to which interviewees believe people are responsible for their own crimes. They queried their understanding of 'social factors behind crime' and prevention, thoughts about punishment including prison and community sentences and their thoughts about the economic impact of crime. The interview purposefully opened with a board question to help warm interviewees up, so called 'ground mapping questions' (Legard et al., 2010). This started with icebreaker questions and 'What are the first things that come to mind when you think about crime?'. These were followed by 'dimension mapping' questions, focussed more on specific issues (Legard et al., 2010) such as perspectives on 'the costs of crime'.

Questions were principally designed to get a deeper understanding about the extent to which participants held punitive views, such as prioritising punishment or emphasising individual responsibility over social factors behind crime. Questions were inspired by discussions in Chapters 2, 3 and 4. Chapter 2 highlighted the need to explore what and why certain views are held regarding approaches to crime and therefore the need for open ended questioning. While general questions on personal responsibility for crime and punishment were asked in the pre-participation survey, previous chapters have highlighted the potential flaws and oversimplification of survey methods and the need to interrogate further. Chapter 3's discussion raised queries around the impact of economic frames, which inspired questions around interviewees' feelings about the economic impact of crime. Chapter 4's discussion on aggregative democracy highlights the conflict between 'rational choice' depictions of criminality and social explanations, informing the questions regarding 'individual responsibility' and 'causes of crime'. Further, the objectives of this thesis outlined in the introduction sharpened the need for questions around prevention such as a question specifically

around children's centres and education, to explore pre-deliberation perspectives on development crime prevention.

The "key feature of the in-depth interview is that it is intended to combine structure with flexibility". This requires "key topics and issues to be covered during the interview", but ensuring "the structure is sufficiently flexible to prompt topics in the order most suited to the interviewee" (Legard et al. (2010), p. 141). This established semi-structured approach was followed to ensure themes like 'perspectives on punishment, individual responsibility and civic inspiration', were consistently raised. It allowed consistent comparison of pre and post-deliberation attitudinal shifts and experiences across all participants. Equally, allowing conversational flexibility helped elicit authentic and nuanced responses from interviewees. It also allowed for clarificatory questions, expanding on or going off topics, suitable for the fieldwork's inductive elements and openness to unanticipated insights. All interviewees were asked the topic guide's core questions.²³ Prompts were also prepared pursuant to guidance in qualitative methods literature (Legard et al., 2010), to encourage interviewees to expand on points. Interviewees' answers were also probed to encourage more depth or comment on feelings regarding their answers ('amplificatory probes' and 'exploratory probes'). Other probes sought clarification ('clarificatory probes') or explanation of reasons ('explanatory probes') on answers to key questions (Legard et al., 2010). For example, to explore perspectives on the causes of criminal behaviour, all participants were asked 'Why do you think people commit crime?'. If

²³ These are indicated by the black bullet point questions in Appendix 2D.

answers were minimal, prompts included ‘Are some people just bad people from birth?’, ‘Do people simply choose at a point in life to start being bad?’, and ‘Do you think there are any particular circumstantial reasons why people commit crime? If so what?’. Equally, questions were open ended. This reflected guidance in the methods literature to avoid leading interviewees towards preferred answers or failing to prompt sufficient depth to uncover nuance (Legard et al., 2010). The methodology for analysing transcripts, is discussed further below.

5.3.3 Deliberations

Deliberations were held virtually on Zoom due to government Covid-19 social distancing and public meeting restrictions. In-person deliberation is typically considered more conducive to higher quality dialogue, but virtual methods were a credible mitigation. Research finds it can be effective, still resulting in group consensus, opinion shifts and equally high quality dialogue when compared to in-person deliberations (Fishkin, 2009). Further, virtual methods could enable mass public participation as they are often more convenient or affordable for public participants (Ozanne et al., 2009, Fishkin, 2009, Gronlund et al., 2009, Wright and Street, 2007, Davies et al., 2009). Therefore the chosen methods contribute empirical insights into options for widening public participation and the associated public education benefits using virtual means, as theorised in Chapter 4.

Before consenting to participation, participants confirmed they could attend deliberations on the proposed dates in the information sheet. Following interviews,

participants were reminded of the dates by email, given Zoom details and asked to reconfirm attendance, and were reminded on the day by text message. Both participant groups attended two deliberations. Group 1 undertook theirs on 14 December 2021 and 13 January 2022, while Group 2 did theirs on 15 December 2021 and 12 January 2022. Again, deliberations occurred close to two weeks after the interviews to avoid participants being unduly led or influenced by their interviews if too proximate. Further, a month gap between deliberations was allowed, enabling participants the time to reflect on what they had heard. This was designed to avoid rushing participants so they were not overwhelmed with information. It also helped explore whether information for the first deliberation was retained. This was to investigate a key concern within the deliberative literature regarding the need to ensure deliberations are sufficiently intensive to have a lasting effect (Habermas, 1990, Carman et al., 2015).

‘Session 1’ involved expert presentations and ‘Session 2’ focussed on lived experience exercises; both outlined in more detail below. The distinct sessions helped generate data regarding the different impact of rational and non-rational or emotive framing on participant opinions and deliberative processes; uncovering unique empirical perspectives on the rational and difference democratic theoretical schools. It was informed by previous deliberative methods research that mixed formal information and artistic or emotional expressions; aiming to stimulate authentic dialogue and diverse perspectives to develop new understanding (Downey et al., 2009, Esterling, 2018).

Procedural legitimacy in deliberative democracy requires all participants have opportunities to contribute equally, including different forms of expression. It also requires the cultivation of a respectful atmosphere capable of helping participants find common ground and the injection of information and evidence (Knappe, 2017, Bachtiger et al., 2018). In contrast, ‘focus groups’ are principally concerned with understanding opinions in more detail within a group dynamic like market research on brands or political opinions (Finch and Lewis, 2010). It is not usually a process of collective problem solving or at least not with the procedural rigour of deliberation, like the procedural legitimacy points discussed above. Deliberative methods literature emphasises the importance of particular measures to avoid undermining these conditions. Spada and Vreeland (2013) say moderators:

“should promote the inclusion of all participants in the discussion...prevent disruptive behaviors and induce participants to listen to each other, allowing for as much diversity of opinion as possible. No single opinion should be privileged beyond the merits of its inherent rationality and logical appeal” (p. 1).

To ensure this happens and ensure ‘perceived fairness’, they highlight that studies show²⁴ moderators can undermine trust if they show favour for certain perspectives. Affirmative body language like nodding to statements with which the moderator agrees. Restating participant contributions but altering the meaning. Sharing one’s own expertise, thereby indicating preferences and knowledge. Only interjecting information supporting certain perspectives. Framing deliberations differently between groups. Behaving differently towards particular genders. Allowing certain participants

²⁴ Such as experimental research and analyses of deliberative exercises on participatory budgeting.

to speak for too long or too frequently. Being easily swayed or ingratiated by forceful participants. These are all key risks of biased or ineffective moderation (Spada and Vreeland, 2013). Further, Epstein and Leshed (2016) stress that moderators should not be too passive, potentially allowing certain individuals to take over. Ultimately, the goal should be:

“a respectful climate, encourage interactivity among the participants and between the participants and decision-makers or subject-experts, balance participation, situate the discussion within the political and legal context, and elicit relevant information” (p. 4).

This includes being non-judgmental on the substance and form in which comments are made, such as if someone was less articulate. It also involves demonstrating active listening, by responding to participants in a way that showed you truly listened to the substance of their contributions, e.g. summarising contributions back and checking for correct interpretation (Epstein and Leshed, 2016). These guidelines informed this thesis’ rules for effective moderation. I ensured balanced debate; giving each participant a turn to speak and ensuring speaking opportunities rotated without being dominated by certain individuals. I avoided interrupting participants, so they maintained their flow and did not feel silenced. I probed in a friendly tone if people’s facial expressions signalled confusion; ensuring not to make anyone feel self-conscious. Recognising some participants might be more or less articulate, I avoided being more affirmative, combative or patronising (e.g. oversimplifying a response), when responding to different participants. I also used these moderator rules as a framework for helping shape the session topic guides. For example, the guides insured instructions were the same for both groups and involved an ice breaker to help all

participants feel comfortable and valued, with all being encouraged to participate equally right from the start.

Guidance on effective moderation can also be found in focus group literature. This emphasises the importance of outlining the purpose and rules of the group and icebreaking to help manage any initial participant anxiety. It guides on moderation during discussions, such as remaining silent at points to encourage participants to fill the gaps and encouraging quieter participants by asking them directly. Further, as with effective interviewing, moderators should steer conversations to relevant issues and probe where appropriate. This includes encouraging reflections on comments from other participants, and specifically asking for any divergent views and reminding participants that disagreement is acceptable. This involved ensuring all contributions were acknowledged, responded to and revisited, particularly punitive statements and conflicting perspectives. Consequentially it helped prevent polarisation or dynamics undermining constructive debate. Combined these steps help ensure authentic discussion over conformity, but without negatively impacting participant flow and dialogue by interjecting too soon or too forcefully (Finch and Lewis, 2010). Again, these guides informed the moderation methods, including plans to probe, invite respectful disagreement and encourage contributions from quieter or more reserved participants. Likewise they informed the topic guide design,²⁵ which clearly outline the aims of the deliberation and principles of deliberative democracy such as listening,

²⁵ See Appendix 3.

mutual respect and turn taking. Vitally, frequent reminders were given to participants throughout the deliberation of the aims and principles, to ensure the objective and atmosphere did not stray.

Some deliberative exercises employ the use of neutral moderators (Spada and Vreeland, 2013). The limited resource and time in this research meant it was challenging in practice to ensure a moderator with sufficient understanding of deliberative principles could be identified. I have a detailed understanding of key deliberative principles from my research, and experience running and participating in many community settings, public debates and professional forums. I was therefore confident I could legitimately moderate the sessions in accordance with the steps outlined above. Specifically my experiences have involved promoting deliberative principles including in adversarial and highly emotive contexts on use of policing powers, questions of institutional racism and misogyny and human rights within technology. All have required moderating to ensure a neutral and balanced discussion between people with opposing views, working towards a shared understanding. This has helped me develop the skill to avoid interjecting with expert knowledge or being affirmative of things I agree with; maintaining neutrality, especially when my reactions are being scrutinised by the group. Equally, my political role regularly involved leading, persuading and influencing others. I therefore needed to ensure I was rigorous in pursuing the conditions discussed above, and avoided unduly influencing discussions and undermining deliberative principles. In particular, I avoided expressing my professional opinions and knowledge, recognising for some it risked being intimidating, polarising or persuasive given my role. These measures are particularly

important for interpreting Chapter 6, helping provide confidence that the group consensuses reached were based on authentic and mutual discussion.

Moderation risks being susceptible to researcher bias; influencing participants through direct interaction (Watkins and Gioia, 2015), including within participatory research (Cassell and Johnson, 2006). While this thesis seeks to uncover principles for real-world application, it is not positivist and does not seek laboratory reliability. Instead it accepts the complexity, diversity and fluidity of real-world political discourse. Nonetheless, measures outlined above aimed to ensure deliberations were moderated impartially. They were designed to enable balanced debate through conflicting presentations and participant contributions, and the data analysis was conducted with an open mind, including proactively seeking complexity and evidence that might conflict with this thesis' theoretical anticipations. It is recognised that with further time and resources other checks and balances could be built into this research design. Independent moderators or 'moderation of the moderator' could have been applied, such as an independent assessment of when the moderator might be inadvertently introducing bias.

5.3.4 Deliberation 1: exposure to experts

The detailed order and content of deliberations is outlined in Appendix 3, but these sections summarises the key elements including the format, rules, content and how the group dynamics were managed.

5.3.4.1 Format

Run over Zoom, deliberations lasted approximately 2 hours 50ms each. Session 1 started with the moderator's introduction and ice breaker exercise to relax participants, as outlined above. The introduction clearly summarised the format and the research purpose of exploring public opinion on crime and public debate. Participants were reminded of their right to withdraw and confidentiality, explained below in the ethics section. The moderator then outlined the key question for deliberation discussed below, and explained that the aim was to try and reach a group consensus. They then explained the process and the rules of participation, expanded on below.

The first substantive part of the session was an open discussion between participants around the question: "What would have the biggest impact on reducing crime in the community (e.g. violence or theft) in the long term?". This question was designed to address the gaps in the punitiveness literature discussed in Chapter 2 by uncovering what participants really feel about crime and solutions, but also the possibilities of shifting attitudes when discussed through substantive debate, under certain conditions. Following a comfort break, the next substantive section involved three expert presentations, elaborated on below. Participants were given a further break and time to reflect on the presentations to prevent them being overloaded, which risked undermining their ability to learn. An opportunity to question the expert presenters followed, with the session then concluding.

Deliberative methods often involve advance reading materials (Weeks, 2000), but this was considered disproportionate here due to the significant participant time commitment. Further, some may not have read pre-materials, or risked becoming confused without opportunities to seek immediate clarification regarding content. These possibilities could potentially impact group power dynamics, such as some being more informed or confident than others. By participating in pre-deliberation interviews however, it was hoped participants' thoughts on crime and confidence would be stimulated prior to deliberations. Participants were also given an advanced agenda for both deliberative sessions to familiarise themselves with the format and reduce anxiety.

5.3.4.2 Rules

As noted above with reference to Chapter 4 regarding the practical and procedural legitimacy conditions, 'deliberative rules' were outlined to participants at the start of both Session 1 and 2. Using the topic guide at Appendix 3 as a cue, the rules included trying to find areas of common ground, to be open-minded generally, open to learning new insights from other participants and to listen and respect all people's perspectives even when there is strong disagreement. Participants were also told they were of equal importance, had a right to contribute, and were encouraged to be open, honest and express themselves. They were asked to discuss reasons and solutions to the question with the objective of achieving consensus or a better understanding of each other's positions. However, they were reminded that it was perfectly acceptable to

respectfully disagree, with no pressure to conform. The ‘consensus’ objective is discussed further below under ‘dynamics’.

5.3.4.3 Content

Session 1 had three 15 minute ‘expert witness’ presentations; designed to ensure balanced debate. They helped explore empirically the impact of competing arguments and ‘rational frames’ on group discussions, and participants’ ability to acquire knowledge and reach consensus, as discussed in Chapter 4. This is consistent with the ‘citizens’ jury’ deliberative methods; prioritising the injection of expert evidence to groups representing diverse perspectives (Ghosh, 2010, Abelson et al., 2003, Ryfe, 2002). Likewise, balanced debate including presentations on diverging perspectives or different emphases, was integral for ensuring and empirically exploring legitimacy. This helped avoid undermining perceived or actual procedural authenticity by omitting competing arguments. The differing expert presentations were also influenced by Chapter 3’s discussion, and the risk of polarising if ‘frames’ are perceived to be misleading, including by what they omit (Jones and Exworthy, 2014). Based on academic and professional literature,²⁶ the expert presentations gave participants insight into policy alternatives frequently debated in the criminal justice arena. Further, they reflect my experience of key public debates within my work as Assistant Police & Crime Commissioner, including my board roles relating to youth crime, public health

²⁶ See Appendix 4, including for references to policy reports and literature outlining the different arguments.

approaches to addiction, violence against women and girls and criminal justice reform. The presentations also outlined the links between childhood trauma/hardship and crime, effectiveness of progressive prevention (e.g. developmental crime prevention), opportunities for avoiding crime costs and the Social Sustainability Frame. This was to explore specifically the theoretical position on framing adopted in Chapter 3, which proposed an economic frame on crime to be explored empirically in this thesis.

The next presentation involved common arguments for alternatives to prison as the primary solution (Lockhart-Mirams et al., 2015), including community surveillance, tagging, enforcement based supervision and more intrusive community orders alongside rehabilitative measures. This was followed by arguments prioritising prison, including around deterrence, punishment, retribution and public safety. Again, such arguments are still frequently made in public debates, such as rules advocating life prison sentences for drivers that kill by speeding (Cross, 2021). All presentations were carefully worded for accessibility such as avoiding unnecessarily academic phraseology; consistent with previous deliberative methods (Abelson et al., 2003). A glossary was also prepared, although participants' education level appeared to render this unnecessary in practice.²⁷

5.3.4.4 Dynamics

²⁷ For more detail on the presentation content see Appendix 4.

A key element of the deliberation's dynamics was the moderator's role in maintaining the focus on the exercise's aim. In Session 1 the moderator presented the key question and solutions for preventing crime in the long term. It was made clear that Session 2 would afford participants more time to reach a consensus around a set of statements, in answer to the question. It was therefore made clear that Session 1 was to hold 'an initial conversation' to share perspectives on the question, followed by an opportunity to hear diverging perspectives through expert presentations. It was therefore a 'foundational' Session, helping prepare participants for Session 2's collaborative exercise. The key question was however repeated by the moderator throughout both deliberations, including before the expert presentations, to help focus participants' minds on the core objective of deliberating. Participants were also frequently reminded to try and find 'solutions' to this question, to help make conversations constructive and create a sense of collective responsibility.

By asking what would 'have the biggest impact' the question invited open mindedness to multiple ways of tackling crime, rather than 'one right solution'. The question focussed on crime 'in the community' to ensure conversations remained relevant and interesting to participants, rather than capturing remote issues like regulatory white collar crimes. By focusing on the 'long-term', participants could reflect on 'social reform' rather than immediate measures that might limit the imagination. This again was informed by Chapter 3's discussion on the importance of reframing debates. Consistent with tasking participants to find a consensus over 'collaborative policies or plans' in other deliberative methods research (Ryfe, 2002), the groups were to try and

present 'agreed key statements' in answer to the question. Equally groups were asked to outline key areas of 'common ground' and 'differences' in opinion, if consensus was not reached. This was influenced by the discussion in Chapter 4 highlighting the potential benefits of coming to amicable disagreements but with greater mutual understanding of diverging views (Estlund and Landemore, 2018). It also sought to cultivate a positive deliberative experience generally, potentially stimulating other benefits such as civic inspiration, as observed in previous deliberative research (Timotijevic and Raats, 2007). In either case, the writing of statements was to be aided by the moderator, but diligently representing the participants' accurately to minimise moderator bias. Statements were carefully checked one by one with the group to confirm agreement; ensuring any agreement was authentic and procedurally legitimate. In practice, participants did reach consensus, detailed in Chapter 6.

The 'experts' delivering presentations were three different policy officers within the West Midlands Police and Crime Commissioner's Office (PCC) – chosen as experienced civil servants, practised in presenting information calmly with political neutrality, consistent with their civil service codes of conduct. They also have specific expertise communicating complex policy accessibly for diverse communities within the West Midlands, where the participants live. Having policy officers present also helped limit risks associated with academic presenters; experienced in 'persuading' public audiences or projecting their own researcher bias. These efforts to ensure accessible and neutral expert contributions are consistent with measures in previous deliberative methods research (Abelson et al., 2003, Carman et al., 2015, Timotijevic and Raats, 2007, Ozanne et al., 2009, Button and Mattson, 1999) and this thesis' conclusions around procedural fairness discussed in Chapter 4 and above. Finally, having PCC

policy professionals helped explore empirical insights into the practical feasibility of Devolved Deliberative Democracy and this thesis' discursive deliberation position. This is because it explored whether they or individuals in similar circumstances could plausibly oversee, contribute to or deliver public deliberation through devolved authorities in the future. Before the deliberations, the PCC policy officers were asked to consider the presentation content and comment on whether, in their judgement as criminal justice professionals, they were fair reflections of the different policy positions. This helped check for researcher bias, thereby supporting procedural legitimacy.

To maintain participant engagement throughout the deliberations, the moderator took steps to continually encourage all to participate including quieter participants. The moderator also looked for any participant discomfort, and offering gentle encouragement as appropriate. They ensured participants questions were answered, including counter or conflicting arguments, to encourage respectful and balanced debate. For example, during Session 1 for Group 2, I noticed one participant had not spoken. When there was a gap in dialogue, I asked in a friendly voice "[Samson],²⁸ did you have any thoughts?". This appeared to give Samson confidence, and was followed by an insightful contribution on what he had heard, and particularly how pro-education arguments had resonated with him. Another example in the same group, involved a participant giving a long contribution in response to expert presentations on community rehabilitation and early intervention. A participant named Danny expressed scepticism about prevention efforts and queried whether too many people claim to

²⁸ A pseudonym was ascribed to each participant.

have mental health or welfare needs but actually have ulterior motives. When his contribution was met with silence, he appeared to feel uncomfortable and said in a self-conscious way “I don’t know maybe I’ll leave it at that, I don’t know if it’s making any sense”. To ensure he felt heard and respected I said in an upbeat and friendly way, “no, I think that’s a helpful contribution”. I then ensured the expert presenters responded to the points raised, saying “Brendan and Georgie....what is the evidence for the argument you’re presenting?”. When closing the first session, the moderator asked participants to reflect on participants’ contributions, discussions and expert presentations. They were also again reminded that in Session 2 the aim would be to reach agreement on a set of statements regarding the central question, elaborated upon below.

5.3.5 Deliberation 2: lived experience and seeking consensus

The detail of Session 2’s order and content is also in Appendix 3, with this section highlighting key features.

5.3.5.1 Format

Session 2 involved two exercises exploring real life stories of being pulled into crime to invoke more emotional responses for participants. This was followed by a final participant discussion and the consensus exercise noted above. This focus on reaching a consensus arises from Chapter 4’s theoretical conclusion that a consensus

is desirable for stimulating public attitude shifts favouring progressive crime prevention. Pursuing a consensus through the methods, therefore helped empirically explore these theoretical propositions. Session 2 opened with reminders of Session 1's presentations and participant discussion, the deliberative rules and the objective of trying to reach a consensus. The dynamics section below, as well as a fuller discussion in Chapter 6, discuss the steps taken to support participants in this exercise.

5.3.5.2 Content

There were two key pieces of content in Session 2. First was a lived experience presentation lasting approximately 15 minutes, showing a video of a man who had been in and out of prison for various crimes following a tragic childhood story. The lived experience presenter was accessed through my links to Justice Network; a criminal justice practitioner network including lived experience peer workers. Briefed on this thesis' objectives, the presenter consented to sharing their experiences of life before crime, committing crime, criminal justice and rehabilitation (note ethical considerations below). This represented an 'emotional frame'; exploring its impact on participants' empathy, appreciation for contextual influences on crime, emotional responses and their interrelation with rational frames. While Chapter 2 highlights theoretical literature suggesting negative emotions drive punitive behaviour (Lacey and Pickard, 2015), this presentation aimed to stimulate sympathy and empathy for the presenter's traumatic life story. It thereby helped frame the debate around preventing childhood trauma and its consequences for offending. Incorporating this

presentation was informed by the ‘difference democrat’ and Emotional Loop theoretical analysis in Chapter 4 and Chapter 3’s discussion on the link between framing, emotion and underlying beliefs. Specifically, it helped explore how emotive content and emotional frames may help participants empathise with new perspectives and shift crime attitudes.

The second content device, was a written case study. To further encourage empathetic responses, participants were asked to read to themselves a short first-person account of an individual’s life from childhood to committing serious crime. This was a roleplay exercise adapted from a real life West Midlands Police case study called Craig’s Story (West Midlands Police, 2016) – see Appendix 5. Participants were then asked to imagine they were ‘Craig’ and that the story was about them. The case study was constructed by rewriting the police’s time series account into the narrative, to make it easier to engage with than police diagram. It was succinctly written with the intent of making the events clear and understandable using accessible language; making it easy to digest in story form. Using a ‘story’ to express complex and emotive issues, was informed by previous deliberative methods (Deveaux, 2018). As with the lived experience account, the case study was to help explore the role of emotion in generating empathy or reframing emotions to support non-punitive responses.

5.3.5.3 Dynamics

A dilemma in the dynamic in Session 2, concerned how the lived experience presenter contributed. Initially they were to present live virtually, but logistics and the presenter’s

mild anxiety meant a short video clip was filmed and presented to both groups instead. This reduced the presenter's anxiety, while ensuring consistency between groups. However, participants could not ask the presenter questions, limiting their opportunities to develop a deeper understanding. Had the presentation and deliberation been in person, it may have engendered a greater personal connection between the presenter and participants; potentially enhancing any emotional impact. However, previous deliberative methods find virtual content is still effective (Fishkin, 2009) and so it was felt using a video would not necessarily limit this research. It also ensured the presenter was protected, consistent with ethical concerns around lived experience participation raised in Buck et al. (2021). This was a particularly elevated risk given their story involves extremely sensitive memories of abuse, care, addiction, unemployment and imprisonment.

The final stages of Session 2 allowed for group discussion on proposed solutions and seeking consensus around agreement on statements.²⁹ This process was consistent with previous deliberative methods, that involve presentations, followed by deliberative debate to reach a consensus on recommendations (Ryfe, 2002, Ozanne et al., 2009). Again, Chapter 6 discusses the consensus in greater detail, explaining how the process can give confidence regarding their authenticity. In summary however, it involved the moderator facilitating each group to try and reach a consensus on key

²⁹ As noted above regarding Session 1, this was done by framing both the deliberative sessions and instructing participants around the core aim of collectively generating solutions. This was in response to the core question introduced at the outset and through the deliberations: what would have the biggest impact on reducing crime in the community in the long term?

policy recommendations in the form of statements, around the core question noted above. It involved the groups proposing and agreeing key statements, which the moderator helped summarise, check with the groups and redraft as applicable. This contrasted with, for example, consensus through voting. The consensus exercise was made easier by the moderator reminding participants of the questions and consensus task throughout both Sessions; helping participants absorb information with this in mind. As in Session 1, the moderator sought to ensure deliberative principles were maintained; reminding participants there was no obligation to agree, consistent with the moderator guidance in Finch and Lewis (2010). This was to prevent a forced inauthentic consensus, and to maintain perceived fairness. Even if a consensus could not be reached, fair moderation was integral for exploring the potential implications of perceived fairness on other deliberative benefits such as civic inspiration. This helped explore Chapter 4's theoretical conclusions on procedural legitimacy. Session 2 was concluded by thanking participants for their contribution and reminding them of their post-deliberation interviews.

5.3.6 Post-deliberation interviews: exploring opinion shifts

Approximately two weeks after the deliberations, each participant sat a second one hour semi-structured interview, between 25 January and 31 January 2022 and arranged at interviewees' convenience. These explored opinion shifts, acquired knowledge and perspectives, changes in civic interest and general reflections about the deliberations. Again, as with the pre-deliberation interview, questions sought qualitative empirical insights into Chapter 4's theoretical positions. The two week gap

allowed participants to reflect on the deliberations; exploring whether new participant insights survived a time lag. This helped investigate whether the deliberations were sufficiently intense to have more than a temporary impact, informed by Carman et al. (2015). Post-deliberation interviews were carried out with the same efforts to ensure participant comfort and authenticity as with the pre-deliberation interviews discussed above. The semi-structured and open-ended questions are shown in Appendix 2D.

Influenced by previous deliberative literature, interview questions were designed to explore shifts in opinions and attitudes in greater depth (Graham and Tamara, 2003), as well as participants' feelings about the exercise itself and impacts like civic inspiration (Deng and Wu, 2010). This helped ensure interviews could generate insights central to the theoretical conclusions that deliberation can shift attitudes on crime. The in-depth methods also allowed nuance around the extent of and reasons for opinion shifts; providing depth missing from the punitiveness literature discussed in Chapter 2. Questions specifically looked for changes in response to the pre-deliberation questions, as well as additional queries about participants' thoughts on the deliberation. This included reflections on the deliberative content and group consensuses, whether positive or negative. The latter was considered particularly important for understanding participants' honest perspective on the consensus in the absence of pressure from other participants, whether actual or perceived. The queries on content were integral for uncovering empirical insights into Chapter 3's analysis on opinion formation. For instance, queries asked specifically about participants' reflections on expert presentations to explore the role of rational frames. Following an ice breaker to aid participant comfort, interviews opened with queries about the deliberative exercises. Following guidance on interview structure from Legard et al.

(2010), it started with a ground mapping query asking what participants felt about the deliberations generally. It then asked dimension mapping questions focussed on the degree to which participants agreed with others and, if applicable, their group's consensus. Participants were not reminded of the groups' agreed statements unless they asked to be, to avoid inadvertently leading answers. Examples of this are discussed in the findings chapters. Other questions focussed both on their experiences of the exercise in more general terms such as whether it helped widen their perspective, and more specific dimension mapping questions focussed on their thoughts on crime. This included querying post-deliberation views on punishment and the social factors behind crime such as asking 'To what extent did these discussions help you reflect or not on your beliefs about crime and the causes of crime?'.

As with the pre-deliberation interviews, most questions contained prompts to help uncover more detail when needed. For example, when asked about the impact of the lived experience account, topic guide prompts included further questions designed to uncover insights regarding Chapter 4's theoretical conclusions. For instance, 'Did the presentation provoke any emotional response?', 'Did this emotional response impact on what you feel is the best way to prevent crime in the long term?' and 'Did it provoke sympathy, anger, a mix or something else?', were all asked to explore whether emotional frames and knowledge arising from the lived experience presentation were impactful for participants' views on crime. A similar approach to the pre-deliberation interviews was taken to probing responses. For example, when participants said they found the deliberation to be positive, exploratory probes sought further detail. This explored signs of civic inspiration or whether there was any genuine appetite to participate in deliberations going forward. On concluding, participants were told

interview answers and deliberative discussions would be analysed to help understand people's views on crime in more detail, and whether discussions like this could help create collaborative proposals on long term crime prevention in the future.³⁰

5.4 Uncovering depth

The analysis process for participant interviews and deliberations, was undertaken with reference to Ritchie and Lewis (2010). First the data was managed through developing the thematic framework, labelling and summarising the data. Secondly analysis outputs were generated from descriptions of the data including: categories for deliberative dynamics; a participant typology; and an explanatory analysis that interweaves the dynamics, typology and deliberative group consensuses. These outputs are discussed in detail in Chapters 6 and 7.

This chapter is unique for articulating methods that move beyond the criminological literature's focus on the 'theoretical' advantages of deliberation within criminal justice (Blaustein, 2016, Ryan, 1999, Rowan, 2011, Indermaur et al., 2012). Theoretical analysis has discussed deliberative elements within actual criminal justice processes like problem solving courts or restorative justice (Yanase, 2016, Parkinson and Roche, 2004). It has also deployed methods like deliberative polls which are quantitative in

³⁰ Participants were also reminded at this point of their rights pursuant to research ethics, discussed in detail below.

nature, and other lighter touch methods that do not provide detailed qualitative analyses of crime deliberations (Luskin et al., 2002, Virta and Branders, 2016, Higgins, 2020). The interview methods in a criminal justice context however, combined with speech analysis elements discussed in this section, offer unique methodological contributions to the existing literature.

This thesis also draws from other deliberative methods for informing its analysis of the interview data and speech analysis regarding the deliberative exercise itself. Deng and Wu (2010) explored group level opinions such as group consensuses, and at the individual participant level. This inspired this thesis to use interviews to understand participants' experiences of the deliberation in depth. It also analysed the groups' consensuses as applicable, recognising individual versus group perspectives may offer different dimensions to the debates on consensus discussed in Chapter 4. The in-depth analysis also allowed the investigation of nuances regarding participant knowledge acquisition, and the degree of their actual agreement with the group, pursuant to Chapter 4's discussion on knowledge and legitimacy. The details of the interview analysis methods are expanded on below.

Regarding the speech content of deliberation rather than participants' views on the deliberation itself, a detailed account of methodology is given in Fairclough and Fairclough (2012). They advocate a framework specifically for deliberative and political discourse analysis, exploring the depth of reasons and arguments surrounding political 'solutions', 'actions' and 'narratives'. Given Chapter 3's analysis on opinion formation including evidence and framing, these analysis methods draw elements

from this framework to inform its thematic coding of interview data. This is outlined more specifically below in relation to the analysis stages in Ritchie et al. (2010). Further, Fairclough and Fairclough (2012) helped inform the analysis of group discussion and dynamics, again interweaved with the discussion below.

5.4.1 Analysis stages

5.4.1.1 Coding

The analysis methods were informed by the well-established ‘thematic framework’ approach, with the collected data being organised “according to key themes, concepts and emergent categories” (Ritchie et al. (2010), p. 220).³¹ Studies using this framework start with a series of main themes, subdivided into other topics, which evolve throughout the analysis process (Ritchie et al., 2010). First the raw data undergoes a ‘data management’ stage. This involves an initial identification of themes and sub-themes, which in this case were mainly derived from the interview topic guides and the familiarisation of the collected data. This included a review of some of the interview and deliberation transcripts/recordings, used to label, sort and compare the raw data (Ritchie et al., 2010). In the broadest terms, the developed framework

³¹ This methodology is established by scholars experienced in evaluating the quality of qualitative methods more widely, as seen in SPENCER, L., RITCHIE, J., LEWIS, J. & DILLION, L. 2003. Quality in Qualitative Evaluation: A Framework for Assessing Research Evidence. Online: Cabinet Office.

focussed around two key research objectives. These explored the ability for deliberation to shift attitudes and help participants reach a consensus, and then separately the dynamics involved in the deliberative process, such as those related to knowledge, framing and perceived legitimacy of the deliberation. The themes ultimately developed are outlined in the framework in Appendix 6. Certain themes evolved throughout the analysis process. In summary, themes were mainly constructed with reference to the theoretical discussions throughout this thesis and the corresponding interview topic guides which were also structured around the theoretical discussions. Participant responses to the topic guides and contributions during the deliberations also helped inform the framework themes. Finally, they were also informed by the argument analysis features in Fairclough and Fairclough (2012), such as themes representing reasons for arguing a particular point.

Illustrating the above, both the topic guides and aspects of the Fairclough and Fairclough (2012) framework, were derived from the theoretical discussions in Chapters 2 to 4. For instance, evidence of 'attitudinal change' represented a key theme within the coding framework, arising from the theoretical discussion in Chapter 4 around the potential for deliberation to shift opinions towards a consensus. To reflect this, relevant sub-themes included 'deliberation was valuable', 'deliberation was educational' and 'participant perspectives were influential'. A further overarching theme was 'crime costs', with sub-themes being 'crime costs arguments are persuasive', 'reasons for crime costs arguments being persuasive', or 'crime costs are persuasive for supporting punishment'. These themes reflected Chapter 3's theoretical discussion on the potential persuasiveness of economic frames on crime. They also reflected Chapter 4's discussion on the role of expert contributions, with crime costs

representing 'rational frames'. They further reflected the fact the participant interview topic guides also asked questions on 'crime cost' arguments pursuant to the theoretical discussions, which therefore generated data around this theme.

Other themes identified using the theoretical discussion and topic guides concerned 'emotion derived from deliberative content', pursuant to Chapter 4's discussion on emotion as knowledge and the value of non-rational expressions. It also included a theme around 'deliberation considered valuable' and 'individual civic inspiration', capturing data relevant to the theoretical discussion on perceived procedural legitimacy. Thirdly, actual participant responses during interviews and contributions during deliberations helped triangulate the themes in topic guides when forming the coding framework. These included statements affirming the themes and topic guide headings such as 'reasons given for favouring crime cost arguments'. Sub-themes capturing 'reasons' for or against the persuasiveness of crime costs narratives, were also informed by Fairclough and Fairclough (2012), which emphasises analysing data by breaking arguments down into their different components. This includes assessing reasons offered by participants to justify their stance.

New themes also emerged during the analysis process including from contributions made during the deliberation, and were added to the framework. This included, for example, the sub-theme of 'contradictory opinions or expressions' under the broader theme of 'the impact of the process of deliberation', with specific examples of 'contradictory' statements to be discussed in Chapter 7. This reflected an 'abductive' coding approach, which allows for unanticipated inductive insights (Charmaz, 2017,

Mitchell, 2018) and therefore newly constructed concepts not envisaged within Chapter 4's theoretical framework (Van Maanen et al., 2007, Mitchell, 2018, Charmaz, 2017). This flexibility was particularly important for deliberative methods, informed by Chapter 4's theoretical discussion on 'procedural legitimacy'. This requires that deliberations are run without fixed ideas regarding the 'right' outcome, to ensure it is truly authentic (Timotijevic and Raats, 2007, Deng and Wu, 2010). The inductive approach therefore maintained an open-mindedness to unexpected complexity within participants' statements during interviews and deliberations. Equally, the anticipated theme that deliberation might incur 'negative emotions' was not found within the collected data, and therefore not used. Appendix 6 identifies other themes that emerged during the process, underlined as applicable. Further, headline themes and sub-headings were deliberately kept broad in meaning, so that complex and nuanced participant statements were not reduced, simplified or separated from their fuller meaning and context. For instance, one sub-theme captured 'Personal work expertise/profession/life experience influential in deliberation'. While this theme was specific enough regarding lived experience to be distinct from for example 'expert evidence was influential', it was also broad enough to be used to label very different statements on personal experience. It could capture for instance both positive work or negative personal experiences. This allowed nuances to be captured while keeping sight of their conceptual links to 'knowledge by experience'.

Themes are usually listed in an index which may evolve throughout the process, with sub-themes listed underneath. The data is then labelled under these themes (Ritchie et al., 2010). For this thesis, all interviews were recorded by Dictaphone and all deliberative sessions by video on Zoom, with prior informed participant consent. The

data was labelled according to the themes after listening back to audio recordings of the interviews, transcribing, and indexing under the appropriate labels. The same was done following a review of video recordings of the deliberations. Where data fell under more than one label, it would be indexed in both places to capture relevant overlaps. For example, certain statements made by participants were labelled under a sub-theme related to 'the roleplay exercise was educational' and also a separate heading of 'deliberation invoked emotions'. This was because applicable content often interwove these dimensions within a statement, i.e. the roleplay involved an emotional response that participants suggested they found educational. Specific examples will be explored in the following chapters. When statements only partially related to a sub-heading, more of the participant statement was recorded to capture the nuance, caveats or elements falling outside of the broad categorisation. For example, as discussed in the findings chapters, some participants found 'avoiding costs of crime' arguments persuasive but caveated their perspectives. Although such statements were coded under 'Costs of crime persuasive', the nuance and caveats were also captured here, and considered further in subsequent analysis stages.

Deliberative sessions were mostly not transcribed given that the main focus of analysis was on pre and post-deliberation interviews. However the dialogue was still labelled with a time stamp and noted under the relevant themes, and returned to when analysing the group dynamics, discussed further in Chapter 7. Further, the process of labelling itself helped identify new themes, as noted above. This process took approximately six months, resulting in a document close to 200 pages and 80,000 words.

The data labelling stage is followed by “summarising or synthesising the original data”. This seeks to reduce the material to ensure it is “more manageable” while being careful not to lose “the essence of the original material” through too much “interpretation” and wrongly dismissing data as “irrelevant” when it is conceptually ambiguous (Ritchie et al. (2010), p. 229). This process can involve the formation of charts, in which summarised data is charted next to main themes and sub-themes, while seeking to strike the right balance between retaining “the language of the respondent” and “not recite quotations” (Ritchie et al., 2010). This thesis was informed by this approach but did not follow it exactly. It used the themes in the framework to create a table for every participant merging their pre and post-deliberation data to show each participant’s opinion journey. Within these tables the themes, like those discussed above, represented ‘summaries’ of the data, e.g. ‘deliberation induced interest in debate’ or ‘evidence did not influence debate’. The themes within the thematic framework were therefore used as part of the summarising process. However this was done with an open mind, accepting that certain headings might not be applicable or sufficient when it came to carefully reviewing all of the data. This approach worked because the themes used for labelling were often sufficient to capture the substance of applicable data. Transcribed sections of the data were extracted from the audio recordings of interviews and placed into the tables under themes/summaries, with a time stamp so the full quotation could be re-examined later if needed. The reliance of transcribed statements rather than summaries alone, allowed the original data to be retained as closely as possible and allowing for participant character to be reflected in the findings. However, judgments were also made about which parts of a larger quotation were not necessary to convey the meaning of the applicable theme. While this did involve a

very large amount of data being placed under headings which is a risk identified in Ritchie et al. (2010), a judgment was made that it was not too overwhelming. It therefore did not inhibit developing a coherent overview of the data. Not all data that was labelled was transcribed for the purpose of placing it under summary headings/themes, and where it was not, an interpreted summary was produced of the applicable data. Given that the labelling stage involved inserting transcribed data under the themes in the thematic framework as described, it effectively meant the labelling and summarising stage occurred simultaneously. As noted in Ritchie et al. (2010), “This is possible if the data are very orderly in their structure either because of the form of interview conducted, or because of a very precise structure within the topic guide” (p. 225). The interviews were very focussed on the theoretical dimensions in Chapter 4. While very different opinions were expressed between participants, the data could therefore be summarised fairly easily under themes. At the same time, distinctions and nuances were easily drawn out from clips of verbatim text and summaries in the next stage of analysis, e.g. descriptive accounts.

5.4.1.2 Descriptive process

The ‘descriptive analysis’ stage involved the “detection” of “substantive...dimensions”, “categories” and “groups of categories” within the data (Ritchie et al. (2010), p. 237). This is done by a systematic review of the summarised data and aggregating all of it into higher order categories. This includes groups based on similarities and differences between participants in opinions or experiences expressed in the data (Ritchie et al., 2010). This thesis drew on this process to identify various dimensions

for full discussion in the findings chapters. Dimensions and categories were iteratively drawn out and recorded in writing in the tables for each participant, where relevant. For example, in the process of synthesising the labelled data, one dimension identified was 'crime cost arguments are persuasive'. This captured the interpretation of participant statements that suggested they generally found persuasive arguments for crime prevention to prevent crime costs. On further analysis and familiarisation of the data, it became apparent participants falling within this dimension varied. This led to three higher level categories designed to group participants according to their different perspectives. This include being categorised as 'very convinced', 'convinced but requiring more evidence' or 'convinced but seeing economic arguments as secondary to moral arguments', discussed in detail in Chapter 7. In turn, these 'crime cost argument' categories were abstracted to an even higher order classification, entitled 'influential deliberative dynamics'. This higher order classification also encompassed other categories arising from the data, such as 'deliberation was educational' and 'deliberation inspired'.

Typologies are usually "multifactorial classifications" (p. 244) and can help distinguish participants based on certain dimensions, once the previous stages are completed (Ritchie et al., 2010). This informed this thesis' exploration of whether a participant typology existed in this study, such as differences based on their attitudinal shift, e.g. significant versus minor opinion changes. Investigating the existence of a typology was considered appropriate given Chapter 4's discussion around the complexity of public opinion, crime views and also the potentially varied impact of deliberation across different people. For instance, participant punitiveness levels could realistically impact their amenability to a progressive consensus on crime, and those with punitive views

could have different characteristics to those with pre-existing progressive views. The process was iterative, with ‘types’ only emerging after an initial familiarisation with the data once lower and higher order categories had emerged. Ritchie et al. (2010) state that “It is the cases that fall between categories or do not seem to fit neatly into any of the categories that are key to developing a strong typology” (p. 245). This includes “bringing to light a missing dimension” to “suggest an extra typological category”, as applicable. This guided this thesis’ process, which involved analysing careful distinctions and similarities between participants based on their punitiveness and attitudinal shifts, to justify the typology’s authenticity with evidence. For instance, the discussion in Chapter 6 highlights how certain participant statements required very close examination in order to assess whether there had been any opinion shift at all. Further, discussions in Chapter 7 will highlight variations between participants within types. For instance, while a type might have participants with multiple commonalities, some may have been more amendable to emotional frames than others. This therefore looked for different layers of complexity across participants and within types. Appendix 6 outlines an example of a ‘Type’, compiled from constituent ‘descriptive categories’.

5.4.1.3 Explanatory analysis

Explanatory accounts looks at “multiple associations” or “links” between “two or more phenomena” (Ritchie et al. (2010), p. 248). These are often inspired by patterns that “emerge at a much earlier stage”. Here, various links were explored between participant statements and their ‘type’. It also looked at associations between the impact certain deliberative dynamics had on individual participants, their contributions

within deliberations and their reflections on the group consensuses. For example, certain participants were categorised as being 'punitive' due to their statements, which was relevant to their typology. Further associations were then explored regarding the impact of expert information presented to them during the deliberation (e.g. a deliberative dynamic) and how this influenced their agreement to the group consensus. These associations therefore explored greater depth to the interrelation of these categorisations; conducted by analysing labelled data to interrogate hunches. Using the example above, this explored evidence from their specific statements that expert knowledge influenced their attitudinal shift and perspective on the group consensus. Consistent with Ritchie et al. (2010), such explorations were verified by reference to other cases, looking for other similar associations, distinctions or reasons for why participants within the same type might vary (i.e. looking for outliers). The discussions in Chapter 6 and 7 offer explanations given to any purported associations, which largely drew on Chapter 4's theoretical framework as a guide for offering explanations around these phenomena. For instance, discussions of the typologies and their interrelations with the dynamics of deliberation, relied on past literature and theory on the mechanics of opinion formation in Chapter 3. This helped interrogate data for evidence that might explain the potential impact of rational and emotional frames for stimulating attitudinal shifts, and a willingness to reach a progressive consensus. Further, a "whole group analysis" involved an explanatory assessment of the groups' consensuses with reference to the theoretical framework, explored in Chapter 6. For instance, explanatory analysis around the group consensuses link back to Chapter 4's discussion on 'perceived legitimacy'. This looks at the overlaps between individual participant statements about the consensuses and its implications for consensus authenticity. The attempt to explain patterns by reference to a theoretical

framework is consistent with the methods literature (Ritchie et al., 2010). The outputs of this analysis start in Chapter 6 which discusses the typology and group consensuses. Chapter 7 discusses findings around deliberative dynamics. The conclusion chapter will also consider the transferability of these findings to a wider social context. This will assess the reliability of any assertions around transferability, and its implications for future research (Ritchie et al., 2010).

5.5 Putting participants first

Identified ethical issues are briefly outlined below, and were granted formal approval from the University of Birmingham's ethics committee prior to the fieldwork's commencement. Guided by key ethical considerations in Lewis (2010), this includes how participants were informed about the research objectives, their rights regarding confidentiality, data and withdrawing, and how methods sought to protect them from harm.

To obtain informed consent an information sheet given to all potential and actual participants outlined the research aims of the process.³² This included emphasising the objective of inspiring confidence and interest in public deliberation, and the process of pre-participation survey, interviews and deliberations. It explicitly stated that

³² See Appendix 2B.

participants were not obliged to participate and that the research had no surprises, tests or trickery. This was to prevent anxiety associated with failure, low performance or embarrassment. It was explained that while the Police and Crime Commissioner had part funded the research, the police were not connected to the research in any way with no data access. This was to alleviate participant concerns regarding police involvement or that their data could be used against them in some way. Participants were given the information sheet and their acknowledgement of having read and understood that was sought before they conducted the pre-deliberation survey. The information was discussed with participants again before conducting interviews, with their explicit consent obtained and recorded again. Participants were reminded of this and all of their rights including confidentiality and right to withdraw at any stage. Participants were also asked in advance whether they had any accessibility needs, such as with reading the roleplay exercise or access to adequate online facilities. No issues arose.

The initial survey used for identifying participants for the full study, clearly stated there was no obligation to answer questions or any question which made them uncomfortable, such as details about educational attainment that they may consider private. It stated clearly that all answers were strictly confidential, anonymised in research write-ups, password protected and for the purpose of this research only. Potential participants were however encouraged to answer all questions if comfortable doing so. It was explained that without complete answers it might be challenging to identify and invite appropriate individuals to participate further.

All attendees, other than the PCC Office presenters, were given two sets of £25 Amazon Vouchers for their time. The information sheet stated that the first payment would come after completion of the pre-deliberation interview and the two deliberations. Payment was for the considerable time commitment, consideration for participants' unique insights and because some participants had low income. Payment for the latter was in appreciation for their time sacrifice. Further, previous deliberative research has found that non-payment can result in lower participation from people on lower incomes (Binnema and Michels, 2022). Aside from the small research budget, the payment was deliberately modest to reduce the likelihood of participants feeling they needed to perform in some way, or obliged to attend due to problems like caring responsibilities. Further, the risk of 'performing' was considered low because participants were reminded frequently to be honest, with no pressure to find agreement with others. The research aims were also expressed with sufficient neutrality that it seemed unlikely participants would anticipate any obligation to offer particular opinions for payment.

Regarding confidentiality and data storage, in the initial pre-participation survey, all participants ticked a box providing their consent to completing the initial survey and having their answers stored and analysed. Consent forms obtained explicit consent to record all Zoom meetings and/or interviews using video/Dictaphone/phone recording, to be securely stored on the University's data storage system, analysed and transcribed. Consent was also given to use their data in any write-up of this thesis or however disseminated, provided participants remained anonymous. Equally, the consent form was clear participants would not be anonymous within deliberations, as other participants were present.

The information sheet explicitly highlighted participants' right to withdraw at any time and request their data be deleted. Participants were reminded of this right and their right to confidentiality generally at every research stage, including both interviews and deliberations. However the information sheet was also explicit about the deadline for requesting data deletion; to be no later than 15 days after participants' second interview. In practice, no participant has requested such.

The pre-participation survey was purposefully non-intrusive. It only asked about high level opinions on crime rather than personal experiences, to avoid triggering potentially traumatic memories of crime where applicable. In practice, no obvious trauma-triggering incidents occurred. The information sheet and consent form explained that deliberations would involve discussing some upsetting topics, including in the lived experience presentation and roleplay exercise. The references to traumatic childhoods including violence and sexual abuse risked triggering participant distress, in its own right or because of their own life experiences. The consent forms and moderation during deliberations therefore emphasised participants' right to withdraw at any time including for this specific purpose, take breaks or refuse to divulge anything sensitive. Participants were continually monitored throughout including during interviews for any obvious distress, ensuring specific reminders could be given to them of the right to withdraw. Participants were also checked on after their post-deliberation interviews. They were given contact details if they wished to raise any issues and reminded of a range of contact details for support services regarding mental health

and abuse. Again, it did not appear any trauma issues arose, although the advice signposting helped mitigate if concerns arose privately.

Prior written consent was sought from the lived experience contributor to ensure they were comfortable sharing their personal story. I obtained assurance regarding their experience delivering such presentations, to protect their wellbeing and ensure the presentation was appropriate for the deliberations. This included speaking to a peer support worker of theirs at their employer, with the presenter's consent. For instance I checked whether they were able to communicate their story effectively without triggering their own or others' distress. The presenter's wellbeing was checked on following deliberations, with no concerns reported.

Deliberations were held virtually due to Covid-19 social distancing restrictions on in-person events; rendering the health and safety analyses for in-person facilities irrelevant. As moderator, significant care was given to ensuring 'respectful dialogue' to prevent rising tensions during deliberations and protect participants and myself, particularly given the sensitive nature of crime. This included advance reminders to participants that deliberative principles require listening and engaging with each other's perspectives respectfully; aiming for shared solutions. Informed by the guidance on effective moderation to ensure respectful discussions in Finch and Lewis (2010), moderation ensured throughout that all participants could contribute and that their contributions received appreciation irrespective of content. For example they were thanked for sharing perspectives or acknowledged with positive facial expressions. Moderation ensured dissenting opinions received answers and were not ignored, and participants were reminded to try and present solutions to challenges.

There were regular breaks to prevent stress and tiredness and clarifications were made addressing any confusion, complex terminology or concerns. Reminders regarding the deliberation schedule were also made to prevent participants from feeling confused by the process and preventing participants interrupting each other.

CHAPTER 6 PROGRESSIVE SHIFTS AND CONSENSUS: EVIDENCE FOR ENHANCED PUBLIC DIALOGUE

6.1 Consensuses and participant opinion journeys

The findings from the interviews and deliberations outlined in the research methods are divided into two chapters. This chapter presents two major themes. First it presents empirical findings that unveil a participant typology, showing difference between post-deliberation attitudinal shifts between participants. Here it also signals the mechanisms behind those shifts, laying the foundations for a fuller discussion in Chapter 7. Secondly it outlines and discusses the progressive consensuses at which both deliberating groups arrived. Combined, this thesis finds that all participants agreed to progressive objectives, underwent a progressive opinion shift or had progressive views reinforced. Equally, it finds significant variation between participants, opinion complexity and inconsistencies. For the purpose of these findings, 'progressive' means perspectives that advocate preventing or supporting people through problems that increase their risk of crime such as addiction or mental ill health. This is informed by the discussion in the introduction around tackling the causes of crime (Aptus, 2022) and framing in Chapter 3 (Lakoff, 2017, Farrington and Welsh, 2014). These emphasised social and environmental influences on crime beyond individual choice; contrasting with punitive frames that advocate punishment for perceived failures in individual responsibility. The following findings should be interpreted through this lens.

Chapter 2 highlighted theoretical concerns over punitive public sentiment and therefore a desire for enhanced public dialogue on crime (Garland, 2021). An analysis of crime opinion literature presented research demonstrating the power of information within deliberation to increase participants' knowledge (Chambers, 2018) and successfully challenge punitiveness (Mitchell and Roberts, 2012, Aviram, 2015). However, the literature lacks a thorough investigation around the practical means of public deliberation to embrace these and other opinion formation dynamics. This chapter therefore advances our understanding regarding the plausibility of widening public participation in deliberation, a public consensus on crime and the advantages of democratic reform (Dryzek, 2002). It also develops our understanding of deliberative 'mechanisms'; uncovering reasons behind opinions shifts; setting the scene for Chapter 7.

Chapter 4 adopted a theoretical position proposing deliberation should strive for consensus (Bachtiger et al., 2018), to stimulate progressive social movements. The detailed discussion in this chapter of progressive consensuses reached by participants in this thesis' fieldwork, therefore furthers our understanding around the nature, authenticity and advantages of deliberative consensuses, with reference to Habermas (1990) and Bell (2022). Chapter 4 also recognised the benefits of both rational (Habermas, 1990) and emotional (Deveaux, 2018) discourse, including those challenging underlying ideology (Green, 2014). Here 'reason' and 'emotion' are presented as distinct forms of knowledge and frames relevant to shifting attitudes. This thesis proposes they are inherently interconnected, an Emotional Loop, informed by discussions on 'emotion' by Lacey and Pickard (2015) and Hookway (2013). Contributing empirical insights regarding these theoretical positions, this chapter

demonstrates the impact of both factual and emotional knowledge. It therefore informs how similar public deliberations on crime could be replicated for social benefit.

6.2 'Opinion change' Typology

The participant typology to be discussed arose from the thematic analysis of participant interview recordings following Ritchie et al. (2010). This explored evidence of attitudinal changes, reasons given and the variation between participants based on ideologies and experiences. Through labelling the interview data and identifying categories such as evidence that participants 'learnt from deliberation', a higher order 'typology' could be identified. This illuminated key similarities and differences between certain participants depending on their degree of attitude shift, or not as applicable. The table below summarises the types identified.

Table 1 - Typology

Type	Key features of Type
Affirmed Progressives	<i>Participants whose progressive views were mainly affirmed, rather than changing or becoming more progressive.</i> <i>This meant pre-existing views around social factors behind crime such as poverty and their focus on providing support to prevent crime, remained</i>

	<i>largely static or were occasionally strengthened following deliberation.</i>
Minor Progressive Shifters	<i>Participants whose views became slightly more progressive.</i> <i>This meant those with pre-existing punitive views such as focussing on punishment for failures on individual responsibility, became slightly more appreciative of the social factors behind crime and advantages of supportive interventions post-deliberation. However, they still remained more committed to punishment than progressive participants and maintained notable scepticism of progressive solutions.</i>
Significant Progressive Shifters	<i>Participants whose views became significantly more progressive.</i> <i>This meant those with pre-existing punitive views such as focussing on punishment for failures on individual responsibility, became significantly more appreciative of the social factors behind crime and advantages of supportive interventions post-deliberation. They typically changed their emphasis towards being significantly supportive of progressive approaches. However, they still remained more committed to punishment than progressive participants, although not as much as 'Minor Progressive Shifters'.</i>
Identified Affirmed Progressive	<i>A participant identified as progressive despite initially being categorised as punitive.</i> <i>This meant that on closer inspection, they matched the description of 'Affirmed Progressives'. The case illustrates however the complexity in identifying pre-existing views, especially through shallow survey methods.</i>

The following sections will discuss evidence for each Type based on participant contributions; highlighting how these empirical insights contribute to key theoretical debates on knowledge, consensus, legitimacy and the critical theorist school of deliberation. To help navigate the following sections, the below table outlines the participant profiles within the two groups, with some terms deliberately vague or omitted to maintain participant anonymity. These profiles are also relevant for the discussion later in the chapter on why differences arose between the two group consensuses.

Table 2 – Participant Profiles

GROUP 1		GROUP 2	
Participant	Profile	Participant	Profile
Laura	<i>Family support worker; progressive, active in community, A levels, 56-65, white British, woman, heterosexual, disability</i>	Daisy	<i>Disability support worker, progressive, active in community, degree, 46-55, white British, woman, heterosexual</i>
Gregory	<i>Community leader, progressive, active in community, postgraduate degree, black-African, man Christian, heterosexual, disability</i>	Samson	<i>Housing local authority team, progressive, not active in community, A Levels, 36-45, black-Caribbean, man, no religion, heterosexual</i>
Zahra	<i>Housing Support officer, Punitive, active in community, degree, 26-35, Asian-</i>	Martin	<i>Accountant, punitive, not active in community, professional qualification and degree, 18-25,</i>

	<i>Pakistani, woman, Muslim, heterosexual</i>		<i>white British, man, no religion, heterosexual</i>
Sinead	<i>Cleaner, punitive, active in community, degree, 36-45, white British, woman, heterosexual, disability</i>	Sophie	<i>Family support worker, progressive, not active in community, degree, 36-45, white British, woman, heterosexual</i>
Hannah	<i>Disability support worker, progressive, not active in community, postgraduate degree, 56-65, white British, woman, no religion, heterosexual</i>	Danny	<i>Counsellor, progressive, active in community, postgraduate degree, 46-55, mixed white black-Caribbean, man, atheist/agnostic, heterosexual</i>
Peter	<i>Local authority officer, progressive, active in community, postgraduate degree, 56-65, white British, man, no religion, bisexual</i>	Larissa	<i>Public sector worker, punitive, degree, 46-55, white British, woman, Greek orthodox, heterosexual, disability</i>
Jason	<i>Trade union officer, punitive, active in community, degree, 26-35, mixed white black-Caribbean, man, Christian, heterosexual</i>	Lindsey	<i>Family support worker, progressive, active in community, postgraduate degree, 56-65, white British, woman, no religion, heterosexual</i>
David	<i>Senior social worker, progressive, not active in community, degree, 46-55, mixed white-Asian, man, Christian, heterosexual</i>	Rishi	<i>Accountant, punitive, not active in community, professional qualification and degree, 26-35, Asian-Indian, man, no religion, heterosexual</i>
Jonathan	<i>Youth worker, punitive, active in community, degree, 36-45, black-Caribbean, man, Christian, heterosexual</i>		

6.3 Affirmed Progressives

Affirmed Progressives made up 10 of the 17 participants; evidently a significant proportion of all participants. As discussed later in this chapter, this indicates the

sample was skewed towards a progressive leaning; highlighting important caveats to the overall findings including the group consensuses. First, this section outlines the characteristics of Affirmed Progressives. Based on the analysis of their pre-deliberation surveys and interview recordings, all Affirmed Progressives demonstrated pre-existing progressive views on crime. All strongly emphasised the social influences on crime and the importance of prevention, rather than personal responsibility or punishment (Matthews, 2005, Carvalho et al., 2020). Illustrative examples presented below demonstrate the different components of and diversity within 'Affirmed Progressives'. While it confidently concludes Affirmed Progressives exist, the imprecision of the type honours deliberative theory's recognition of complexity in public opinion (Parkinson and Roche, 2004). This is true of all types discussed further below.

6.3.1 Pre-existing progressiveness

Participants' pre-existing progressive views was the benchmark for identifying their 'affirmed' progressive attitudes post-deliberation. David aged 46-55, of mix ethnicity (white/Asian) and Christian, is a senior social worker in the West Midlands, degree educated, with considerable experience in youth offending and crime prevention work. Like all Affirmed Progressives, his initial survey clearly presented low punitiveness. David concludes punishment and prison are not the best response to crime, and that people are not always responsible for their own crimes. When asked in the survey if the system should be harsher, David writes:

"I believe a complete review of the criminal justice system is necessary- particularly HMPS-levels of recidivism, the numbers of people in prison with

significant mental health issues, learning disabilities, substance misuse problems and other social harms such as deprivation, suggest that the criminal justice system in many respects is not fit for purpose – either as a deterrent or as part of rehabilitation for offenders”.

David therefore evidently rejects punishment-orientated justice; concerned about the justice system’s failure to address underlying needs and social influences on crime.

Like other Affirmed Progressives, David passionately and proactively articulated his unequivocal belief in the social causes of crime. In his pre-deliberation interview he says “even as a victim of crime...I still...think about the social context, about the inequalities in this country that you know more often than not lead to criminality”. He repeats concerns over prison, saying “it doesn’t work...that’s not just an opinion, that’s twenty years of visiting...I’ve never really felt that I’ve had an experience where you go...’this is good for rehabilitation’”.

Professional experience frequently appeared to influence participant views. Chapter 7 will build on the associated theory around experiential learning in Chapter 2 (Galvin and Simmie, 2017). Relevant here, David recalls his own professional experiences, saying during his first interview:

“I don’t believe people are born criminal...the hundreds and hundreds of people I’ve ever worked with...the criminal justice system is filled with people who are from deprived areas...the data is there...people with mental health...trauma, adverse childhood experiences...for me that’s the absolute starting point”.

Advocating for reform, David says:

“it’s completely underinvested in...that’s children’s services, that’s the criminal justice system, preventative earlier identification, earlier help...we need more in terms of that spend to save...criminal justice spend...certainly on the prison estate...I’d imagine it’s massive. I think if we start to reconfigure and review fiscal processes at the highest level of government...why aren’t we loading more preventative spend and resource into those schools”.

Throughout both interviews, including these statements, David firmly emphasises poverty, disadvantage and traumatic experiences as causes of crime. He correspondingly advocates progressive early intervention, with deep scepticism over punitive approaches like prison. His sentiment is strongly held, evidenced through his repeated emphasis on social influences on crime throughout his interviews, and his commitment to the view notwithstanding having been a victim of crime. David’s reference to “preventative spend” also indicates his sympathies with economic arguments. Chapter 7 builds on this, highlighting how these empirical insights inform the discussion on economic frames in previous chapters (Weeks, 2000, Aviram, 2015).

A further example is Laura, who like David is unambiguously progressive already. A white woman, 56-65, active in the community, with a disability, educated to A-level and working in children’s services, Laura recognises the social influences behind crime and argues, “there’s an awful lot of people in prison who absolutely shouldn’t be” and that society “demonise[s] criminals as well”. Arguing punitive responses are ineffective, Laura says “I don’t think that fines work, because all you’re doing is getting

somebody into more poverty so that they have to do more to make the fine” and “prison sentences should be the last resort”. Speaking passionately, and relying on personal experiences, she reflects:

“The whole idea of demonising the working classes, of which I’m very much a part – I come from very working class roots – and sort of demonising them as less than and the choices that they made”.

Again, empirical insights into personal experience as a mechanism behind opinion affirmation or shifts are discussed in Chapter 7. The other Affirmed participants made similar statements, with Laura and David being indicative examples.

6.3.2 Reaffirmed progressiveness

Deliberative literature usually presents examples of deliberation shifting perspectives or helping participants reach a more harmonious disagreement (Fishkin, 1996, Cohen, 1998). The post-deliberation interview analysis however, found unique insights showing Affirmed Progressives did not change their opinions, but affirmed or increased their confidence in pre-existing views through reasoned discussion. This contrasts with concerns that public debate can lead to ideological polarisation, in which perspectives are entrenched through defensiveness (Muirhead, 2010). For example, social worker David concludes repeatedly that the deliberations mainly affirmed his views, noting:

“I don’t think it’s massively changed. My views on this kind of work, on criminal justice, institutional disadvantage...I believe we should be intervening kind of earlier...I’m fairly certain on what’s the right kind of...approach”.

Questioned on the impact of the expert presentations and roleplay exercises, David confidently concludes they affirmed beliefs. On the expert presentation emphasising early intervention, he notes “that social investment is clearly...that’s my kind of world I guess...that was persuasive because that’s what I believe”. On the roleplay, David recalls “it just completely reinforced my professional view”. David’s stance is a clear example of a member of the public with progressive views. While the punitiveness literature (Pratt, 2007) does not suggest there are ‘no’ progressive members of the public, David’s unequivocal progressiveness challenges the literature’s homogenous depictions. Therefore, before further analysing the impact of deliberation on his attitudes, these findings alone provide confidence that a more nuanced perspective is needed when considering what constitutes ‘public opinion’. For instance, not only does the punitiveness literature not identify the fact people like David exist, but it does not consider how many ‘Davids’ might exist, or why David believes what he believes. Even literature that identifies how information can shift views (Carman et al., 2015), does not explicitly highlight the existence of educated progressive views within the public. This finding underscores the advantage in qualitative methods for exploring public opinion diversity and complexity; a necessary precursor for the discussion below.

Other Affirmed Progressives were equally unequivocal post-deliberation that their professional and life experiences meant their progressive stance was unchanged. For some, deliberations strengthened views by inspiring greater confidence. However the

difference between those whose views were 'affirmed' versus 'strengthened' were too small or ambiguous to constitute distinct types for the purpose of the typology. Consider Laura who suggests new learning from deliberation strengthened her progressive stance, saying:

"it slightly amended....especially with the money side of things, I think I understood it's yes, how these things are being planned...is more of an issue than money because we live in a country where there's plenty of money".

This highlighted her new awareness of strategic early intervention investments. The nuances of the impact of economic arguments like these, are discussed in Chapter 7. Laura's new appreciation of progressive investment however, mainly supports rather than intensifying progressive views; best captured when she says "Yes, I feel as though I did absolutely learn...I learned that I'm not the only person who feels the depth of all this" and "it all feels a bit like tinkering around the edges...I feel more conscious of that". Her comments here suggest Laura feels her views have been validated, rather than changing or intensifying.

Gregory is a black Christian man, with a disability, educated at postgraduate level, active in the community and running a third sector organisation. Like Laura, deliberation was educational but mainly reaffirmed progressive views. Pre-deliberation, Gregory emphasises environmental causes of crime noting:

"there's always a causality...although some people know right and wrong...the more you talk to people the more that they can see that certain behaviours were modelled at their childhood or in school...there are other influences that, you know, kind of override and overrule people".

Notwithstanding his pre-existing knowledge, Gregory says he learned from deliberating, commenting that:

“discussion helped to, helped me to understand a bit what’s going on with addiction services...how long addiction struggles have been seen...in the community...it’s very different to youth violence, very different to domestic abuse...and how organisations tackle addiction challenges”.

Equally, Gregory says “I think it kind of just solidified, it didn’t really change anything”. Gregory therefore demonstrates variability within Affirmed Progressives; acquiring new knowledge, but progressive views mainly affirmed. Again, empirical insights into knowledge acquisition as a deliberative mechanism, is explored in Chapter 7 building on epistemic theories of deliberation (Estlund and Landemore, 2018). Taken as a whole however, Gregory is sufficiently close to others in this type to be classed as ‘Affirmed Progressive’. This is because he shares the key features set out throughout this section; pre-existing progressive views, progressive views mainly reaffirmed albeit in slightly different ways and very moderate perspectives on punishment. What this slight variation shows however, coupled with others small variations noted in this chapter, is the challenge in neatly categorising individuals based on opinions. This is due to the interpretative reality of analysing complex qualitative data, requiring judgments to be made on degrees of similarity and differences without firm data points (Ritchie et al., 2010).

To further illustrate the within-type variation, Hannah, a white woman, 56-65, disability support worker and postgraduate educated, shows signs of ‘strengthened’ views, rather than simply ‘affirmed’. Pre-deliberation she demonstrates progressiveness with

comments like “I always think in most cases there’s probably a reason for the behaviour” and “I do think of prisons...and I don’t always see that as a positive image”. She also stresses environmental factors over personal responsibility, saying “there would have been influencing factors which may have led to ultimately this crime happening”.

Post-deliberation however, distinct from other Affirmed Progressives, Hannah says views strengthened, concluding they “probably strengthened to a certain extent, because it was interesting to hear the other takes and also to hear the success stories...that reinforced what we’d said really”. The difference is slight and not strong enough to indicate a separate category of ‘progressives whose views intensified’. For instance, despite suggesting views strengthened, Hannah confirms “I don’t think I altered any views...a lot of it I was in agreement with”. Discussing the lived experience presentation, Hannah recalls:

“I thought it was very moving, I thought it was very brave...I couldn’t get over the way...it took him all those years, nearly two thirds of his life potentially...it reaffirmed the importance of giving people hope”.

By saying the deliberation had “reaffirmed”, she mirrors most Affirmed Progressives. She is also in the ‘acquired knowledge’ grouping as she reflects “I felt I learned quite a bit, from the different professional perspectives”. Learning from other participants, and the emotional impact of lived experience presentations, is considered further in Chapter 7.

Like Hannah, Danny's progressive views have been sharpened by deliberating and he learned from other participants' perspectives, notwithstanding having a clear pre-existing belief in the role of poverty and disadvantage in causing crime. Of white and black-Caribbean background, Danny is a psychotherapist, age 46-55, active in the community delivering youth activities, and educated to postgraduate level. Danny denies however that his progressive views have intensified. Departing from other Affirmed Progressives, Danny is distinct from criticising other progressive proponents, recalling:

“this idealism...it was quite politicised, I felt it came from a certain kind of way of thinking...let's just educate...it was a bit like dodging the hard bit of the questions...what do you do for people that doesn't work for? Or what about overreach?”.

Here, Danny is concerned there is too much reliance on education. Reiterating his frustrations, he adds:

“this panacea that education, all we need to do, get the kids earlier...it's almost like let's take the kids off the parents and educate them properly because the parents can't do it. That's not at all what these people think, I think, but that seemed to me like the logical conclusion...and not very much appreciation of the dangers of that”.

Notwithstanding his critique, Danny maintains the key characteristics of Affirmed Progressives; initially progressive, with views mostly affirmed.

6.3.3 A punishment consensus

Despite favouring progressive solutions, Affirmed Progressives consistently supported punishment to varying degrees; pragmatically accepting its necessity such as prison for public safety. This finding is important, because it suggests Affirmed Progressives were not polarised by deliberation towards a 'solely' supportive perspective. Instead it shows that views remain complex even when a progressive consensus mainly affirms certain participants' views. This helps address concerns around polarisation in existing deliberative literature (Muirhead, 2010). From another perspective, deliberative literature considers how critical theorists seek to challenge elements of neoliberal governments, including imprisonment and punishment of poorer communities (Dryzek, 2002, Wacquant, 2009), discussed in Chapter 2. The Affirmed Progressives' commitment to punishment suggests limitations in deliberation's ability to challenge the deep rooted belief in the necessity of prison. For instance, post-deliberation, David says prison is necessary for serious crimes, and that both punishment 'and' rehabilitation are needed:

"in terms of substance misuse, institutional disadvantage, kind of taking things because actually you haven't got enough money or because of other related issues...I think there's a lot more we could do as well as punishing people".

Other Affirmed Progressives advocated prison for violent and sexual crime, seen as necessary for 'public safety', to demonstrate 'consequences' and maintain 'public order' by satisfying public outrage. This contrasted with other participant types to be discussed, for whom punishment is considered intrinsically valuable, beyond its public

protection utility. Laura's beliefs stand out compared to other Affirmed Progressives, arguing adults are more deserving of punishment, saying pre-deliberation:

"I think when it comes to adults, when it comes to very serious crime, when it comes to organised crime, that's a different story...your brain is fully developed and you absolutely have no excuses"; and

"there's a retribution part of the criminal justice system and prison...should not the victims have part of the solution to the crime". Her views are however moderated with pre-deliberation statements on social factors and prevention, noting "punitive, just doesn't work". Post-deliberation her generally progressive orientation is still captured when she says:

"there's still that attitude that children are little adults and they're not...and the way their brain develops...we would do well to look at that early years' experience for children and how we can support families at that point".

Affirmed Progressives also maintained expectations of restoration and proportionality within prison. Sophie, Gregory and Danny all expected 'consequences' for crime, but not necessarily 'punishment'. Sophie, a white British woman working in schools, 36-45, captures all of their sentiment, saying:

"any custodial sentence should go hand in hand with therapeutic support and rehabilitation and education, and I don't think we should just be locking people up...because that's not resolving any of those issues".

The findings across all participants, including Affirmed Progressives, indicate a 'punishment consensus', i.e. all agree on the importance of 'punishment' within a

criminal a justice system. Discussions between participants advocating a radically reduced prison estate or abolition could possibly change this, but that requires further investigation. Either way, the 'punishment consensus' presents a potential limitation on progressive arguments and critical theorist objectives of challenging current political and economic paradigms. Tunick (1992) discusses the notion that retribution is not inherently punitive, with his definition of retribution emphasising offender atonement through rehabilitative activities. Affirmed Progressive stances on punishment could be similarly characterised, for seeking rehabilitation within a framework that considers punishment essential for violent offenders. Chapter 2's discussion highlights how the punitiveness literature depicts retributive sentiment in a more binary way, suggesting punishment supporters are inherently vengeful or disproportionate (Dzur, 2012). This thesis' findings however, present a middle ground. First there appears to be a well-informed commitment to punishment with views mainly focussed on evidence-backed rehabilitative approaches. This suggests believing in punishment does not automatically equate to the retributive streak presented in theoretical literature. Simultaneously, it suggests a commitment to punishment is sturdy, appearing to support the punitive literature's generalisation of strong public support for punishment. This raises the question of whether more could be done to stimulate 'more' progressive views, as noted above regarding abolition policies or more radical approaches to reducing incarceration. As such, this finding of 'punishment support' offers nuance and further avenues to explore theoretically. This includes questioning how problematic or not this 'punishment consensus' is, and empirically whether punishment support could be deconstructed through differently formulated deliberation. This empirical depth adds richness to the punitiveness

literature, demonstrating the advantages of deliberative methods for uncovering and engaging this complexity in public opinion.

In summary, Affirmed Progressives consistently back progressive crime prevention before and after deliberation. For some, deliberation strengthened or sharpened views through learning, but for others it simply confirmed pre-existing beliefs. Affirmed Progressives were pragmatic about punishment, typically believing prison is needed for serious crime to maintain public safety, provided it includes rehabilitation. This type shows deliberation need not shift all participants' opinions to achieve a consensus; uncovering complexities in the uneven impact of deliberation across participants. The process of affirming views also points towards various deliberative mechanisms discussed in Chapter 7, including persuasiveness of economic narratives, civic inspiration, acquired knowledge and the impact of dialogue.

6.4 Minor Progressive Shifters

Two of the 17 participants were Minor Progressive Shifters; their 'moderately' punitive views becoming slightly more progressive following deliberation. These participants developed a slightly greater post-deliberation appreciation for the social factors behind crime like poverty. However, they remained sceptical about the potential to prevent crime through supportive interventions. They also remained more committed to notions of punishment, compared to participants undergoing more significant progressive shifts. The type shows deliberation can shift views in practice, contributing empirical richness to the deliberation and crime literature such as in Ryan (1999),

Sundt et al. (2019), Rowan (2011), Fishkin (1996). Important for justifying this thesis, the discussion below outlines deeper qualitative insights regarding the nature and extent of attitudinal shifts; setting the foundations for Chapter 7's discussion into 'how' and 'why' shifts occurred.

6.4.1 Pre-existing punitiveness

This section highlights participants' pre-deliberation punitiveness as a benchmark for identifying post-deliberation opinion shifts. A white British accountant called Martin, male, 18-25 and degree educated, demonstrates punitiveness in his pre-deliberation survey. Here he indicates a belief that punishment is necessary, with preferences for prison and harsher sentences for reducing crime. During his first interview Martin stresses individual responsibility over circumstantial influences on crime, saying "I'm quite a strong believer in individual autonomy...take responsibility for your own actions". His perspective on individual responsibility, and that of other 'punitive' participants outlined below, shows a commitment to neoliberal conceptions of people as rational actors making emotionless choices. These are punitive for ultimately proposing punishment of people who are victims of circumstance; adding empirical depth to how 'punitiveness' manifests in real opinions. In particular, it helps substantiate punitive theories that describe capitalist societies as demonising poor people forced into crime; depicting them as rational actors choosing crime, thereby criminalising poverty (Wacquant, 2009). Martin however also notes:

“I am also conscious of the other side that people and I probably include myself in this have a better start in life than others, so there’s more reasons than others to maybe commit crime and where there’s financial strain and that kind of thing”.

His acknowledgement of financial hardship and challenging circumstances, is expanded on below. Alone, it suggests Martin is not very punitive, or at least that he feels conflicted given a recognition of causal factors of crime. However, contrasting with Affirmed Progressives, Martin reiterates ‘personal choice’ explanations of crime, saying:

“equally I do think there’s things you can do to stop getting into that position, and that’s sort of back to that responsibility point sometimes, although it’s unfortunate some people have got a harder start in life, maybe it’s their responsibility in some aspects to sort of work their way out of it, although I do sympathise with their position a lot”.

Martin sympathetically acknowledges hardship, but ultimately expects individuals to navigate that through taking responsibility. He also advocates deterrence to prevent crime; contrasting with Affirmed Progressives’ preference for supportive prevention. Pre-deliberation, Martin says “my instinct would probably be along the lines of there’s got to be an element of punishment within the system to provide that deterrent I guess” and “I’ve not committed a crime, but what would stop me from doing it is that deterrent element as well as the moral side”. Martin’s punitiveness is also demonstrated by his pro-prison stance, stating “I do think it’s a powerful deterrent”, “prison works as a concept” and “maybe there should be, in my view, a harsh line of those individuals, possibly through longer sentences”. The word ‘harsh’ clarifies his perception that prison should be ‘punishing’ rather than rehabilitative. He adds, “some people are

beyond reforming, and although I'm not a fan of capital punishment, I do believe those people should be in prison sort of for the rest of their lives". Sceptical about reformation, Martin appears to believe some people are 'bad'. This is clearly inconsistent with progressive perspectives on rehabilitation and addressing the trauma that increases the risk of crime. Correspondingly Martin prioritises law enforcement solutions for reducing crime, rather than addressing root causes, saying:

"I think bobbies on the beat would be my first instinct on it, and I know sort of stop and search is quite controversial in the last few years with how it's been used and that kind of thing...I definitely think I would support sort of stop and search, potentially more stop and search powers being utilised or being given to the police maybe...I'd definitely lean towards giving the police more powers".

Combined, Martin's statements illustrate a punitive starting position. Below however, evidence is presented suggesting a post-deliberation shift towards a slightly more progressive stance.

With a social science degree, of Greek Orthodox faith, with a specific learning difference, Larissa is a white British woman working in a public body's support services, her age not stated. Her pre-deliberation survey indicates punitiveness, concluding punishment is always necessary and people are always individually responsible. Unlike Martin, she is sceptical about prison or harsher punishment always being the answer, but nonetheless supports longer prisons sentences and capital punishment in some circumstances. The latter places her firmly in the punitive camp. In her pre-deliberation interview, Larissa emphasises personal responsibility and punishment, suggesting "if you can't do the time don't do the crime"; indicating limited

sympathy around the circumstances behind crime. Larissa also acknowledges hardship as an influential factor but appears less forgiving, noting “I think everybody is responsible for their own actions. I think circumstances and poverty and other people are not to blame as such but contribute to it”. Asked if some people simply choose to be bad, she says:

“yeah I do, I do think there are some people born bad...I’m just thinking of people like...the Wests. When did they become bad? When did they decide that that was okay to do what they did? Is there bad bones in their body”.

She adds “I think probably all crimes need a punishment”, and again advocates capital punishment, proposing “the law could define ‘well he murdered so he’s got to be hung’, because he murdered, whether he got intent or not”. Underscoring her punitiveness, Larissa explains “prison is the worst place, which it should be because it’s a punishment...it’s dirty, it’s cold and it’s whatever, you get crap food”. Believing punishment should be ‘unpleasant’ clarifies her punitive expectations of hardship over rehabilitation.

The discussion above could be interpreted as indicating ‘significant punitiveness’, especially the references to capital punishment. However, participants made various caveats presenting more nuanced perspectives on punishment. Minor Progressive Shifters therefore gave cause to conclude they were only ‘moderately’ punitive’, principally because of their recognition of causal issues like poverty or mental ill health. They also acknowledged ‘support’ could prevent or reduce crime, such as for young people. Existing deliberative literature, including that which references criminal justice, lacks detailed analyses of pre-deliberation opinions beyond numerical measures of

perspectives on particular issues (Fishkin, 1996). This section therefore adds empirical depth, finding complex pre-deliberation views cannot be categorised as 'punitive' without qualification. Punitiveness theories often describe 'punitive publics' as being completely punitive or deriving satisfaction from punishment (Carvalho and Chamberlen, 2018). These findings add confidence to those studies that identify more nuanced public perspectives, like Roberts and Plesnicar (2015) finding greater public acceptance of judicial leniency when provided sufficient social context behind one's offending. In this case, it finds people with punitive views can also have a degree of understanding of social factors behind crime. Uniquely however, it shows more nuanced views can be uncovered even before any new information or deliberative process, when explored through deeper qualitative methods. It therefore adds new depth to what it means to be 'punitive', while empirically reaffirming the challenges in ascertaining true opinions through simplistic survey methods or without substantive dialogue as discussed in Chapter 2 (Mitchell and Roberts, 2012, Hough and Roberts, 2017).

Other examples of punitiveness being moderated include Martin's initial survey response. Here he ticks boxes indicating he does not always think punishment is appropriate and opposes capital punishment; suggesting lower punitiveness. As already noted, he also acknowledges in his first interview how poverty can push people into crime, alongside the significant value of rehabilitation in prison, helping people on low incomes, support for parents and additional help in education contexts. Pre-deliberation, Martin says:

“definite socio-economic aspect to it, where some people may literally not have the money to survive...where you live definitely got to be a massive factor, so for example maybe lead towards gang and the sort of county lines drugs culture...is what I would see as the main drivers there”.

Emphasising education he says:

“definitely...some people you see at school and you think they’re destined for a life of crime...definitely a lot of value in actually sort of nubbing the problem before it becomes an issue and I’m definitely supportive of the education side of things on that”.

Together, Martin’s comments present a pre-existing appreciation for progressive public health solutions over law enforcement or punishment. However, as will become clear below, the deliberation appears to shift his views from this pre-deliberation point including its more punitive elements, to a more progressive stance post-deliberation.

Despite Larissa’s openness to extreme punitiveness through capital punishment, she frequently acknowledges social circumstances increase the risk of crime. Pre-deliberation Larissa says “I am quite open minded, and I do realise that sometimes there are crimes that are committed or accidentally committed that punishment doesn’t fit all...very varied”. She elaborates noting “I think a lot of times personal circumstances does...especially when people are that desperate”. Giving an example, she says “although there is coercion...it’s difficult for some people to get out of that situation, without thinking the only way out is if I kill them or kill myself”. She is clearly sympathetic about killing in self-defence, perhaps against an abusive partner. Contradicting previous comments on imprisonment she also says “I think prison is an

awful place but it's a place that can make a lot of people worse than they are already, because it's just full of drugs". Her apparent appreciation for rehabilitative environments signal lower punitiveness, and will be discussed further in Chapter 7 regarding evidence of participants' contradictory views. However, the totality of her comments, developed below, still highlight her more general punitive stance.

6.4.2 Deliberation caused minor progressive shifts

Minor Progressive Shifters underwent 'minor' post-deliberation attitudinal shifts, from punitive to less punitive. This was 'a noticeable opinion shift' but not a complete change. The qualitative insights outlined below will in turn add unique contributions to the existing literature on deliberative opinion shifts like in Kim et al. (2009) and Wright and Street (2007), developing our understanding on 'why' opinion changes happen and vary, specific to a crime context. Minor shifts were evidenced by a greater recognition but not unwavering acceptance of the social influences behind crime, like early intervention to prevent child criminality. They were also more amendable to arguments around society's moral obligation to prevent crime and rehabilitation. Asked if the deliberation influenced him, Martin concludes "I probably softened on some of the more rehabilitation sections but it always confirmed to me that yeah I'm a bit tougher on certain aspects of crime". Here he expresses greater confidence in rehabilitation, but confirming his generally harder stance. Martin's word 'softened' characterises the 'minor' nature of his change, rather than words like 'transformed' or 'revelation' which would indicate a dramatic new perspective. Nonetheless, his

'rehabilitation' reference suggests the expert presentations and participant contributions influenced him, with such dynamics to be developed in Chapter 7.

Notably, Martin mostly agreed with the deliberative group's statements which were overwhelmingly focussed on early intervention. He says:

"Yes I agreed with the preventative approach...I think there were some sort of differences still. I'm not sure we had one agreed approach as a group...the general concept I agreed. There was nothing anyone said I wholeheartedly disagreed...Broadly speaking I was sort of content with all the ideas".

Although he qualifies his statement by recalling "differences", it generally indicates greater interest in progressive solutions, compared to his law enforcement preferences pre-deliberation. The 'minor' nature of Martin's post-deliberation shift however is evident when he suggests the group's solutions are idealistic, concluding "I'm just not convinced they would actually work in the real world". This scepticism shows there has been no wholesale opinion change. Further his 'agreement' to his group's statements despite remaining sceptical, has further implications for how we interpret the nature and extent of the groups' progressive 'consensus', discussed below.

Offer comments do however clearly demonstrate Martin's attitudinal change. He concludes "I do genuinely think it has sort of changed my...opened up my eyes" and:

"I definitely think the group discussions impacted on it. I hadn't thought too much about it. Going into the exercise I think my views were probably more

along the hard line kind of perspective, so probably tougher on crime potentially”.

Asked about his support for prison post-deliberation, Martin suggests reduced confidence, noting “maybe moved from that position”. In contrast to the state’s role in administering justice, he now talks of society’s moral obligation to prevent crime, saying:

“I think it’s definitely a moral obligation...for the benefit of society as a whole really...I do think as a society we have a responsibility to support those who are less fortunate for sure...support those people, and reduce the likelihood of crime for those people...equality of opportunity...it’s a moral opportunity to potentially protect people who could be a victim of crime”.

He adds:

“from a very young age...increase the education...I would definitely support that...that will ultimately benefit society if they’re sorted or moulded around that, those common values. And if I was to pick up on a single view that I thought was most convincing that would be the one”.

Compared to Martin’s pre-deliberation policing emphasis, his increased support for prevention confirms Martin’s shift. These nuances add thoroughness to our understanding on ‘why’ a shift occurred. This would be difficult to discern from a deliberative poll (Luskin et al., 2002) relying on numeric shifts on opinion scales. It is clearly difficult to say from these statements to determine the resilience of his shift. The post-deliberation interviews were conducted approximately two weeks after the second deliberation, indicating some lasting effect to these views. However, it is not clear whether the change would last longer or survive should he be exposed to more

punitive arguments again. Further research looking into longer lasting effects, or the resilience of attitudinal shifts when placed into other polarised contexts, should explore this more thoroughly. This point highlights further reasons for the relevance of polarising post-truth media dynamics (Boyte, 2017) discussed in Chapter 3, and whether these proliferating influences would be powerful enough to undo deliberative outcomes. Further, it raises questions around the deliberative literature regarding the required 'intensiveness' of deliberation for long-lasting impacts (Carman et al., 2015).

Explaining how participant dialogue moderated his views, Martin says:

"interesting hearing their views around the benefits of the education side and the rehabilitation side. So I think I didn't necessarily say to myself to change my views to that aspect to support that, but I definitely would increase that".

With no statements suggesting a revelation, Martin's opinion change, again, appears 'minor'. There is a risk Martin felt pressure to say he underwent attitudinal shifts due to a perception that this was what the researcher wanted. However, the fact Martin gave reasons for his post-deliberation perspectives as outlined above suggests genuinely held beliefs. They certainly offer more confidence than if Martin was unable to explain why his views shifted. Further, steps were taken to avoid sharing the researcher's own beliefs to prevent influencing interviews and deliberations; consistent with guidance in Finch and Lewis (2010) and outlined in Chapter 5. Again however, further research with independent moderators or exploring the resilience of attitudinal changes could help test these findings.

Chapter 7's discussion on deliberative mechanisms notes specifically the influence of other participants on Martin; illustrating the theoretical literature's educative objective (Estlund and Landemore, 2018), in practice. The depth, nuance and variety of educational benefits from this thesis' fieldwork will therefore be returned to. Also developed in chapter 7 is the relevance of Martin's and other participants' experiences on 'legitimacy'. His acceptance of the group statements, despite discomfort with some of the group's conclusions, adds empirical weight to the deliberative literature's notion of legitimacy (Chambers, 2018). This is because Martin's compromise appears to be based on his perception that the debate and opposing views were sufficiently authentic to render the consensus legitimate.

Pre-deliberation Larissa made no 'prevention' or 'education' references; instead being preoccupied with prison. Larissa's minor post-deliberation progressive shift is therefore evidenced by her new appreciation for social sustainability arguments like those outlined in Chapter 3. She says:

"I wouldn't say I'd thought about it that much and that it would be a factor that I think, but I guess looking at the whole picture, yeah I mean it is about...we did talk about finance and how much it would probably cost to be able to put things in place but looking at the costing now to incarcerate people...thousands and thousands a year...going to be more in prevention than cure...I definitely think that it's worth investment. And it will cost a lot initially, but hopefully if it works and everyone's educated then they will probably save money".

When discussing what influenced this shift, Larissa recalls the social sustainability presentation delivered by policy expert Georgie. On this, Larissa says "I mean they

were all very...interesting and...I think I like Georgie's approach". Her statements present a new appreciation for prevention and favourability towards economic frames discussed during deliberation; analysed further in Chapter 7.

Contrasting with her desire for poor prison conditions, Larissa now also says:

"only the fact that, you know I do wonder that there's so many people in prison is there something more? Obviously we kind of concluded with education...but in the meantime we've got all these people to deal with...that chap, all about his background wasn't it really, that's why he did, and he was encouraged to do it...wouldn't it be better to send him somewhere else, you know, a sort of rehab place. That sort of throws in another level".

Her proposal represents a radical alternative to incarceration, preferring therapeutic rehabilitation and referring to progressive ideas discussed during the deliberation. The influential impact of this information will be revisited, as an explanatory mechanism for opinion shifts. Asked directly if she agreed with the group's statements, Larissa again demonstrates her shift saying "yeah I think they were fine", adding "for me I think education stood out" and "I think we were all quite united on that". Elaborating on her enhanced post-deliberation understanding of preventative, she recalls:

"I think I just came to the same conclusion really. Education, education, but how that happens. I think we defined it a bit more within the conclusion...how it should happen or could happen, kind of helped it really".

Preferring arguments around early intervention and addressing the social influences behind crime, Larissa appears to have undergone a more significant shift. However, referring to the other expert presentations, she adds “I just put a note to say, use all approaches”. This potentially signalled ongoing agreement with the prison, punishment and retribution arguments, distinct from any Affirmed Progressive participant. While one should not infer too much given the ambiguity, it does suggest the prison presentation still resonated despite it contradicting the social sustainability presentation’s prison critique. Like Martin, Larissa also remained concerned that progressive solutions are idealistic, saying:

“generally, yes I think it would be great if all that could happen, but sounds like it’s gonna cost a lot of money and I suppose that’s where the idealism comes into it”.

Her comment could be interpreted as ‘progressive but realistic’; justifiably concerned about affordability. However, her suggestion of ‘idealism’ suggests an ongoing belief that punitiveness is what really ‘works’. If genuinely persuaded that preventing childhood trauma reduces crime, the economic arguments and evidence around crime costs for reoffending should seem more credible. Larissa’s scepticism therefore suggests only a ‘minor’ shift. In totality however, Larissa’s post-deliberation acceptance of the group’s progressive consensus combined with her statements above do indicate attitudinal change towards supportive prevention.

6.4.3 Strong commitments to prison

The deliberative literature discusses the risk that deliberative methods create pressure on individuals to conform with group positions (Polletta and Gardner, 2018). However, the Minor Shifters demonstrate resilience to conformity, evidenced by their 'minor' shift for considered reasons. Further, rather than polarising they remain committed to certain pre-deliberation perspectives. This includes comparatively stronger support for prison, notwithstanding exposure to deliberative discussion and evidence that significantly undermines prison's effectiveness. Martin says he was positively impacted by the lived experience presenter's story of redemption, recalling:

"listening to Cleave, maybe I didn't change my view in total but it sort of maybe more reaffirmed that idea of people like Cleave for example; I think deserve support where they're willing to engage with it".

However, when discussing the real life case study of Craig, who stabbed someone but against a traumatic backdrop, Martin says:

"and actually again reading Craig's Story...I felt a lot less sorry for him once that part around the stabbing the innocent person who was just walking by...the prison sentences need to be a bit tougher and possibly even longer sentences for crimes like that".

Therefore, despite his 'minor shifts' towards rehabilitation and early intervention, Martin's pro-prison and tougher sentences stance remained. This tougher stance further contrasts with the Affirmed Progressives' more pragmatic approach to prison. Martin's reaction to the case study exercise also demonstrates how different information sources affected participants differently including on an emotional level; explored further in Chapter 7.

Equally, as alluded to, Minor Shifters remained sceptical regarding prevention. Post-deliberation Martin summarises:

“it’s a long-termist’s solution...a lot of investment around reducing something which might work in 25-30 years’ time...bit of a gamble to go in that hard with something that might not work”.

His concern over the fiscal plausibility of early investment, is a theme explored in Chapter 7. Fundamentally, it highlights an interesting dimension around what it means to be punitive, and another reason why qualitative methods access insights that surveys might struggle to uncover, like those discussed in Chapter 2 (The National Centre for Social Research, 2020b). Chapter 2’s discussion on punitiveness, and the critiques of the literature, highlight the vagueness of ‘punitive’ definitions. Here, Martin’s scepticism around prevention’s effectiveness does not mean his ‘tougher’ stance arises from vengefulness, fear or spite. This detail around ‘scepticism’ rather than an ‘unthinking emotional desire for punishment’, offers a unique interpretation compared to, for instance, Pettit (2001). It therefore indicates that even those considered ‘punitive’ due to their policy preferences, may not be punitive in the same way. This itself provides empirical support for deliberative methods, capable of recognising and engaging with this complexity.

6.5 Significant Progressive Shifter

Significant Progressive Shifters, 4 of 17 participants, underwent a more significant attitudinal swing towards progressive views. The insights below therefore, as with Minor Shifters, add depth to our understanding of why there can be differing degrees

of attitudinal shifts, which the deliberative literature rarely acknowledges (Estlund and Landemore, 2018, Dryzek, 2002). These 'significant' shifts also demonstrate empirically the substantial power of deliberation on crime, which as discussed below, provides new optimism around the real-world application of crime deliberations.

6.5.1 Pre-existing punitiveness

This section, as with Minor Shifters, demonstrates the pre-deliberation punitiveness of Significant Progressive Shifters. This serves as a benchmark for highlighting their post-deliberation attitudinal shift. It also adds further richness to our understanding of public 'punitiveness' and the public opinion literature; adding new variations and context to 'punitive' definitions within for example Matthews (2005) or Bottoms (1995).

Zahra is a Significant Shifter; a woman, 26-35, Asian Pakistani background, Muslim, undergraduate educated and a local authority housing officer. Zahra's initial survey responses show support for tougher sentences and capital punishment for crimes like child sexual offences. Her answers also indicate her belief that crime is not solely about individual responsibility and that prison is often unsuitable. However her support for capital punishment, tougher sentences and pre-deliberation interview answers discussed below, demonstrate clear punitiveness. In her pre-deliberation interview Zahra calls for tougher justice, saying:

“the justice system not being as strong, the lack of conviction rates, and that there’s so many different forms of crime and I don’t think all of them are taken as seriously...I believe the majority of people tend to get away with crime”.

Zahra emphasises punishment for serious crimes, suggesting:

“they shouldn’t be given as much privilege...like another criminal...mixing all the rapists together, they don’t tend to feel bad for what they’ve done...being among other prisons they’d understand how wrong they are”.

Her preference for imposing ‘suffering’ for crimes chimes with retribution and punitiveness. Like other punitive participants discussed above, Zahra downplays or omits an appreciation for social factors behind crime, suggesting some simply choose crime. She says “I just think some people enjoy it. Some people enjoy the adrenaline rush and the excitement of not getting caught”. Again, this presents unique empirical insights into rational choice depictions of offending, associated with punitive sentiment and discussed in for instance Wacquant (2009) and Dryzek (2002).

Asked if some people are born bad, Zahra says “There is probably a small faction that are born with it”, indicating her belief in criminal predisposition, rather than social causes. On crime’s origins, Zahra explains: “I think it’s the fear, the idea that people can get away with it. So people getting away with committing crimes, means they don’t mind to do it again”, “the average criminal is not very fearful” and “they are aware of what they’re doing, so they are responsible”. Here she again highlights personal responsibility and notions of deterrence familiar to punitiveness. This is because they contrast with progressive explanations of desperation, emotional turmoil and social hardship. Her comments also add empirical nuance to the meaning of ‘punitive’, often

missing from the punitiveness literature (Matthews, 2005). Specifically they highlight beliefs around deterrence. This is important, because while retributive sentiment can be associated with harshness or cruelty, instrumental reasons like deterrence (Lacey and Pickard, 2015) could change our interpretation of a 'punitive public'. Rather than characterised as vengeful, their stance may often be rational irrespective of whether deterrents work. Reframing how the public is seen, could thereby promote more respectful public engagement. It adds empirical support for Chapter 2's conclusions that punitiveness has been oversimplified, substantiating the need for public engagement methods capable of engaging these more nuanced opinions. Further evidencing other dimensions to her punitiveness however, Zahra is sometimes unsympathetic about poverty as a factor behind crime. She says "and I think they use that excuse to an extent", adding:

"another reason will be because they're aware of the system and they know they can get away with it; lack of evidence...a broad knowledge of how to get away with these things".

She therefore calls for tougher policing, arguing "they should be more stern in their behaviour and their manner when they speak with them".

Another Significant Progressive Shifter was Rishi, a man, 26-35, of Indian background, no religion and a senior accountant. Rishi is observably less punitive than other Significant Shifters; his initial survey suggesting low punitiveness including opposition to prison and capital punishment. However, distinct from Affirmed Progressives, Rishi emphasises individual responsibility, necessity of punishment and a preference for longer prison sentences, provided there is 'greater certainty' to ensure crime is

reduced through probable deterrence. Rishi's pre-deliberation interview further emphasises personal responsibility and support for the justice system's current punitive orientation. He concludes "in the main yes, there has to be individual responsibility, to allow the justice process to work" and:

"Ultimately I still kind of land on the, if you're of the right mind and despite those challenges, you need to have a level of personal responsibility. It's always a bit of a balance, but I would personally, whether it's more than the average, feel a level of sympathy particularly for those who would have had broken backgrounds...but ultimately there has to be a level of personal responsibility".

When pressed, Rishi centres on individual opportunism, commenting "opportunity, so some people it may be opportunity in that they see an opportunity to do it and take advantage of that opportunity" and "the benefit that crime could possibly give to you". He also suggests some people might be predisposed to crime questioning "whether that's just the way the person may be to some extent". These contrast with Affirmed Progressives' references to mental ill health or trauma rather than depictions of rational and calculated criminality. Rishi also says:

"punishment has its place, in terms of number of years has its place...we can't have no punishment, there has to be a level of punishment. I don't think we could go to a system of just complete restorative type justice. Prison has a place and serves a purpose...my views on punishment, it's relevant it's there...the ultimate goal is to punish somebody but also to see can we bring that individual back into society, contributing in a safe way...Years is one part of it, but all the other elements are another part...".

His references to 'years in prison' highlight his belief in hardship, punishment and his retributive focus. However, the section below discusses comments moderating his punitiveness.

Sinead was one of the few participants who missed a deliberation; missing the second for personal reasons. Her categorisation as a Significant Progressive Shifter therefore demonstrates the powerful impact of even brief deliberative participation. A white British woman, 36-45, religious,³³ with a disability, undergraduate educated, mother, community volunteer and professional cleaner, Sinead presented mixed views on crime, with a punitive leaning. Sinead's initial survey indicates support for longer prison sentences, tougher punishment for repeat offenders, and capital punishment for "Paedophiles, serial killers". During her pre-deliberation interview, Sinead shares that:

"I spent, I think it was in 2009, on probation for a year for...assault on a police officer...I went to probation once a week, I was there to say 'hi' and I was out. There was no, nothing to support me...what a waste of money and waste of time for everybody. The community service is definitely better because you are doing, rather than going into probation and getting next to nothing".

Despite her own challenging experiences, she says of people who commit crime "I think they're fully responsible". Explaining her preference for punishment and harsher policing, Sinead cites youth crime in her community, arguing "The three lads should have all been taken into custody...and had the so and so scared out of them...they've

³³ Religion not specified in Sinead's case for anonymisation purposes.

walked away from there laughing”, “take them into the cells, put them in for half an hour, scare them enough, they’ve come away laughing...they just need to act and put them in solitary confinement for a little while” and “they say once bitten, twice shy. So if something was to be done on the first incident and it was quite tough on them, then they would think twice”. She also punitively advocates prison for minor drug offences, arguing:

“large amounts of drugs, even little drugs I think really, there’s not much difference between little and large...punishment should be imprisonment. But then on the punishment side because of human rights, especially in this country, they are given playstations...TVs, they get phones in there, how is that a punishment?...they go into prison and they are like they’re on holiday and it frustrates me, because if they are in there for punishment, the less time that they’re in there on a complete sanction with nothing the better they’ll come out, rehabilitated and ready for the world, to say I appreciate the bed I sleep in, I appreciate the food I have”.

Here, Sinead’s punitiveness is characterised by her belief prison should be hard for retributive ends. She repeated these sentiments in the deliberation she attended, best captured when she says “I just feel the criminal justice system needs to be a lot stricter”.

A fourth Significant Shifter is Jason; 26-35, active trade union official, passionate about community work, mixed white-black Caribbean, Christian and undergraduate educated, made similar pre-deliberation statements. He emphasised his belief that the justice system is “far too lenient” and needs punishment because “people need to get

a grip of their own actions” and “instead of seeking support or asking for help maybe, you’re responsible for your actions”. Like other punitive participants, his punitiveness comes from the rejection of circumstantial explanations.

Significant Progressive Shifters, as with Minor Shifters, showed some appreciation for preventing social influences on crime; rendering their punitiveness ‘moderate’. Again, these qualitative insights are unique; illuminating what ‘moderate’ views are, beyond the content of simple survey methodology. Like the public opinion literature, these insights identify nuance in opinions (Roberts and Plesnicar, 2015), but provide greater depth. Zahra says:

“Yeah definitely. Sometimes it just comes down to parenting. If you’ve not had the best upbringing that can definitely affect it. Not only that but schools as well...I think they, if they’re being let down by their parents and they’re being let down by their school then they’re most likely to go on to commit these crimes...also let down just by society itself, they shut down youth centres many years ago. There’s nothing, no activities in society to actually allow them to occupy themselves”; and

“it’s definitely the financial situation. If they’re not financially stable, especially in today’s society, they’ll definitely be committing more crime like theft and drug dealing and petty crimes like that because financially they haven’t got enough to support themselves”.

On reoffending, and referring to professional experience, Zahra adds:

“I don’t think there is enough support. Because of that people come out and commit crime, if somebody suffered from mental health or if somebody they’d

like never worked before...they're not financially stable, they're not educated, given what they lack...there's a lot of crimes that could have been prevented".

Evidently, Zahra's perspectives are far more nuanced than we might conclude from her other statements around individual responsibility. She is still comparably punitive to any Affirmed Progressive, but recognition of circumstantial influences moderates her punitiveness.

Similar acknowledgments of social factors behind crime, including on lack of education, poverty and the risk of over-punishing, are made by Rishi, Sinead and Jason. Capturing their sentiment, Rishi recalls:

"but I'm very sympathetic to where individuals may have challenges, the links to maybe childhood difficulties that they've had and the impact that has...a couple of individuals that I know, who I know have fallen into bits of crime...you can kind of link some of that back to their experiences personally, and I feel sympathy for them as to how they've landed in that position".

While Rishi makes other moderating comments doubting the effectiveness of prison, like other Significant Shifters, he continually reaffirms his punitive emphasis on individual responsibility. Combining his statements, his balanced perspective between punishment and rehabilitation confirms his moderate stance, but distinguished from Affirmed Progressives for prioritising punishment and individual responsibility.

6.5.2 Significant progressive shift

Significant Progressive Shifters ‘significantly’ shifted towards more progressive views post-deliberation. While the deliberative literature typically highlights consensus or compromise (Marti, 2017, Bachtiger et al., 2018), this section presents empirical depth into the power of deliberation to influence attitudes significantly, beyond finding common ground. Zahra’s post-deliberation perspective changed significantly; now arguing early intervention is fundamental and that children do not ‘choose’ to commit crime. Asked specifically if deliberation increased her support for early intervention she says:

“yeah, yeah, because I think there was like a teacher and a social worker who work with kids, and...I did have a varied opinion that they do need some form of support, but they sort of emphasised their opinion that it was a huge factor...that needs focussing on, so it made me realise that actually there’s a larger emphasis on young children that needs focussing more...I thought it was like a small percentage, it was sort of a child’s choice whether they commit a crime...having had the discussion I realise that more so they’re sort of pushed into that where they’ve got no other option but to commit crime because that’s all they know”.

On how her perspective has changed, she adds:

“I probably wouldn’t have emphasised children as much. I would have thought more emphasis would have been placed on adult services, because when you talk about crime you automatically assume that it’s more adults committing crime than children...it’s the majority of adults that are obviously in prison but they start off with petty crime before they get to that, and that’s all in their childhood”.

Compared to Zahra's pre-deliberation claim that people enjoyed committing crime or did so through lack of fear, this statement represents a clear reorientation. Her reference to other participants' contributions, and the apparent impact of this and of expert early intervention arguments within deliberation, will be explored in Chapter 7's analysis of deliberative mechanics.

On whether society has a moral obligation to prevent crime Zahra says:

"yeah, I think if anything it's reinforced that. It's made me very adamant...society should have a requirement, there should be like a written law that they should be supporting individuals like who have had like an unsettling background. Even if the individual doesn't want the support...there should always still be a focus on them".

Zahra's conviction around supportive approaches contrasts sharply with her pre-deliberation advocacy for tougher policing and more deterrence. Considering the impact of deliberation, Zahra concludes:

"I think they are an eye opener. It does sort of change your perception because, they were very useful. I mean, I looked at criminals in a bad light, that's the decision that they chose, like it's their own fault for the situation that they're in. Whereas having like a group discussion about [it], it's made me realise, actually sometimes it's not entirely their fault, it's they're pushed by family and by society to commit crimes...I think they're just sort of scapegoated for all the trauma they've been through and the people that have put them through that".

Her stark new appreciation for social influences over individual responsibility, presents powerful empirical evidence supporting the critical theorist objectives of challenging neoliberal narratives through substantive democratic participation (Dryzek, 2002).

Just as profoundly, Zahra says deliberation inspired new optimism about rehabilitation; representing a 'significant' shift. Recognising employment opportunities over prison, she says:

"I think sometimes giving someone a longer sentence or a longer punishment isn't always what's necessary, obviously depending on the crime. For someone who's grown up committing crime, and they don't know anything else and then they end up in prison, I think they obviously don't have like societal skills so if giving them courses to attend whilst they're in prison with a shorter sentence at least that will give them a chance, a lower chance of committing a crime because they may be able to get a job with the new skills they've learnt...they need to have a more reformatory perception with punishment".

Most standout, Zahra consistently shows she sees offending differently; believing circumstances and societal failure cause crime. From advocating severe punishment pre-deliberation, she now seeks reformatory solutions including in prison. The conviction and frequency of her statements are notably more significant than Minor Progressive Shifters. The deliberative elements particularly impactful for Zahra, including persuasive advocacy for rehabilitation, are explored in Chapter 7.

Rishi's shift emanates from presentations he found persuasive during deliberation. Commenting on the social sustainability and early intervention expert presentation, he says:

“the first presenter,³⁴ was the one I think I found most persuasive...her arguments around where projects are implemented and where certain initiatives are taken there's, you know, could be statistical evidence to show that there's improvements of the impact...from a high level position presentation, I found that quite persuasive”.

Similarly, when asked if the lived experience presentation was influential for him, he confirmed:

“yeah...definitely, it's hard not to be impacted by a personal statement and experiences of somebody so his experiences and the platform he's now at, given some of the experiences he would have when he was younger, it's always persuasive...words matter, and the way somebody expresses them also matter...that was definitely impactful to hear”.

Rishi's empathy for the presenter suggests an enhanced appreciation for circumstances and journeys into criminal justice. Discussing his shift, Rishi says the evidence has, “strengthened the view that we do need to try and reduce the costs of crime”. Asked specifically on new perspectives on early intervention, Rishi says:

³⁴ This expert presentation set out the arguments for social sustainability.

“yeah, I would go as far to say it has strengthened, and it has just reaffirmed and gone further in terms of that is a priority...and it strengthened from what I would have thought before”.

Rishi also reaffirms his broad agreement to the group’s statements, which he calls a “consensus”. This agreement, his enhanced confidence in early intervention and almost zero mention of ‘personal responsibility’ post-deliberation, combine to demonstrate Rishi’s progressive shift. The specific influences of expert and participant contributions during deliberations will be revisited.

Deliberative democracy literature discusses the importance of sufficiently intense or substantive debate to realistically shift attitudes (Habermas, 1990, Johnstone, 2000, Carman et al., 2015, He, 2018, Morse et al., 2005). Fascinatingly, despite not participating in the second deliberation and group debate on agreed statements, Sinead still underwent a surprisingly significant progressive shift. This arose after only hearing expert evidence and participant views in the first deliberation. Although not necessarily representative of other participants or people, it suggests notions of deliberative ‘intensiveness’ or ‘effectiveness’ could be more complicated, perhaps highlighting dialogue quality or individual amenability as equally integral dimensions. Either way, Sinead’s post-deliberation shift is captured when she says:

“I think definitely the community settings for first offenders needs to be looked at pretty quick, because everybody makes a wrong choice at some point in their lives and it’s just about showing them, and guiding them and educating them that they don’t have to do that again and that they are valid as people”.

Her initial call for tougher sentences and policing, has switched to emphasising support. Asked specifically if deliberating influenced her appreciation for early intervention approaches, Sinead says “I think it’s strengthened my views to be honest”; and

“yes, yeah it did, because it makes me feel like I’m not alone and that I strive to look after the children and get as much as I can out there for the parents to help with the children and the schooling as well”.

She reiterates her support for “early intervention” a few times including the economic benefit of investing in communities. On repeat offenders, Sinead now appears more forgiving, concluding:

“prison should be for the absolute wrong doers, the murders, the paedophiles...but for the small, the small scale repetitive, you know burglary, and this, that and the other, there should be some sort of other centre that they could go to, that has a massive support network, before they go to prison. So there should be another step before that”.

Again, these comments contrast significantly with her pre-deliberation emphasis on tougher punishment.

On the deliberations, Jason says:

“I think that made me think then ‘well okay maybe my view of just send them to prison and throw away the key’ probably is quite harsh and actually there’s some absolute cases where rehabilitation is needed you know”.

Similarly, on sentencing, Jason concludes:

“restorative justice...sometimes I would actually be willing to be open minded, and probably a bit more liberal on the point of sentencing as long as people took a sign of remorse...actually met with their victims. And I think that’s more important to me actually, than actually them given a prison sentence because he’s actually facing up to what they’ve done, and I think that’s more effective”.

On the lived experience presentation Jason observes:

“I thought it was very interesting actually...it made me open my mind up...when I got a chance to listen to his story I actually thought actually fair play to this guy...give me a little bit of faith actually”.

This appears to suggest the presentation inspired empathy for why some commit crime; discussed later regarding the impact of emotional framing and alternative expression. Elaborating on what he learnt about the social factors behind crime and missed opportunities to prevent, Jason references the deliberation’s case study, concluding:

“I think the roleplay...was one of those things that really opened my mind up because I think we forget sometimes don’t we that...someone who commits crime, especially young people in my mind, where did it start?...they didn’t just go into a shop and rob a can of pop...there’s other things to take in consideration”.

Like other Significant Progressive Shifters, Jason also confidently supported the group’s progressive consensus on early intervention, discussed below.

Combined, these participant shifts demonstrate deliberation's powerful impact, highlighting deliberation's potential for stimulating attitudinal change among the public, towards a societal consensus on crime. These novel insights move beyond public punitiveness literature in Chapter 2 (Loader and Sparks, 2017), which fails to explore thoroughly mechanisms for substantive public engagement, or its potential. Findings also offer empirical insight into important aspects of deliberation for shifting views through education, a key tenet of deliberative theory (Chambers, 2018). This is indicated for instance by the case study and lived experience presentation's impact on Jason.

6.5.3 Strong commitment to prison

Significant Progressive Shifters, like Minor Shifters, consistently support prison post-deliberation on retributive, reformation and community safety grounds. This was despite robust prison critiques within deliberations. Their confidence in prison further distinguished them from Affirmed Progressives, who pragmatically but uneasily accepted prison. Similar conclusions can therefore be drawn to the Minor Shifters, in that these sustained differences suggest the attitudinal shift witnessed is not an unnatural polarisation or 'conformity'; a concern in Polletta and Gardner (2018). For instance, despite undergoing a significant shift, Zahra defends prison in the participant discussion saying:

“probably the only time I did disagree with them was when they said that, when they were strongly opinionated that prisons weren't very reformatory. I do partially agree with that, but I do think there's a slim chance that some prisoners

that come out won't come back to commit a crime because...they're brushing everyone with the same brush, that they're never ever going to succeed...having that stereotype isn't going to help them. I do think that in some ways, a person can willingly support themselves and not go on to committing crime".

Reflecting on the lived experience presentation, Zahra also stresses prison's reformatory function, saying:

"I always thought that prison was like good in the sense that it gets people to sit and reflect on what's been going on...I didn't know they had that many courses available for them in prison, it is slightly reformatory for prisoners like, who do want to change".

Her prison perspective does not undermine Zahra's new appreciation of trauma's causal impact. However, it suggests greater confidence in prison's rehabilitative qualities, contrasting with severe reservations from progressive proponents about prison and its rehabilitation potential.

Similarly, Rishi says post-deliberation:

"I do feel a bit of nervousness around the impact of...soft justice...If it's not implemented and executed properly and operates then you end up losing the will of the public"; and

"there is still a place for, in terms of deterring crime in the long term, for custodial sentences and prison terms etcetera". Believing prison is an effective deterrent, contrasted with Affirmed Progressives' public safety rationale. Consider Affirmed

Progressive Gregory, who accepts prison's rehabilitative functions but adds nuance stating: "it's not all about what you take away, but what you build in...all we do is put people in a sin bin, and we've not got a post-punishment strategy". Here, Gregory is clear prison's rehabilitative potential is not because of punishment, but because it is a location where rehabilitative activities can occur.

As discussed, Sinead still considers prison fundamental for serious crimes, although few are likely to disagree that murderers and sexual offenders should be imprisoned. Her blanket commitment to punishment for sexual offenders might indicate residual punitiveness; omitting recognition of the influence of past traumas on their offending. This stance is understandable due to the deeply emotive nature of such serious crimes. Affirmed Progressives may typically agree; meaning little distinction between types on punishing this group of offenders. Jason shares Sinead's sentiment with comments about the necessity of prison for "unforgiveable" crimes and to ensure victims "feel they've received justice". While not necessarily punitive, their retributive focus is distinct from Affirmed Progressives' preoccupation with addressing the hardships causing crime.

In totality, the commitment to retribution despite progressive shifts, suggest compromise in the progressive consensus to which Significant Shifters subscribed. It contributes empirical depth to the consensuses anticipated and hoped for in the deliberative literature (Polletta and Gardner, 2018), including on crime (Rowan, 2011). On the face of it the progressive consensuses suggest there is complete agreement between participants, matched with significant opinion changes. Look deeper however

and there are compromises and commitments to pre-existing views. As with Affirmed Progressives, the commitment to prison and punishment, albeit to different degrees, implies limitations on deliberation for stimulating radical reform like large prison releases. The 'punishment consensus' on prison remains.

6.6 Identified Progressive

Prominent in the public opinion and crime literature, is the weakness in survey methodology for uncovering depth and complexity in opinions (Jennings et al., 2017, Hutton, 2005, Johnstone, 2000, Turner, 2014). It is therefore unsurprising that one of the participants, Jonathan, was initially wrongly categorised in this thesis' fieldwork. Originally classed 'moderately punitive' based on his pre-participation survey, the interviews uncovered Jonathan's evidently progressive views; identifying him as an 'Affirmed Progressives'. Jonathan therefore falls into a distinct category of 'Identified Affirmed Progressive'. This differs to other Affirmed Progressives because his initial survey indicated moderate punitiveness, despite his detailed interview and deliberation contributions being consistently progressive. This therefore adds empirical support around the theoretical value of crime deliberation, which advocates substantive public debate to unveil depth like this (Rowan, 2011, Green, 2008). It also provides contemporary qualitative evidence supporting previous critiques on flaws in survey methods.

6.6.1 Hidden progressiveness

Jonathan is a Christian black man, 36-45, active in the community, undergraduate educated and working in education. His pre-deliberation survey indicated his support for punitive policies including longer prison sentences and capital punishment for certain crimes. While Jonathan's responses also paradoxically express doubts around the effectiveness of punishment and prison, his capital punishment stance meant he was classed as punitive when configuring the deliberative groups. Jonathan's pre-deliberation interview also indicates minor punitiveness through his emphasis on individual choice over circumstantial explanations for young people and gang crime, proposing:

“they obviously see something, a lavish lifestyle or seeing things that they haven't got and they go out and commit crime. I think that's one of the main things, the way society is structured now even more, the rich are getting richer and the poor are getting poor”.

However, Jonathan's references to poverty and inequality soften his 'rational choice' focus. This is because it suggests desiring 'lavish lifestyles' originates from deprivation rather than simply choosing to be bad for selfish reasons and therefore more deserving of punishment. A preference for more authoritarian parental discipline, also signals punitiveness, when Jonathan says “there's a lot of red tape, so parents can't discipline their kids... kids nowadays will threaten their parents with Childline”; and

“I don't believe in smacking, but I do believe in like the naughty step, taking things away from people, children and stuff like that, it worked. But nowadays you'll get kids now that threaten parents just for doing that”.

For instance, imposing hardship for poor behaviour, rather than seeking to understand and address underlying emotional needs bears resemblance to the link Lakoff (2017) makes between authoritarian family outlooks and punitive crime attitudes.

However, despite the above, Jonathan's pre and post-deliberation interviews and deliberation contributions are predominantly progressive. For instance, pre-deliberation Jonathan says:

“you’ve got some people that commit crime because they have to, to survive. And you’ve got people that commit crime because they want to fit into society, and play up to other people, or fit into a gang or peer pressure...and some people become a product of their environment they’re in, and it’s not intentionally but they do it”.

He also cites hardship as influencing crime, emphasising “poverty, a lot of poverty” and observing parental and political factors saying “yeah, sometimes parents, but I do think the government have got a lot to answer for, and you know because I think they’ve changed society”. Jonathan likewise advocates community prevention and youth provision. Concerned about the punitiveness of prison for some people, Jonathan says, “I do actually, like drug use. You’re putting someone to prison because they’re addicted to drugs...you’re not helping them”. His belief in addiction support demonstrates progressiveness. These insights into Jonathan are particularly relevant for future deliberative methods. They usually seek diversity between participants (Ozanne et al., 2009), but these findings highlight the challenge in correctly identifying pre-deliberation opinions from simple surveys. It therefore points to more in-depth

methods for identifying pre-deliberation opinions, or transparent recognition that deliberative group make-ups might not necessarily reflect survey responses.

6.6.2 Reaffirmed progressiveness

As with other Affirmed Progressives, Jonathan reiterates support for early intervention post-deliberation. On the group's agreed statements he recalls:

"I think most of the statements were about getting the person help and obviously networking and signposting, and working with the individual or the family. That's what I got from a lot of it. Yeah, and I thought that was probably the best solution...there's always something behind it, like sometimes people become the product of their own environment so they don't know anything different, so it's our job, as practitioners to guide them that way".

Taken alone this could indicate Jonathan's views shifted, with ambiguity over whether he believed in, for example, family support agendas already. However, asked if his views changed, Jonathan refers to prior personal life experience saying:

"pretty much the same...I've come from such a rough area, a lot of my friends are incarcerated or dead, and I was the one that wasn't gonna follow that. That was because I had a good upbringing, I was more scared of my mum than the police".

Jonathan's agreement with other progressive statements made during deliberations further suggest affirmation rather than attitudinal changes. He notes "the majority of them I actually agreed with...that prison doesn't reform". This was consistent with

progressive contributions Jonathan made during deliberations. These included that poverty is significant in causing crime, concerns around the stigma of labelling children as gang members and missed opportunities to educate young people. The references to personal life experiences and their unique impact on deliberation, is examined in Chapter 7.

Jonathan also suggests deliberation mainly affirmed his pre-existing scepticism around punishment, saying:

“a lot of my friends have not changed when they’ve gone in, they’ve probably gone in and come out worse because they’re learning off other criminals...we should be helping these guys to get the tools and empowering them to survive outside, so they don’t go back into criminal activity”.

Within the Affirmed Progressives’ spectrum, he bore resemblance to Hannah and Danny. This was because deliberation largely affirmed his views, while learning new ideas or ways of explaining things that supplemented his views. For instance, regarding the expert presentation on social sustainability, Jonathan suggested the socio-economic frame was impactful for him, noting “I’d probably actually agree with that one to be the fair, the social...It does come down to social economics”. Similarly, the lived experience presentations were influential, with Jonathan noting of the presenter “they’re the best people to go in there and help, and he was a great example”. Again, although not revelatory for Jonathan, he pinpoints insights that appear to have enhanced his understanding. The persuasiveness of the expert presentations, including social sustainability narratives, and the emotional learning from lived experience presentations, will be explored further in Chapter 7.

6.6.3 A punishment consensus

Like all Affirmed Progressives, Jonathan is pragmatic about prison; believing it necessary for reformation. His rehabilitative preferences are seen post-deliberation when he comments on voting preferences, saying “if a [political] group come up with a concept around reforming the prison service, I’d probably be more swayed to that group, definitely”. Similarly, other participants’ call for more therapeutic prisons resonated with Jonathan.

In conclusion, Jonathan fell neatly within the Affirmed Progressive type; helping demonstrate the advantages of this thesis’ qualitative analysis. This enabled the uncovering of depth in Jonathan’s thoughts on crime, allowing a more sophisticated categorisation of his attitudes. The only material distinction then, is that his pre-deliberation survey was misleading and an untrue reflection of his progressiveness.

6.7 Progressive consensuses

This section outlines the consensuses reached by both deliberative groups, how they were reached, and an analysis of the deliberative mechanisms involved in reaching consensus.

6.7.1 A co-produced vision

Group 1 was more preoccupied with investment in and improved quality of preventative social care services. They agreed that “Multi-agency working isn’t working like it should”, and a need to ensure cases are not prematurely closed or just passed on, whereby a “cultural change might need to come from a vision, about what they’re really there to do and achieve”, “better quality of collaboration between agencies” and a “consistent individual that...is an advocate...particularly for managing the complexity between agencies”. They also believed social work in particular is “not sustained enough” and “cases are often closed earlier” and “sometimes issues like substance misuse aren’t actually properly tackled”. However, Group 1 believed this is “preventable particularly if that kind of support comes earlier, particularly if it is sustained over a longer period of time”. They concluded that there “is still a shortage of social workers or that they might be under pressure”. They added that “More money should be put into this upfront, prevention, but...also there are things that could be improved in the way money is spent”.

Group 1 also prioritised education, agreeing “School plays a particularly powerful role in preventing crime in the long term” and “teachers have a really special opportunity to be one of those key people”. Further, “other practitioners” need to “really believe in somebody...and have aspiration for somebody” which is about “giving them purpose and identifying what their talents are”. This, they concluded, is sometimes best from people who have “experienced hardship themselves”. Teachers should also be trained on how to create a “sense of community in the school” to better engage parents in

crisis and to “celebrate those great examples of when a teacher does do that”. They further agreed school is pivotal because it helps “tackle that consistency and sustained working challenge because you’ve got that ability to have that long term relationship with the child”. On the primary beneficiaries of this support, they said “There needs to be a greater focus on helping, for example, parents or mothers in crisis”. They added the necessity of “people who might be pregnant or living in difficult circumstances getting more support early on to prepare them to give the child the best chance”.

On types of support needed, they agreed “There does need to be more investment in support” including “counselling or mental health support for trauma that has been suffered”. On society as a whole, the group agreed “people who live in poverty or difficult circumstances [are] being vilified” and we need “less criminalisation and punishment” including for “addiction”. As with participants on an individual level, Group 1 agreed “There is still a threshold of seriousness of somebody’s offending...we’re not saying prison doesn’t have a role” although they conclude this is not effective as long term prevention.

Group 2 were less concerned with the operational complexity of social care services and more focussed on how education can assist individuals in avoiding crime or harmful behaviours. They agreed it is integral for schools to help young people understand their rights and identify major social problems. Specifically they agreed “Education would play a major factor...[in] identifying sexual abuse and food poverty...spotting problems in the home”. Similarly, they agreed that parenting education is needed, provided it is “collaborative...an agreement between the two

parties...they're not told to do it, [but involves saying] 'you know, your life may improve'". The education focus was reiterated with the agreement that more moral leadership is needed in society. They agreed "we need to talk about role models too" and a "role model of aspiration and a sense of hope". On aspiration, they concluded education provides a "window of opportunity", and helps people identify careers and purpose. Further, they agreed society needs to help families recognise and understand dysfunctional home lives, how to develop "a healthy family culture and safe family home". For this they agreed society needs to ensure we "provide support to families to ensure that's there", and ensure issues like parental addiction are resolved.

More broadly they agreed we need "a fairer society", including in terms of parity on who is accountable for their crimes, whereby poorer people are not demonised by the media compared to the rich and powerful. This they agreed was worsened by a "Lack of community or reduced community"; causing vulnerability to crime through "unhealthy role models or materialistic culture". They agreed "community" needs rebuilding in some form to minimise vulnerability. Group 2 also differed by emphasising caveats more strongly; largely reflecting reservations from a couple of participants. While all agreed to the broader statements of prevention through education, they stressed care should be taken to not inadvertently create "unintended consequences" through an overzealous safeguarding culture, where innocuous acts are misinterpreted as "sexual abuse". A further caveat on supporting families, was that it is "not appropriate to do this for too many people", with concerns regarding "feasibility financially of doing this for everybody" and risks of "unintended consequences" of too much state involvement in private lives. As with Group 1, they also agreed the right

mix of solutions will always need punishment and prison, including victim satisfaction and justice, public safety and individual accountability. All but one in Group 2 believed early intervention should be prioritised.

As with the complexity within participant types, both group agreements contain nuance beyond just broad notions of 'early intervention'. Group 1 emphasises school and social care reform including institutional reforms. In contrast, Group 2 focusses on individual support for families like welfare or individual behavioural change through role models. Both are fundamentally progressive for focussing on preventative support. Scholars like Knappe (2017) and Estlund and Landemore (2018) suggest a consensus is not necessary; highlighting the benefits of merely better understanding people's diverging perspectives. These findings add a different dimension, showing deliberating groups can reach quite different consensus despite undergoing the same process and deliberative content. While it contributes novel empirical insights to the literature, it means application of these findings in future policy or research should accept inherent unreliability. Broadly however, these progressive consensus demonstrate such agreement is realistic and potentially powerful for stimulating political change on crime, pursuant to critical theorist ambitions. Theoretical literature presents mass punitiveness (Carvalho and Chamberlen, 2018). Empirical literature identifies greater complexity in public opinion (NatCen for Social Research, 2017) and deliberative methods are proposed to address populist movements (Bell, 2022). These findings therefore move beyond the theory, to affirm this thesis' contention that a progressive consensus is plausible and therefore should be the proper goal of deliberation.

6.7.2 The path to consensus

The deliberations required participants to produce and agree statements about ‘the best way to prevent crime in the community in the long term’. As Chapter 5 and Appendix 3 outlines in detail, the participants were frequently reminded that the deliberations would first involve discussion and expert and lived experience contributions, followed by the process of agreeing statements around this central question. The statement formulation process involved the moderator writing up proposed statements based on prior participant dialogue. The moderator then discussed these with the group for accuracy and required amendments in an iterative process. In both groups, the moderator was able to write up initial agreed statements relatively easily from detailed notes taken during the deliberative dialogue. The discussions that followed involved participants proposing, debating and agreeing among themselves amendments and caveats to the moderator’s first draft statements. All participants in each group respectively eventually came to a consensus on the amended version of the statements. Each participant was given the opportunity individually to confirm their agreement.

The deliberative discussions leading up to and during this process appeared open and honest. Nearly all participants regularly contributed, sometimes indicating agreement, but often expressing disagreement or nuance, as expanded on below and in chapter 7. All participants honoured the deliberative principles; challenging each other politely and calmly without for example raising voices or directing frustrations at individuals.

The detailed moderator steps outlined in Chapter 5 were particularly important for ensuring this process was authentic and inclusive for participants, and for enabling the deliberative mechanisms discussed below. Neither group appeared to have lightbulb moments in terms of a progressive convergence. While competing arguments were made during the discussions, participants remained reflective, showing concentration on their face and appearing neutral as they processed information. Certain contributions were impassioned, expressing anger over profiteering and inequality, but did not obviously represent key turning points. Deliberative critics often emphasise the risk that deliberations will be manipulated by powerful influences or experts (Cassell and Johnson, 2006). However, in this case, participants openly disagreed and made compromises regarding the progressive consensus, expanded on below. On finding agreement, participants appeared observably happy and appreciative of the chance to participate.

6.7.3 Deliberative mechanisms of consensus

Chapter 7 discusses key deliberative mechanisms behind the participant typology and consensuses identified in this chapter. This section however, briefly summarises key mechanisms involved in reaching the consensuses including participant conflict and their interaction with perceived authenticity and legitimacy.

While there was firm agreement over the principle of trying to ‘prevent’ crime, conflicts between participants existed, offering novel empirical insights into the nature of ‘consensus’. Marti (2017) recognises the importance of compromise and a willingness

to accept group decisions due to a greater understanding, even without total agreement. In this fieldwork, some participants made sceptical representations over the effectiveness or affordability of prevention efforts. Participants also differed on 'who' and 'what' should be prioritised for support and funding. For instance, some emphasised educating children about their rights, while others called for greater detail on the meaning of 'prevention'. These are reflected within the nuances and caveats outlined in the consensuses above. They therefore provide empirical insights into the 'imperfect' nature of consensus in a crime context, while still showing the groups could reach a constructive compromise around a collective interest.

Post-deliberation interviews found variability and reasons behind why participants agreed to the groups' statements; suggesting agreement was genuine and rationalised. While some suggested they were in total agreement with the statements, others maintained reservations such as believing certain statements lacked specificity, were too progressive, were idealised or were not progressive enough. Participant Lindsey for example, a white British women, educated to postgraduate level, working in family support services and active in the community, suggests:

"it was a difficult consensus that we came to. I think some people weren't that comfortable with it, but I think everybody had the opportunity to say what they felt and to give their views and for other people to disagree...in a constructive way".

Here she both suggests the consensus was authentic, but imperfect. Elaborating, Lindsey suggests she compromised but would prefer more progressive conclusions, noting:

“yes, I think, you know, I agree. I think we all agreed didn’t we. I guess, some of them don’t go far enough...there needs to be a consideration about long term work I guess...we have a four year government then things change and so there’s never enough to establish a whole kind of plan of how things work and how things can be different...families go through forever, whereas governments do four, five year terms”.

Chapter 4 discussed deliberative democracy critiques doubting a consensus is ever possible between those with opposing views (Przeworski, 1998). These consensuses however suggest they can. They also offer empirical insight into Chapter 4’s debate on difference democrats (Deveaux, 2018), highlighting how a consensus can be reached but potentially based on different interpretations of ‘truth’. As partly captured by Lindsey’s comments above, some participants believed the world required more ambitious preventative efforts, some believed less. Their views conflict, but a consensus was reached. However, what these consensuses do not show us alone, is the real-world impact of these agreements. If consensuses contain compromises, it may mean that individuals will not act on the progressive recommendations, whether through their activities or political preferences. Further, Chapter 5’s discussion on the public-sector and education bias within the group samples, may have rendered a consensus more likely (Matthews and Ross, 2010). An assessment of the real world transferability of these findings, therefore requires further research to explore the impact of greater group diversity.

Chapter 4, and the discussion above, highlights the theoretical centrality of 'legitimacy' in deliberative theory and this thesis, for better decisions (Chambers, 2018) and procedural fairness (Floridia, 2018). Here, the two groups generated 'varied' recommendations. For instance, Group 2's focus on children understanding their rights is quite different to Group 1's social care reform recommendation. This finding therefore adds richness to the legitimacy literature because it demonstrates that one key opportunity for 'outcome legitimacy' is the variability between deliberating groups. The unreliability of deliberative group outcomes is therefore potentially a strength that is not typically recognised in the deliberative literature; generating unanticipated insights each time. Looked at another way, because the topic of crime is complex and incorporates a vast array of concepts, it might be that deliberated outcomes would nearly always vary, even with identical deliberative content. From an outcome legitimacy perspective, even if group consensuses vary, a participant in one group might also agree with the recommendations of another. Combined, these insights offer nuances around the diversity of public crime solution consensuses we might anticipate, but also the possibility of reconciling those.

The finding of progressive consensuses also counter concerns in Muirhead (2010) and Nyhan et al. (2019) over polarisation or post-truth echo chambers. This is because they demonstrate authentic opinion shifts based on substantive and mutually respectful expert and participant exchanges. It therefore presents empirical support for the real-world utility of crime deliberations beyond theoretical debates on the feasibility of consensuses. The picture does however remain complex, with some participants only undergoing 'minor' progressive shifts on an individual level and not wholesale attitudinal change. Further, certain participants shared contradictory

perspectives making their views more challenging to reliably categorise, discussed further in Chapter 7. The potential conflict of agreeing to the groups' progressive statements while maintaining punitive or contradictory views, risks undermining the progressive consensuses reached. Perhaps some participants felt pressure to conform; a risk previously highlighted in deliberative literature (Polletta and Gardner, 2018). However, this thesis has sought to address those concerns, especially through effective moderation to honour deliberative principles, including ensuring all participants contributed and were heard (Bachtiger et al., 2018, Kim et al., 2009). As post-deliberation interviews found specific explanations for why participants agreed or changed opinions, conformity appears unlikely. Alternatively, some participants may have wished to save face in post-deliberation interviews after agreeing to their group's statements. For instance, some could feel embarrassment or resentment over being seen to change opinion. This might have led to them restating elements of punitiveness post-deliberation, in protest. Even if that were so, post-deliberation interviews still evidenced progressive shifts, supporting the conclusion that deliberation stimulated greater support for progressive policies. In conclusion, while the existing literature warns of conformity risks, the findings from this thesis' rigorous qualitative analysis helps alleviate theoretical concerns. Specifically, the methods uncovered sufficient detail on 'why' participants changed their views, rather than participants simply claiming and being unable to justify their reason. Further, the consensus was not agreed to by all participants 'absolutely', showing degrees of scepticism or caveats. In contrast, total agreement may have appeared suspiciously like 'conformity' given we could reasonably expect some divergence over complex issues.

In summary, the finding that progressive consensus were reached is significant for the discursive and critical theorist approaches adopted in Chapter 4. Discursive models advocate wider public participation in deliberation, with critical theorists believing this can enable power sharing to ensure democracy delivers collective benefit (Dryzek, 2002). This thesis presents devolved government authorities, particularly PCCs or Mayoralities, as being uniquely placed to challenge the punitive political status quo by widening public participation in substantive crime debates (i.e. Devolved Deliberative Democracy). The progressive consensus in this thesis, therefore present opportunities for inspiring confidence in devolved authorities to put the critical theorist objectives into practice. Stimulating progressive consensus within communities could build pressure on central government or the media to respond to progressive public opinion shifts; resulting in more progressive messaging, reporting, community activism and influence on political decisions.

6.8 Conclusion on the power of deliberation

This chapter has outlined the identification of a participant typology. It shows the different impact of deliberation on attitudes across participants, but with an overall affirmation or shift towards progressive crime policies. The discussion has therefore presented implications for deliberative theory, including the ability to reach consensus, the advantages of public participation in substantive debate and indications of key deliberative mechanics. It has also discussed the group consensus, including nuances regarding consensus variation and differing levels of participant compromise. It therefore offers new perspectives on the implications for

deliberative theory including legitimacy, deliberative content and the nature of consensus.

Building on these findings, Chapter 7 presents more detailed empirical insights into 'opinion shift' mechanics, including the persuasiveness of economic arguments, the different impact of rational and emotional frames and how deliberation inspires civic activism. It will also outline how these findings contribute to the theoretical debates on the value of: deliberation as education; rational and emotional knowledge; and widening deliberative participation.

CHAPTER 7 DELIBERATIVE PROCESS: PERSUASIVE INFORMATION AND CIVIC INSPIRATION

7.1 The mechanisms of deliberation

This chapter focusses on ‘how’ and ‘why’ deliberative processes can influence attitudes, providing explanatory depth to Chapter 6’s typology. During deliberations participants heard expert presentations including on the costs of crime (‘rational’ and ‘expert’ frames), emotional narratives through lived experience and roleplay exercises (‘emotional frames’) and participant discussion between those with varying punitiveness, education and community involvement (‘reflective devices’). This content helped answer the research questions around which kinds of information are influential, and how the process of dialogue impacts attitudes and civic interest.

This chapter contributes multiple original perspectives to the key theoretical debates within deliberative literature discussed in Chapter 4. It therefore presents evidence for this thesis’ theoretical proposition that deliberation can help participants engage in constructive dialogue to uncover truth through reason. It also demonstrates how deliberation can stimulate emotions that contribute to our truth and garner support for progressive prevention. In particular, it enriches our understanding of rational arguments in crime contexts including economic arguments building on scholars like Habermas (1990). It also develops perspectives on alternative expression and emotion within deliberation, discussed in Bachtiger et al. (2018) and Dryzek (2002). Together it uncovers new perspectives on ‘blending’ rational and emotional arguments

on crime solutions; challenging the deliberative literature's dichotomy. On theoretical debates around consensus (Chappell, 2011, Ghosh, 2010, Dryzek, 2002), this chapter presents unexpected insights on the informal benefits of deliberating. These question the extent to which consensus should be prioritised, while adding new perspectives on procedural legitimacy for ensuring a positive post-deliberation legacy. These findings in particular illuminate the potential of widening deliberative participation for inspiring civic inspiration.

The chapter also highlights significant variability between participants. Some were more inspired or emotionally affected than others, in different ways. Others shared contradictory opinions, contributing new perspectives to the public opinion and crime literature's simplifications. It concludes that deliberating had various and varied participant benefits. It therefore provides empirical support for theories advocating deliberative democracy in challenging punitive attitudes (Rowan, 2011, Green, 2008), while enhancing our understanding of 'what' deliberative democracy can achieve and how.

7.2 The persuasiveness of 'crime costs'

Chapter 3's discussion concludes that the 'crime costs' literature is important for robustly substantiating the significant economic impact of crime (Cohen, 2004, Moore and Shepherd, 2006, Heeks et al., 2018). Cost benefit analyses (Cohen, 2004, Farrington and Welsh, 2014) offer credible tools for helping decision makers assess the social and economic merits of particular crime prevention options. They therefore

help justify strategic early intervention around the social factors behind crime, especially within an austerity context (Savage, 2018, Alston, 2018, Grierson, 2019). However, this thesis criticises the crime costs literature for failing to articulate how the evidence can be applied in public debates. This includes missed opportunities to challenge populist trends in public opinion and crime (Sparks, 2003, Scraton, 2008), political manipulation (Muirhead, 2010, Johnston and Wozniak, 2022) and media influences, frames, stereotypes and fake news (O'Neil et al., 2016, Cellan-Jones, 2019). Deliberative literature highlights how aggregative democracy can perpetuate public punitiveness (Dryzek, 2002), but does not develop the arguments and frames we could deploy in deliberations to stimulate political change. This thesis addresses this gap by proposing the costs of crime as a persuasive 'rational frame' within public deliberation, for its educative qualities (Habermas, 1990, Dryzek, 2002, Estlund and Landemore, 2018). This unique frame blends 'avoiding the costs of crime' with a fuller narrative around 'the causes and early prevention of crime' (Social Sustainability Frame), and its overlaps with emotional knowledge discussed in Chapter 4 (e.g. the Emotional Loop).

The fieldwork explored the persuasive impact of the Social Sustainability Frame through an expert presentation, summarised in Appendix 4. Deliberation and interview recordings were analysed for evidence around the impact of crime cost arguments. Findings show 'avoiding the cost of crime' or 'social sustainability' arguments were persuasive for all participants, but in different ways, for different reasons. This persuasiveness supports theoretical conclusions around the importance of 'rational frames' and credibility of social sustainability as truth. However, the different impact of these arguments on participants was unanticipated. The qualitative methods therefore

uncovered greater depth compared to deliberative surveys, finding participants fell into three distinct categories discussed below. It therefore contributes empirical insights into the impact of 'crime cost' arguments within deliberation, while demonstrating the value of qualitative methods for assessing deliberative practice. The nuances identified present real-world opportunities for tailoring deliberative content to appeal to different participant perspectives. Findings also contribute original perspectives to deliberative theory. For instance, rational democrats might anticipate that factual crime cost evidence would bring participants to a consensus around the economic impact of crime. However, the discussion below highlights that participants found the same arguments persuasive for different reasons; adding richness to the theoretical conception of 'consensus', revisited below.

The participant categories identified were 'Crime Costs Pragmatism', 'Crime Costs Robust' and 'Crime Costs Convinced'. These did not neatly correlate with Chapter 6's typology. Before discussing these categories, it is worth highlighting certain key moments within deliberations in which participants commented on crime costs arguments. Discerning whether they directly influenced other participants' views is challenging, as most participant comments were longwinded contributions infusing multiple concepts being discussed. However, they provide helpful context for the discussion below, with similarities emerging between participant statements on crime costs and the nuances within their post-deliberation interviews. For instance, certain participants felt crime costs arguments had been educational, and that other participant contributions during deliberation had helped that process. Consider Laura's comment during the first deliberation for Group 1. She says in relation to early intervention that "I think we're tinkering around the edges if we don't accept that money

and time has to be spent on this". During the second session, Jason counters her perspective, observing "you gotta make sure you're not just throwing money at things, it's not in the interest of the public purse", showing a more cautious approach to investment arguments. Despite all participants eventually showing support for crime costs arguments, Group 2 similarly had some 'argument' on the issue. While positive cases were made, the first session heard concern over 'affordability'. Rishi asks "should more money just be pumped in to police forces, to help reduce long term crime...all of these ideas cost money?". Similarly during the second session, Danny asks "the costs would be absolutely astronomical...what would our taxes be like?". Levels of scepticism regarding economic rationales are discussed below. Importantly, these statements show a robustness in deliberative dialogue and authentic challenge to 'crime costs' narratives. This therefore provides greater confidence that the support for crime costs arguments across all participants, is genuine.

Crime Costs Pragmatists (6 of 17 participants) were generally persuaded by, and knowledgeable about, crime cost arguments already. Deliberating reaffirmed their stance. Their view on 'social sustainability' was often indicative of their general progressiveness, but not in all cases as the below highlights. Notwithstanding their general persuasion, Pragmatists qualified their support for 'avoiding crime cost' arguments; considering them secondary to moral reasons. It is therefore the inherent moral good and 'evidence' behind early intervention that underlines their conviction for supportive crime prevention. As such, Pragmatists argued that economic and cost effectiveness arguments for progressive prevention were valuable for persuading sceptical politicians or decision makers, even if not their own primary concern. It is this that defines their 'pragmatism'; recognising the means-end value in crime cost

arguments. Sometimes Crime Costs Pragmatists highlighted other system failures prohibiting effective prevention, distinct from arguments around insufficient prevention investment or austerity. However, Pragmatists typically concluded there is in fact insufficient prevention investment.

Martin strongly supports 'investing to prevent cost' narratives, including pre-deliberation, saying:

"oh definitely...they're very persuasive to me...I think I would probably target most of my resources actually to the prevention element...I would definitely support targeting the finances".

Elaborating, he highlights education and therapeutic interventions, adding:

"the economic impact on those finite resources I mentioned earlier is quite significant in that respect...you look at it in that perspective and you sort of think to yourself, actually maybe there's alternatives other than prison...whether that be through community service, or teaching or focussing resources on lots of teaching and those sort of child centres you referred to".

However, Martin keenly emphasises the intangible victim impacts; consistent with the Pragmatists' normative justifications. He says:

"probably the more important impact is on them personally, the changing of their lifestyle...someone who's been attacked in the street and they're scared to walk out at night...that's probably the more pressing issue for me...the victim impact".

He further comments on the impact on victims' mental health. Chapter 3 references the elevation of 'intangible costs' within the crime costs literature. Martin's concern for victims can therefore still be characterised as being persuaded by the importance of avoiding 'intangible costs'. However, the quantification of intangible costs in Heeks et al. (2018) and others, mainly serves to provide a 'financial value' to elevate in decision makers' minds something of 'normative value'. Therefore, recognising the intangible harm to victims in quantified form, is really to recognise an argument grounded in morality over economics. Martin is therefore distinguishable from certain other participants to be discussed because 'financial costs' are secondary to him. His support for the financial element is 'pragmatic', recognising its importance for justifying progressive prevention. His sympathies for victims, also suggests an emotional dimension to his preference. This presents empirical support on the interaction between 'emotional' and 'rational' frames, contributing to Chapter 3 and 4's discussion of emotional frames (Lacey and Pickard, 2015) and emotional expression within deliberation (Deveaux, 2018). However, it also shows that the persuasive elements of crime costs arguments for Martin depart from the Social Sustainability Frame. This is because his 'victim' focus is stronger than his sympathies for those committing crime due to trauma and associated arguments for preventing trauma for offenders or potential offenders. It therefore demonstrates how persuasive combinations of emotional and rational content could garner progressive support for different reasons. As such, it also hints that this combination could result in other outcomes for new public participants, and not necessarily in favour of progressive solutions. On the evidence discussed in this chapter however, crime costs arguments helped garner progressive support for all participants.

Some Pragmatists were more explicit about the ‘practical utility’ on cost avoidance arguments. Peter, a white man, bisexual, active in the community, 56-65 and a local authority worker, strongly believed in the inherent value of early intervention. However Peter also pragmatically highlighted the necessity of crime cost arguments within the contemporary reality of decision making, saying:

“well yes, definitely...we live in an era where everything has to have an economic cost and rightly or wrongly we provide care for young people and it’s costed...so if you live within that reality you have to come up with an idea that is sustainable, which means you have to try and win the argument that actually closing Sure Start centres, closing youth clubs, closing early intervention programmes down...is gonna cost us a lot more”.

While Peter suggests some discomfort with the economic frame, he demonstrates his appreciation of its utility. As a public participant, his persuasion adds new relevance to the cost benefit analyses of Farrington and Welsh (2014) and others. It therefore shows the importance of this thesis in addressing the gaps in the crime costs and public opinion literature. It does this by demonstrating real-world application and accessibility of the crime costs evidence in broader public debate.

Similarly, Lindsey acknowledges ‘spend to save’ rationales. However, post-deliberation she emphasises intangible arguments, saying:

“this is about human beings, so if you invested early and people were given some more hope and aspiration and more understanding that things can be different, then yeah, it needs to be done. And if it saves money in the long run...I think the monetary cost is really a persuasive measure in terms of getting

politicians to listen, because everybody's talking about saving money. But for me it's about saving people and making this society a better place".

Here, Lindsey demonstrates her people-centred priority, while pragmatically recognising the persuasiveness of cost arguments. Her perspective also addresses a critical theorist dimension. Given critical theorists challenge neoliberal democracies (Dryzek, 2002), there is a risk crime cost arguments reduce complex social debates into monetary terms consistent with capitalist framing (Aviram, 2015, Sandel, 2012, Schumacher, 2019). However, Lindsey and other Crime Cost Pragmatists show how social sustainability narratives augmented their normative stance on progressive prevention, without inadvertently orientating attitudes towards monetisation. It therefore provides novel insights supporting this thesis' critical theorist objectives by showing financial arguments can bolster human-centred narratives and challenge neoliberal frames. For instance, rather than 'cost' arguments justifying progressive prevention solely on the basis of economic efficiency consistent with neoliberal characterisations of issues, it is seen as supplementary to moral reasons. Financial terms can therefore be 'reframed' or 'repurposed' for progressive agendas, without necessarily deferring to market ideology or efficiency.

As another example, pre-deliberation Laura talked about the economic impact of crime on social care and prisons. Post-deliberation, Laura remains equally convinced regarding early intervention's economic benefits, stating:

"the consequences are not so great because we've put money in from the beginning...put resources in at a time when the greatest change can be effected and so the impact of what's happened to people in their young lives

doesn't result in sort of a crime fest in later years when it's so difficult then to get people on the right path...crime is massively expensive".

Asked if she found social sustainability arguments during deliberation persuasive, Laura adds "it was persuasive, it was very persuasive...it made absolutely the most sense". However, as with other Pragmatists, she also shares normative perspectives; softening the 'investment' emphasis. For instance, post-deliberation, Laura expresses concerns over the competence of professional services, noting:

"I was saying loads more resources need to be pumped in, but actually it's not about the resources really, because actually there's lots of resources that's already pumped in – it's about how it all works".

Noting failures in organisational partnerships, she says "context can be missed because people don't talk to each other properly" and a "lack of professional curiosity". On issues like domestic abuse Laura concludes "no one is taking it as a whole, and looking at it as a whole". Like other Pragmatists, Laura therefore stresses that there are vital elements for ensuring successful progressive prevention, other than investment and economic gains. While she believes strongly in progressive prevention and the need for upfront investment, she represents variety within the Crime Costs Pragmatist group. This is because distinct from the others, she focusses less on the moral reasons and more on operational improvements.

Some participants in the Crime Costs Robust group (6 of 17 participants) were challenging to categorise. For instance, occasionally their conviction around 'invest to save' narratives suggested they were convinced without qualification. Typically however, participants in this group presented evidence showing their support for

‘avoiding costs of crime’ arguments were caveated. This was in the form of calls for more robust evidence like cost benefit analyses; to address their scepticism regarding the cost effectiveness of progressive prevention. Their evidential expectations indicated the importance of ‘rational frames’ within deliberation for Robust participants. This presents empirical support for the rational democrat perspective (Cohen, 1998, Habermas, 1990), but also complexity on how rational arguments resonate in practice. For instance, although ‘rational frames’ applying crime costs evidence resonated with Robust participants, as elaborated on below, these rational arguments did not yield unequivocal support for progressive prevention. Rather than forming a neat and finalised opinion, they inspired further interest in learning and requiring more detail and evidence; like with Jason’s comments below. The latter therefore also contributes empirical insights to deliberative theory on citizen education (Elstub, 2018), with the interest in more evidence indicating that deliberation inspires a culture of learning.

When asked about the economic impact of crime pre-deliberation, Larissa says “I would imagine it’s a hell of a lot of money”. However she urges caution regarding ‘invest to save’ arguments, saying “yeah, however I don’t think it could be one or the other, or cutting back on any of the resources you have at the moment”. This suggests scepticism around reprioritising funding and the affordability of social sustainability propositions. Post-deliberation however, Larissa demonstrates greater understanding of crime costs; specifically referencing prison’s financial burden and economic benefits of early intervention. She says:

“we did talk about finance and how much it would probably cost to be able to put things in place but looking at the costing now to incarcerate

people...thousands and thousands a year...going to be more in prevention than cure...I definitely think that it's worth investment. And it will cost a lot initially, but hopefully if it works and everyone's educated then they will probably save money".

The word 'hopefully' suggests residual cynicism about whether investment would work, placing her in the Robust category. Larissa's residual cautiousness regarding the economic advantage of prevention is reiterated when she says "generally, yes I think it would be great if all that could happen, but sounds like it's gonna cost a lot of money and I suppose that's where the idealism comes into it". Her 'idealism' reference, captures her doubt and higher threshold of proof.

Pre-deliberation Jason recognises the significant financial cost of criminal justice services. Equally, pre-deliberation he repeats cautions about which prevention interventions to support. For instance, he says:

"I'm sceptical, however I'm still aspirational and optimistic as well, that if we do things right...it's not just one size fits all, but actually there's a well thought out programme...points where we're analysing data and actually understanding what's working and what's not working...but I'm not just for pushing money out and throwing money at a problem".

His data and evaluation expectations make him Robust. In contrast to the 'Convinced' participant category, he expects more evidence and his support is conditional. Equally, the above shows his general preference for prevention efforts and their economic benefit, demonstrating his broad belief in the cost advantages of prevention. Jason's 'robust' expectations are consistent post-deliberation, recalling:

“I think we all had a consensus in our group about the fact that it’s about being proactive, instead of just being reactive. And I think there was possibly from my point of view joint agreement that money shouldn’t be wasted”.

He strongly supports early intervention investment, but qualified with anxiety over wasteful expenditure. Notwithstanding that, he recognises austerity’s negative impact, noting:

“I think we’ve seen it when it was cut, youth workers being made unemployed, youth centres were closing down, we saw what happened with the riots, we seen what happened, and it’s because young people felt like there was no hope”; and

“going back to cost there was a cost analysis of the cost it takes for prison service...compared to actually dealing with things where we can in the community”. Jason’s recollection of the ‘cost benefit’ reference during deliberation, appears to inform his support for ‘invest to save’ principles.

Like others, pre-deliberation Gregory concludes crime costs are significant; and said to others during deliberation “if we’re not going to look after the parents, then be prepared to pay more later”. Post-deliberation Gregory also remembers crime cost statistics shared during the deliberation being helpful. Notwithstanding his general commitment to economic arguments favouring prevention, he holds reservations, arguing:

“What I’ve noticed is they they’re slowly becoming lazy...if you can prove how you got to that figure that’s gotta be one thing...if it’s done in a sophisticated way and a meaningful way”.

On his 'cost benefit' scepticism, he adds "I think it's been overused...in 2013 it used to excite me...I've seen people use it cynically as well and where it's like oh you're clutching now". The crime costs literature offers solutions for ensuring evidentially robust calculations within cost-benefit analyses (Welsh and Farrington, 2000). However, Gregory's scepticism offers a real-world perspective on their application within public debate, including on their potential limitations as an effective 'rational frame'. Gregory's observation that 'cost saving' narratives have been overused, might also hint at post-truth dynamics, like those discussed in Chapter 3 regarding the proliferation of fake news (Mavelli, 2020). This is because he questions the integrity of certain cost effectiveness arguments due to a bombardment of exaggerated claims, making it harder to discern truth. Correspondingly, it highlights how theoretical concerns regarding post-truth dynamics might negatively impact legitimate and evidence-based cases for progressive prevention. However, Gregory suggests this can be mitigated if cost-benefit claims are presented in a "sophisticated way". This supports Chapter 3's suggestion that fuller and more complete explanations can be integral for garnering credibility for recipients (O'Neil et al., 2016). These insights therefore uniquely show how crime costs evidence can be placed within a fuller narrative.

Finally, Crime Costs Convinced participants (5 of 17 participants) were very persuaded by 'invest to save' arguments, without caveats around the evidential thresholds or normative reasons of Robust and Pragmatist participants. It again presents empirical evidence for the persuasiveness of rational crime costs frames further contributing to the theoretical deliberative literature on rational arguments and educative benefits (Elstub, 2018, Estlund and Landemore, 2018, Habermas, 1990).

Convinced participant Hannah, expresses her un-caveated pre-deliberation recognition of crime costs especially for prison, saying “I wouldn’t know numbers but I should imagine extortionately, extremely expensive...to get the site, to maintain them, to staff them...to lock people away, it’s almost big business I should imagine”. Post-deliberation, Hannah’s ‘Convinced’ status is reaffirmed as she recalls deliberative discussions on crime costs, remembering:

“I do remember some discussion about it...it’s big business, you know if you look at the whole network of it, it’s not just about a prison service, it’s about...the criminal justice system as a whole and...everybody who is professionalised who touches that area, it’s far bigger than I think I’d appreciated, just the reach is wider...it was far more than I think I had allowed myself to think about...much more on the punishment side than on the rehabilitation”.

On ‘avoiding costs’ Hannah adds:

“it would work for me. It would be good to see examples, of course it would make sense...crime prevention and better integration into society...it would be very persuasive for me”; and

“I think we’ve got more and we could redistribute it in a much better way than we do”. Here, Hannah’s confidence in prevention investment is unqualified, with deliberative dialogue appearing to reaffirm; discussed further below.

Sophie is similar, commenting:

“punishment just costs an inordinate amount of money, then we’ve got the financial losses...suffered by the victims of crime, but you know then you’ve

got...violent crime and violent offenders...the economic cost flows through the needs of the victims...trauma, mental health...it just ripples through everything”.

Throughout her participation, Sophie’s perspective on the social factors behind crime, underinvestment in prevention and consequential costs, remained steadfast. Post-deliberation, Sophie reiterates support for ‘avoiding cost’ narratives, saying “I sort of live and breathe it...I think they’re massively convincing...it’s my bread and butter”. While comments indicate Hannah acquired detail on crime costs from deliberating, Sophie’s professional experience meant deliberation affirmed her ‘Convinced’ position.

Zahra’s Convinced status is clearly shown by her comment:

“I suppose you have to...spend it to save it really...if you’re spending money on like organisations or means to prevent a crime, you’re saving money on that crime, on like the potential of the impact that crime could have made...creating organisations that can support people who are...being groomed...would prevent those crimes from being committed and causing an economic impact on like another organisation, on people”.

Zahra suggests deliberating enhanced her economic awareness, recalling:

“yeah, I think they mentioned the costs of the individual going into prison, the cost of justice, restorative justice to families and victims, cost of attending courts...large cost of compensation...it really adds up just from one individual, when there’s so many in prison it’s very costly”.

Her confident recollection suggests unqualified support for preventative investment. Zahra's suggestion that she acquired knowledge, also presents further empirical evidence for the educational benefit of this 'rational frame', again contributing to the theoretical deliberative literature (Elstub, 2018, Estlund and Landemore, 2018, Habermas, 1990). This is because it affirms the theoretical expectation that deliberating will enhance factual understanding, and Zahra's recounting on newly acquired facts demonstrates this.

These findings show substantive discussion of economic arguments are very persuasive for garnering support for progressive crime prevention, in different ways. Fundamentally, it supports Chapter 3's proposition around the persuasiveness of crime costs frames, building on framing theories such as in Lakoff (2017). This is underlined by the progressive consensuses discussed in Chapter 6, which broadly reflect the investment narrative of these crime cost and Social Sustainability Frames. Rational democrats emphasise the value of reason and facts for garnering consensuses around 'truth'; accepting consensuses are not always feasible (Dryzek, 2002). However, the deliberative literature does not discuss the potential for 'rational frames' to help build consensuses that mean different things to different participants, i.e. agreeing to conclusions but for different reasons. Chapter 6 discussed findings regarding participants' varied perspectives on and level of comfort with their groups' consensuses. Building on that, the crime costs categories show that even supposedly 'objective' and 'rational' consensuses must be considered within the complex reality of public opinion. They show that participants interpret facts and evidence differently, and that agreements might be reached notwithstanding these differences. This therefore contributes new dimensions to the public opinion and crime literature,

because it typically suggests information will educate participants evenly, with agreements made on identical interpretations of fact (Hough and Roberts, 2017, Roberts and Plesnicar, 2015). In contrast, these findings show participants learn or interpret different things from the same facts, challenging the rational democrats' one-dimensional notions of truth. Chapter 4 discusses how 'difference democrats' embrace diverse perspectives, emotion and subjective interpretation (Bachtiger et al., 2018, Dryzek, 2002). This thesis proposes blending emotional and rational knowledge, pragmatically recognising the complexity of human opinion and realities. These findings add empirical support for this; showing 'rational frames' can be adopted for different reasons, based on different interpretations of the world and emotional sentiment. Crime Cost Pragmatists for example interpret the factual evidence through a 'normative' lens. They blended their appreciation of rational arguments with differing moral reasons, including concerns for intangible victim suffering or the inherent moral good of early intervention. This thesis therefore concludes that the theoretical deliberative literature is too binary, contributing a new pragmatic perspective that values both rational and difference democrat objectives.

The fact crime costs arguments resonated with all participants should be analysed alongside the groups' progressive consensuses, outlined in Chapter 6. The broad support for early intervention investment was clearly consistent with this. Likewise, certain caveats within group statements reflect the differing crime cost categories. For example, one statement caveated that for family support initiatives it is "not appropriate to do this for too many people" with doubts around "feasibility financially of doing this for everybody". Comments on financial proportionality reflected the caution from the Robust category. Equally, both groups' confident recommendation around investing in

early intervention, such as education or family support, reflected the support across all crime cost categories around 'invest to save' principles of the Social Sustainability Frame.

The broad appeal across all crime cost categories also contributes empirical insight into this thesis' discursive democrat position. This proposes that there are significant advantages in widening public participation in deliberation, including through devolved government bodies (e.g. Devolved Deliberative Democracy). Specifically, the apparent wide appeal and accessibility of social sustainability narratives suggest they could realistically contribute to stimulating wider attitudinal shifts. They therefore simultaneously provide novel empirical perspectives on how to apply crime costs literature (Heeks et al., 2018) in public debates, and opportunities for accessible content enabling wider public participation in crime debates. This contributes practical depth to discursive democracy theory in Dryzek (2002) and Mansbridge et al. (2012). The different crime cost categories however suggest further analysis on deliberative content is required. The Pragmatists preferred moral rationales. With some economists advocating wellbeing and environmental measures over fiscal (Becker, 1993, Raworth, 2018, Sandel, 2012), more time could be allocated to these perspectives within deliberation to enrich discussion for Pragmatist participants. Likewise, more content on the costs effectiveness evidence for certain prevention methods like cost-benefit case studies on crime by Decker et al. (2021), might address Robust participants' reservations. Further, the expert presentation on social

sustainability,³⁵ is arguably too narrow from an economic theory perspective. A fairer appraisal of the Social Sustainability Frame's persuasiveness might require a greater range of economic perspectives within deliberative content, including pro-austerity economics or concerns over national debt. Given contemporary economic crises around government borrowing, taxes, austerity and inflation, these discussions might be particularly important for participants (Romel, 2022, Giles and Pickard, 2022). Political affiliation of participants should also be considered, as although participants varied on punitiveness, latent ideologies may inadvertently skew participants' amenability to certain economic narratives. Introducing alternative economic theory would not necessarily reduce social sustainability's persuasiveness. Equally, deliberative content design should avoid overcomplicating discussions, which could reduce discussion fluidity and comprehension for some public participants. Future research avenues are discussed in the conclusion chapter.

The broad appeal of 'avoiding the cost of crime' arguments suggest they were influential for the Significant and Minor Progressive Shifters discussed in Chapter 6. As these arguments promoted progressive prevention, and as this narrative resonated with Progressive Shifters, it is reasonable to conclude it contributed to their support for the group consensus and new appreciation for the social factors behind crime. However, these opinion shifts and consensuses may not have emanated solely from social sustainability arguments. As discussed below, all participants confirmed they learnt to varying degrees from different deliberative elements, such as expert

³⁵ See Appendix 4.

speakers, lived experience presentation or participant dialogue. The findings suggest predominantly 'rational frames' around crime costs helped shift attitudes towards a consensus. However further research could explore which elements were 'most' impactful, and therefore more depth on the degree of persuasiveness of crime cost narratives.

7.3 Deliberative education

The research questions explore the mechanics of 'how' and 'why' opinions might change post-deliberation, including educative benefits. These are key to understanding Chapter 6's typology. Chapter 4 discusses the emphasis on educational benefits for participants within deliberative theory (Habermas, 1990, Dryzek, 2002), including from lived experience and emotional narratives (Flynn, 2014, Bachtiger et al., 2018, Polletta and Gardner, 2018). Chapter 4 therefore highlights the centrality of epistemic benefits to this thesis and the importance of public education on the social factors behind crime, progressive prevention and the required empathy. This thesis also adopts discursive and critical theorist democracy, proposing that widening public participation and civic education can stimulate political change and criminal justice reform (Elstub, 2018, Estlund and Landemore, 2018, Habermas, 1990, Dryzek, 2002). Chapter 4 correspondingly suggests Devolved Deliberative Democracy could see devolved authorities, with their unique local visibility and credibility, convening public debate to build greater public knowledge and engagement around the social factors behind and solutions to crime. This offers further depth to the critical theorist democracy; articulating practicalities for the theoretical objectives.

Deliberative theory also anticipates that authentic deliberation can stimulate informal deliberative conversations between people and inspire social activism (Bachtiger et al., 2018, Andreescu and Hughes, 2020). Chapter 4 suggests formal deliberation could indirectly stimulate better informed conversations on crime in communities; perpetuating wider attitudinal shifts. Consequentially, growing informal public knowledge of progressive solutions could stimulate local activism. Alternatively they might pressurise governments to respond, with attitudinal shifts being detected through polling, voting or direct public engagement. The empirical insights discussed below contribute to these theoretical propositions, developing our understanding of the types of deliberative education and its implications for achieving criminal justice reform through public deliberation.

Data analysis found all participants claimed to have learnt new things; substantiating the deliberative literature's epistemic assumptions that knowledge would be acquired. The findings also contribute depth regarding the variety of knowledge gained. Some developed an appreciation for conflicting opinions on crime through participant dialogue, indicative of 'reflective devices'. This was more typical of Affirmed Progressives who had more pre-existing knowledge about the social factors behind crime, but developed their understanding of other perspectives. Some learnt from the expert presentations, emanating from 'rational' and 'expert framing'. This was mainly from those undergoing progressive shifts. A minority were particularly affected by the lived experience and case study contributions, deriving benefit from 'emotional framing'. This represented 'emotional learning', more consistent with the expectations of difference democrats (Deveaux, 2018). The discussion below will highlight key

examples illustrating these different education journeys and their relevance to the key theoretical debates.

7.3.1 Dialogic learning

Most of this chapter analyses explicit participant statements made during post-deliberation interviews regarding things they felt they learned or developed an understanding about. This includes specific reflections on the impact of participant dialogue, in addition to expert or lived experience accounts. However, first, this section considers certain participant exchanges during deliberation itself, which offer clues to the potentially educational impact of dialogue. This ‘speech analysis’ helps demonstrate the dialogue authenticity, lending credibility to the participants’ purported learning discussed below. In particular, if there were no instances of conflict during discussions, it could imply insufficient ideological diversity within the sample, thereby reducing educational opportunities from dialogue. More positively, this analysis can potentially help identify ‘key moments’ of learning, or apparent attitudinal shifts during the deliberation itself.

As with the crime costs arguments discussed above, it was difficult to pinpoint moments or statements that directly influenced or shifted attitudes. However, key arguments made did feature within the ultimate consensus reached. This suggests they were influential notwithstanding the fact they underwent challenge during participant debates. Further, occasionally statements appeared to directly influence certain participants, although hard to discern with any precision. In reality, this difficulty

might be because participants were too proud to admit opposing arguments changed their stance. Alternatively, ideas can take time to germinate without it always being clear where they came from. Or participant statements may have influenced attitudes when forming part of a wider set of information.

In Group 1's first session, Laura expresses disapproval of what she believes is society's punitive approach, saying:

"I think...we are making the same mistake we did 150 years ago and that's to criminalise the poor...we're sort of creating this sub-strata of society. We forgive the criminals who are rich....to counter that, what I'd do, I think that from children going to nursery school we need to create a relational model...are we teaching them to be open and to be kind and empathetic?...also I think we've also got to look at how we deal with mental health...and how it's funded...and adverse childhood experiences".

Sinead counters this, suggesting society is not harsh enough, arguing:

"it would do if it was consistent, definitely, and if it was harsher as well. There's no point in putting people away for six months for them to come out laughing. You know, yes it's been interrupted their lives and they're not able to see their families and friends the freedom...But they go in there, they make friends, they can get hold of drugs, you know, the system is too easy".

Despite Sinead and Laura's conflict, Sinead ultimately underwent a 'significant progressive shift', as discussed in Chapter 6. As with other references to Sinead in this chapter, one cannot necessarily put her shift down to specific participant arguments, including Laura's. She does however indicate that participant dialogue

was influential, observing in post-deliberation that “some of the things that they said did make me think a little bit more, and a bit wider”. Despite uncertainty over the impact of specific statements, the overall impact of the deliberative content appears to have been sufficient to help her accept opposing perspectives. Whether or not conflicts in dialogue were the main source of education, the overall attitudinal shift indicates a learning experience from the deliberation.

Session 2 witnessed similar conflicts, although potentially demonstrate more direct learning as a result. Jason emphasises concern around taking a soft approach to the written case study characters,³⁶ reminding others that “this young person and his girlfriend were viciously attacked...just because ultimately he’s had problems, does that warrant their behaviour...I take a hard line on that respectfully”. Disagreeing, Jonathan argues:

“I just think it’s too easy to throw people into prison...we had a pupil that left about four or five years ago. I think it was the first family that I worked with and I remember having a multi-agency meeting...one of those incidents involved a knife, and the easiest option for his first offence was to send him to youth offenders...I followed that case...I asked for early release. He actually got early release...I worked with this young man intensely for about a year and he’s never been back”.

³⁶ He refers to the characters in the case study looked at by participants in the second deliberative session.

Chapter 6 references how Jason reflected on alternatives to prison, like restorative justice. This suggests comments like Jonathan's prison criticism, were particularly impactful.³⁷ While Jason does not credit Jonathan, the link is plausible given the comments Jason himself makes about what influenced him. Either way, like Sinead, the deliberative content as a whole was sufficient to 'significantly' shift Jason's views, notwithstanding opposing perspectives like Jonathan's. The conflict at least shows authenticity in the group's ideological make-up, and plausibly helped influence Jason's progressive shift.

Session 2 similarly showed signs of punitive-leaning participants shifting stance during the debate itself, indicating reflective learning throughout. Jason for instance emphasises a more 'preventative' perspective contrary to his previous harsher stance, now saying:

"I just wanna repeat what colleagues have said about social services...the first thing that comes to mind...is that we have got major shortages...where obviously social workers aren't probably coming through quick enough, being trained...but also the caseload they've got coming through at the moment, from what I'm hearing...is incredible...and they just can't give the attention that needs to happen".

³⁷ To recap, Chapter 6 notes Jason's post-deliberation reflections on the impact of participant dialogue, with Jason noting "restorative justice...sometimes I would actually be willing to be open minded, and probably a bit more liberal on the point of sentencing as long as people took a sign of remorse...actually met with their victims. And I think that's more important to me actually, than actually them given a prison sentence because he's actually facing up to what they've done, and I think that's more effective".

Here, his new emphasis on the preventive importance of social care rather than punishment, demonstrates his shift during the debate. The authentic and two-way nature of the deliberations gain credibility by the fact that, notwithstanding progressive consensuses, progressive participants also appeared to reflect on their 'progressive' stance during debates. David, an Affirmed progressive, qualified his previous progressive comments saying:

“that question about punitive approaches and prison...what is the alternative, because there are such terrible offences that cause such pain and suffering, that it's very difficult to recommend anything other than prison...I'll be really honest, as much as I'm the biggest kind of advocate for early help there can be, I recommended prison for the young person...”.

David's perspective that prison and punishment are necessary, shows caveats to his prevention emphasis. This suggests David reflected on other participants' more punitive contributions, including the view that prison is fundamental from Jason, Zahra and Sinead.

Group 2 likewise contained respectful disagreements around the importance of deterrence versus progressive prevention. In session 1 Rishi stresses his worries about a lawless culture, noting:

“the likeliness that you're gonna go to jail or have a punishment of some kind...they know that at most they're likely gonna get a slap on the wrist if they get caught. There's no feeling that this actually this is going to lead to a consequence...there's no fear at all...from a justice perspective and an arrest perspective you know [if] you're likely to have some kind of action taken upon

you...then that might change somebody's behaviour as to whether they commit that crime in the first place".

In response, Lindsey doubts the effectiveness of punishment:

"I think the prison system in England is supposed to be about rehabilitation...for the majority of the time it doesn't work...how many people are we sending out back onto the street...go back to their broken communities...and once you've been criminalised it's incredibly difficult to get a job".

Rishi ultimately underwent a progressive shift, implying that progressive counter arguments were impactful. However, the difficulty in pinpointing the impact of specific participant exchanges remains true for Rishi. When asked whether the participant dialogue impacted him post-deliberation, he said "my feeling is yes it did, but I can't really think of anything specific". While his progressive shift discussed in Chapter 6 evidences a clear overall impact of deliberation, his ambiguous statement means firm conclusions over the educational benefit of the participant debate is difficult.

Group 2's Session 2 saw similar participant debates, as well as provocations. Martin for instance maintained pro-prison arguments for preventing crime in the long term:

"for me it comes back to different solutions for different crimes...particularly for violent crimes I definitely think prison and the deterrence potentially of that...for me, would have the biggest impact".

Subsequent progressive arguments however reframed the debate towards prevention, with Sophie stating:

“the biggest impact in reducing crime, I think that the investment around...family support...education and health services...I think what Rishi said around early years, supporting families at the early, 0-5...and parents”.

With the group, including Martin, ultimately agreeing to progressive recommendations, Sophie’s arguments may have been impactful. As discussed in Chapter 6, post-deliberation Martin explicitly notes that other participants’ contributions on education and prevention were influential, even if not totally persuasive.³⁸ As a Minor Shifter, it is unsurprising that he only found other participants to be ‘moderately’ persuasive. Debates however were not always binary. The ‘messy’ nature of this dialogue suggests greater authenticity, given real-world discussion may often include contradictory views, as noted in Chapter 3’s discussion on political ideology (Feldman, 2013). Affirmed Progressive Danny consistently favoured progressive solutions during his interviews. However, during session 2, he appeared to challenge progressive perspectives. Referring specifically to the lived experience presentation, he says:

“maybe I’ll provide some counter...firstly I’d say the Cleave story sounds to me like a success story. I mean look at him, you know, he went through the system, what he said actually was he received lots of support, even though it was imperfect it was in the 70s and the 80s and there was lots of shit going on, he got a lot of offers of support in many ways and he was unable to take it, is what

³⁸ In his post-deliberation interview, when asked if other participants were influential, Martin says “interesting hearing their views around the benefits of the education side and the rehabilitation side. So I think I didn’t necessarily say to myself to change my views to that aspect to support that but I definitely would increase that”.

he said. And then prison, that's when he sorted himself out...so I consider that to be a bit of a success story really".

This contribution hints that perhaps 'prison works', but did not seem to shift the group dynamics given participants' progressive shifts or affirmations. This outcome suggests the arguments heard earlier in the debate were sufficiently persuasive to override a 'prison works' narrative. Alternatively, contributions like this perhaps helped cement the 'prison consensus' seen across all participants to varying degrees, as discussed in Chapter 6. Either way, these challenges demonstrate the dialogue's competing perspectives, underlying the deliberation's authenticity.

Turning now to the participants' post-deliberation interviews, rather than dialogue observed during deliberation, a number of participants explicitly noted the influential impact of participant dialogue. On gaining a better understanding of opposing perspectives on crime, Lindsey recalls:

"yeah it did, it gave me food for thought really, about how other people view the world, because often we surround ourselves with likeminded people, and I think that's kind of lost a little bit with all the political correctness...I don't feel we have open discussions any more in our workplaces or...pub...[we] forget there's dialogue to be had, and whether it makes us feel uncomfortable or not, because making people feel uncomfortable helps them consider their thoughts".

Lindsey also expresses exasperation, noting "I think people's understanding of what basic need and what poverty is, is skewed, and then how do they have a proper understanding of crime...they're headline readers...and also they don't have a proper understanding of prison".

While she exhibits frustration, these opposing perspectives appear to be educational; with Lindsey repeating her recognition of the value of more open public discussion for ensuring people critically reflect on opinions. This also indicates that she perceived this thesis' deliberation to be authentic and fair, as one would otherwise expect her to be cynical about its value, either suggesting dialogue was biased or disingenuous. It therefore adds empirical weight to deliberative literature on legitimacy, because her positive reflections show that competing but respectful dialogue can garner perceptions of fairness, authenticity and value (Cohen, 1998, Floridia, 2018). It also suggests that enhanced dialogue in communities between people with diverging crime perspectives could garner perceptions of legitimacy more generally. When taken in conjunction with the evidence of progressive shifts and consensuses, this perceived legitimacy can increase confidence that deliberation could stimulate wider social change. These perceptions therefore offer empirical insight into the real-world applicability of critical theorist and discursive theories (Dryzek, 2002).

Some participants reflected more generally on positives gained through challenging conversations; suggesting 'reflective devices' could help sharpen opinions, as anticipated in deliberative theory (Estlund and Landemore, 2018). Samson, a black man, 36-45, educated to A Levels and working in a local authority housing team, says deliberating was:

"interesting, it touched on a subject that is probably always something that I'm aware or conscious of, but maybe never really spoken about it in this sort of format or you know with other people...but not on the level that we've touched on...you need to ask more questions, you need to question why I think this or

why I think that...it kinds of opens up your mind, different opportunities, different prospects...it's intriguing, I'm not usually intrigued".

The group dialogue appears to have helped Samson reflect and potentially inspire him. Samson's acknowledgment that he had not previously 'spoken' about these issues, highlights the impact of dialogue for him. Empirically, this adds weight to deliberative theory's key tenet that 'dialogue' and not just internal reasoning, has a profound impact on opinion formation (Habermas, 1990). It therefore supports this thesis' emphasis on shifting crime attitudes through collective dialogue.

Occasionally the educative benefit was a 'comfort and encouragement' that others shared similar views. Post-deliberation, Laura says:

"it makes me realise that there's people that are like minded that do broadly want the same things...they want a fairer society and better answers to the age old problems that we have and that makes me more enthusiastic to be involved, and to have a say, and to encourage others to have their say as well".

This suggests 'reflective devices' through participant dialogue have other potential positive impacts. They can increase confidence in informed views, consistent with the affirmation of Affirmed Progressives discussed in Chapter 6, while potentially stimulating wider civic inspiration, expanded on further below.

7.3.2 The rational

Facts and information through ‘rational framing’ were also influential, including for some Affirmed Progressives. Rational frames were predominantly injected through three expert presentations on the pros and cons of community prevention, surveillance and punishment.³⁹ As observed in Chapter 6, Gregory says the deliberation educated him on the specifics of addiction support services. As an Affirmed Progressive who delivers supportive crime prevention services himself, Gregory shows that deliberation can educate even already well-informed participants. ‘Rational’ and ‘expert’ frames were however most educational for Progressive Shifters. Some explicitly credit ‘expert framing’ for informing their shifts, while others simply acknowledge that ‘rational frames’ were persuasive. Post-deliberation, Sinead says on punishment:

“I don’t think it needs to be as harsh. I think that’s one of my views that changed when we spoke in the group. I always thought you know you did a crime go to prison; you need to do your time whatever and then come out. But there’s got to be something else other than prison because as soon as people go there, they’re influenced by people that they wouldn’t necessarily be influenced by people on the outside. And from what I can gather a lot of the people that are in prison have ADHD traits or you know autism anything like that, and it’s a wider spectrum of people that need to be...given the support that they need for their mental health”.

Sinead’s disability references demonstrate new knowledge around the vulnerabilities to crime. She confirms deliberations were educational for her and highlights the expert

³⁹ See Appendix 4 for an outline of the expert presentation content.

presentation, recalling “I think the early intervention is definitely something that I would go for more”. Sinead and other participants’ softening views, present new empirical insights into the practical possibilities for critical theorists (Dryzek, 2002), punitiveness and public opinion scholars (Rowan, 2011, Green, 2008, Bottoms, 1995, Garland, 2001). Moving beyond theory, they show how ‘expert frames’ can uncover the social injustices causing crime. Likewise, it implies the harmful impact of post-truth dynamics (Garrett, 2019, Nyhan et al., 2019) can be mitigated through education, fundamentally because it demonstrates people can acquire knowledge and correspondingly change views.

Commenting on the interaction of rational frames with other deliberative elements, Jason felt the combination of information within ‘participant debate’ was particularly influential, saying:

“the key thing for me when I came into the group, I was probably hard core and quite stubborn and wouldn’t change my view on sentencing, but I think the fact that you know restorative justice, the fact that there’s something to other angles as it were and listening to actually the causes as it were from other people’s perspectives was actually quite interesting, because I think that made me think then ‘well okay maybe my view of just send them to prison and throw away the key probably is quite harsh’ and actually there’s some absolute cases where rehabilitation is needed you know”.

Jason’s references to restorative justice which was contained within an expert presentation and participant contributions, evidences the combined impact of ‘rational frames’ and ‘reflective devices’; offering empirical richness to the epistemic theory. It

also helps inform the design of effective deliberation on crime to maximise the critical theorist and discursive objectives. In particular it implies public attitudinal shifts on crime are potentially best achieved through mixing frames and dialogue.

Occasionally Affirmed Progressives reflected on their views after hearing new 'expert' perspectives. Daisy, a white woman, 46-55, active in the community, undergraduate educated and working in disability support services, felt her progressive outlook needed a dose of reality regarding prison. Post-deliberation Daisy says:

“prison...has its place for those serious crimes...something that he said and I thought oh gosh that's really important isn't it, that it is a way of showing that this crime that has been committed has been taken very seriously and what would happen if the public weren't shown that...horrible severe cases or murder...what would happen if the public weren't satisfied that those were being treated the way that they should be”.

Here, Daisy's progressiveness is unwavering, but she suggests deliberation has developed her understanding. In particular it has instilled some balance; a new dimension of pragmatism around prison. It therefore evidences how 'reflective frames' aid understanding of diverging perspectives or compromise, notwithstanding the fact that rational frames can be contested and conflict, as with Social Sustainability Frames versus pro-prison arguments. It therefore adds richness to theories on how deliberation aids mutual understanding (Parkinson and Roche, 2004, Jordan, 2014).

Daisy also suggests deliberating has inspired further learning, recalling:

“there were lots of research findings, statistics that were read out, to back up, you know, each argument...it helped me to develop my understanding...and made me interested in finding out more and taking more notice”; and

“It has changed my thought processes, yeah developed my knowledge a little bit more, I feel, to give better support and maybe more informed advice”. Specifically, despite favouring early intervention, she adds “I also liked some of the things that were mentioned in the statements about...make use of the tags and supporting in the community and rehabilitating in the community”. Again, Daisy’s progressive views are affirmed, but with a new understanding of prison and community restrictions; potentially impacting her conversations with others. For instance, her new perspective may help her find common ground with people in everyday conversations; in pubs, cafés, work. Concerns around fake news, degraded civic discourse and political polarisation (Garrett, 2019, Nyhan et al., 2019, Jewkes, 2015, Green, 2008) discussed throughout this thesis, elevate the need for mutual understanding in public discussion. Further research would be needed to explore whether Daisy’s community interactions changed in practice. Nonetheless, her comments present evidence that competing rational arguments within deliberation can aid mutual understanding. It therefore increases theoretical confidence in the opportunities for positive impact through widening participation (Dryzek, 2002, Mansbridge et al., 2012). Based on Daisy’s insight alone, this conclusion might seem tenuous. Combined with evidence of educational benefits across participants however, it could plausibly impact on participants’ future community engagement.

7.3.3 The emotional

As Chapter 5 discusses, the lived experience presentation and case study exercise were incorporated within the deliberations to explore the role of emotive content for eliciting empathy or other emotional knowledge. While it is the post-deliberation interviews that were analysed for these impacts, participant contributions during deliberative dialogue also offered insights. This found evidence of an emotional impact at the time, and of the intertwining of emotional and factual deliberative content. In group 1, Hannah shared with fellow participants her feelings about the lived experience presentation saying that “It was very moving to listen to [him] as well”. Progressive Shifter Jason says on the case study “it’s just horrifying to hear”. In the absence of the post-deliberation interview insights discussed below, these comments offer minimal evidence of new ‘emotional’ knowledge or empathy. However they offer the first clues that certain deliberative content can illicit emotional responses. Expressions of emotion like this during deliberative sessions about the case study and lived experience presentation, were rare compared to more factual statements. Gregory says to the others:

“every paragraph has some sort of...adverse childhood experience, some form of trauma, some form of malpractice...or under supported...I being a believer in early intervention and prevention...if we’d have supported that situation...some of that could have been dealt with”.

Group 2’s discussions were also more factual, even when talking about the emotional content. On the case study for instance, Lindsey says:

“I think it’s about hope and about aspiration...if you read Craig’s story...I’ve worked in this kind of work for a long time. I’ve met lots of Craigs, I’ve met lots

of Cleaves...if they don't have any aspiration...your family give you everything at the beginning...if you look at Craig's family, the aspiration really was to continue with...criminal behaviour...he told the [police] of his issues but they still just gave him a fine...you start getting that mistrust of authority...you fall back on what you know".

Of course, while these statements comment on the factual details of the content, it is difficult to conclude that they are not emotive and therefore a precursor to the emotional themes discussed below. The number of statements like Lindsey's at the very least suggest the content was engaging. Given the purposefully emotive nature of the case study and lived experience presentation,⁴⁰ one can reasonably infer it was their emotional nature that made them interesting. It also indicates that emotional narratives hold value for conveying facts, as opposed to the 'emotional' value being the sole or most important objective. Equally, it might demonstrate the interconnectedness of facts and emotion, discussed below regarding Chapter 4's Emotional Loop proposition. Alternatively, participants' 'factual' discussions of the case study and lived experience presentation may simply be a way of communicating emotion. To explain, emotional expression need not always be a 'statement on our feelings', but can be statements about something on which we feel emotional. Further, participants may not have felt comfortable overtly sharing their 'emotions', especially with a group they do not know intimately. This might explain participants' apparent preference for talking within the deliberation about the facts of the emotional content. In contrast, participants shared their emotional reactions in the privacy of interviews,

⁴⁰ As discussed in Chapter 5, the case study involved in a first person role play format, and the lived experience presentation involved a real first-hand account of trauma.

discussed below. Further inferences can therefore be drawn around the educational impact of emotional narratives, when framed around the social factors behind crime and opportunities for progressive prevention.

Based on post-deliberation interviews, the lived experience and role play components appeared to elicit salient emotional responses for around 6 participants. Although not uniformly applicable across all participants as anticipated in Chapter 4's theoretical framework, it finds deliberation can stimulate emotional knowledge and empathy. Findings also present evidence suggesting emotion helps substantiate rational arguments for progressive prevention. It therefore adds empirical credibility to Chapter 4's Emotional Loop theory regarding the inherent intertwining of rational and emotional knowledge; uniquely blending rational and difference democrat schools. Zahra, a Significant Shifter, comments post-deliberation on the emotional impact of the case study, saying:

"I would say it was anger, because, like if he had all the support he wouldn't be in the position that he was in and because he was let down like it really frustrates me that...not one organisation is liable for him, and he has to pick up the pieces himself".

On things she learnt, Zahra references the expert presentation on social sustainability, remembering "I think it was the societal one. When they look at how funding in certain organisations...could help an individual more...some of the stuff they had I didn't know was available". Zahra's Progressive Shift appears to rest on an interaction of empathy and facts; supporting the Emotional Loop construct, with emotion interwoven with her rational conclusions on crime prevention. Simultaneously, it supports the theoretical

position that lived experience accounts of trauma can elicit sympathy or compassion; helping underpin acceptance of rational arguments for supportive prevention. Consequentially, it challenges theories suggesting people with punitive mindsets will automatically feel negative emotions towards people who commit crime (Carvalho and Chamberlen, 2018). It therefore offers a new take on the conclusions from Lacey and Pickard (2015), that retributive emotions can be recalibrated towards forgiveness. Findings suggest that illuminating the causal impact of trauma through case studies, can reframe emotional reactions, particularly in conjunction with new facts about the factors behind crime. This adds depth to the public opinion literature; presenting empirical evidence on the potential of ‘emotional frames’ in garnering support for progressive prevention. It therefore uncovers the complexity in public emotion, in contrast to homogenous vengeful groups, while also demonstrating a different form of knowledge. It highlights how opinion is not simply just about criminal justice facts which are the key focus in studies discussed by Loader and Sparks (2017). It also shows ‘rational’ and ‘emotional frames’ need not conflict, as is typically implied in deliberative theory (Deveaux, 2018).

Samson shared Zahra’s sentiment, saying regarding the lived experience account:

“Yeah. It makes you angry, well it makes me angry, when you hear things like that, because you just think, how could we as a society ever allowed this to happen. There was no surprises in anything that was said, it was all very predictable, but that was kind of his life story and it was wholly avoidable, so yeah it reinforced my constant anger at the world”.

As an Affirmed Progressive, Samson's emotional reaction has mainly reaffirmed existing views on social injustice. However, his statement still indicates that his attitudes represent an interaction of emotion and facts; anger and intellectual perspective on structural unfairness. It therefore further supports the Emotional Loop theory, and at least contributes novel empirical insights underpinning the assumptions of difference democrats.

Hannah's emotional expressions are less frequent and reflect sadness. On the lived experience presentation, she says:

"I thought it was very brave...I couldn't get over the way...it took him all those years, nearly two thirds of his life potentially...it reaffirmed the importance of giving people hope".

Hannah adds "I found it very moving, but very sad at the same time"; and "I almost felt a bit teary, because I felt sorry for him...for the way his life had turned out, and how it had been almost inevitable he'd end up inside". On the expert presentations, she says "I felt I learned information from the three speakers...it was news to me some of the information we heard". However she emphasised the social sustainability presentations, concluding "I would obviously go with the one that was talking about the social side of things". This matched her pre-deliberation statements emphasising "influencing factors" behind a person's crime.

Her factual accounts around the factors behind crime and her emotional response, again illustrate an Emotional Loop; intertwining the two. Whether her empathy underlines her belief in facts regarding the factors behind crime, supplements her

beliefs or are inseparable, is debateable. Either way, she illustrates the interlink between emotion and rationalisation. Difference democrats advocate the imperative of alternative expression (Dryzek, 2002). These insights however offer rich original perspectives on the diversity of emotional reactions between people.

While the lived experience presentation did not necessarily invoke the same emotional reaction from Laura, it still resonated. She recalls:

“I thought what a resilient human being he was...and how we need more people like that to be mentors to young people who’ve gone through similar situations...or they’ve had multiple traumatic events in their life...to have somebody like that speaking to them...to hear that from somebody who has lived it, it’s huge, it’s much more powerful than most teachers”.

Her reference to “powerful” arguably signals an impactful emotional response. Even if only taken to mean ‘very persuasive’, her appreciation for the account, demonstrates the influence of ‘emotional frames’ for garnering progressive conclusions, whether or not they induce emotion. This itself offers empirical justification for difference democrats’ theoretical emphasis on non-rational contributions (Dryzek, 2002, Deveau, 2018). It therefore informs opportunities for effective wider public deliberation in the future. Expanding on this Chapter 4 discusses how rational democrats emphasise ‘facts’ and ‘reason’ within deliberation, concluding this helps participants compete with ideas to arrive at a consensus around ‘truth’ (Cohen, 1998). While rational democrats like Habermas (1990) acknowledge emotion can underpin rational conclusions, difference democrats believe emotional or alternative expression is more fundamental. For them it can help people with different worldviews better

understand each other, rather than 'consensus on truth' (Dryzek, 2002). Chapter 4's discussion however led this thesis to propose a closer intertwining of reason and emotion (i.e. Emotional Loop), without creating a hierarchy between them. Rather than reason being more important than emotion, the two should be seen as conjoined components in opinion formation. The participant statements above demonstrate the positive impact of emotion in deliberation, alongside the positive impact of rational arguments. It therefore at least challenges the theoretical dichotomy of rational versus difference democrats. Taken further, it indicates that 'truth' or 'shared understandings' of the right way to tackle crime, can encapsulate a complex interplay of reason and emotion. It therefore informs the value we should ascribe to emotional content within future public deliberation.

It is difficult to draw firm conclusions when comparing the impact of the more abstract 'written case study' to the visual lived experience presentation from a real life person. Gregory found the case study most emotionally impactful. Asked specifically he says "I'm more triggered by individual stories than policy itself, so I felt like that helped to shape the conversation in a very enriched way" and "I responded best to the case study". Similarly, while Zahra felt the lived experience account was impactful, the case study elicited a stronger reaction. She said passionately "to be fair, with that one I was very angry". Certain others similarly appeared to emphasise the impact of the roleplay more. When asked whether there was an emotional reaction from the case study, Samson said:

"more empathy than sympathy, because I just kind of get it to a certain degree...it's just upsetting really, it's almost like what can you do, so you just

kind of feel a little bit disheartened as well. And a little bit sad, because it shouldn't happen to anyone, especially when it's like, from the time you were born...No one was ever there to give you the support you needed, and as an adult they expect you to be a well-adjusted human being”.

The examples already discussed higher up conversely show the lived experience account appeared more impactful. Combined it suggests firm conclusions should not be drawn over which format is most impactful. Instead it suggests there should be a recognition that different formats resonate differently between people. Further research could explore these variations more closely, comparing a greater array of presentation formats. This might, for instance, explore whether there are different deliberative learning styles, as there are in educational contexts and diversity between visual, audio and other learning types (Fariani et al., 2022). It might also explore the degree to which empathy was stimulated for the plight of ‘individuals’, or emotional reactions more to the ‘situation’ and ‘societal failures’. Examples given above discuss sympathy for the individual but also outrage at failures to support the person. The challenges disentangling this, make it hard to discern whether emotion is strictly tied to ‘individual stories’, context or perhaps a more complex loop between them; as proposed around the Emotional Loop and its factual and emotional interrelation.

7.3.4 Life's lessons

Chapter 5 observes that most participants were undergraduate educated; potentially representing a bias and risking more educated or ‘expert’ participants dominating discussions (Binnema and Michels, 2022, Przeworski, 1998, Sunstein, 1998). As

discussed, the moderation of deliberations proactively ensured all participants contributed, were responded to and treated respectfully. In practice, there were no obvious signs of dominance. Future research however should explore whether lesser educated participants are crowded out, or whether expert evidence has a different impact on people with less formal education. Research would need to balance respecting alternative insights from lesser educated views, while accepting more educated participants might justifiably have greater influence within deliberations due to having more informed views. Of course, multiple complicating factors should be explored. First, it should be considered how educated people's views interact with their personal and professional experience, as not all educated people will think alike and the dynamics behind this are unclear. Secondly, consideration should be given to whether educated people are more likely to dominate deliberations or have undue confidence even when the deliberated subject is something on which they have little knowledge. Thirdly, comparisons over types of education such as by subject or profession, could be examined for their impact on views, amenability to attitudinal shifts or behaviour within deliberation. In this fieldwork, participants consistently emphasised poverty and hardship as causes of crime. Evidence suggests poverty impacts educational attainment, vulnerability to crime and opportunities (Kingston and Webster, 2015, Health Inequality North, 2023). Participants from poorer backgrounds may raise these issues within a crime debate, especially from those who have received fewer education opportunities. However, the poverty emphasis from the well-educated participants in this fieldwork could be deemed patronising, and a greater participant diversity regarding education might surface unexpected priorities.

There were indications throughout the deliberations signalling the importance of personal experience in shaping attitudes. For example, during Group 1's participant dialogue, Jonathan says "I worked with this young man intensely for about a year, and he's never been back, for years now, had a baby, doing well in life". Alternatively, Zahra says of her work:

"I think the system is set up to fail individuals because...in order to get somebody sectioned, they first have to become a danger to themselves or to others...it's probably the same with addiction, there's no criteria...to gain help without them getting too far...for someone who's addicted, there's nothing to protect them...they actually have to go out and commit a crime".

The substance of these statements are reflected in the group consensuses to a degree, given their supportive focus (e.g. addiction or youth support). It suggests the professional experience of participants ultimately impacted the groups' outcomes, although it is challenging to be precise on the extent. Pre and post-deliberation interviews also illuminated the significance of participants' personal and professional experience; consistent with analyses highlighting the value of 'experiential knowledge' in deliberation (Galvin and Simmie, 2017). Professionals with experience of crime prevention more confidently advocated progressive solutions; referencing their professional background. Conversely, those with little experience often acknowledged limited real-world exposure and that deliberation educated them. This finding was unanticipated. It therefore offers an original contribution to crime deliberation methodology, with new perspectives on the 'types' of knowledge acquired through deliberation and their influence in reaching consensus. First, it demonstrates the educative value of hearing from people with practical expertise of social services or criminal justice. This seems obvious, but is not prominent in deliberative literature on

epistemic or consensus analyses, even if it is theoretically anticipated by difference democrats who emphasise unique individual narratives. Secondly, it shows the opinions of people with less practical knowledge can be influenced by others with professional experience. This indicates a unique 'persuasion dynamic', suggesting participants have particular respect for those with 'first-hand' expertise. While the deliberative literature is concerned about 'experts' dominating deliberations and silencing alternative perspectives (Warren, 1996), these findings highlight a different form of 'legitimate' expertise. This is frontline experience that is perhaps easier to respect than knowledge characterised as 'elite intellectualism'. 'Professional expertise' could still arguably be classed as 'elite' knowledge, not least its link to participants' high educational attainment. This still risks alienating or unduly influencing those without this expertise. However, as discussed in Chapter 6, participants appeared comfortable challenging others without pressure to conform or fearing ridicule. Further, the 'practitioner' level expertise appears to be distinct from more powerful or intellectually intimidating positions, like professors or heads of criminal justice institutions. There were no obvious 'expert-lay person' dynamics. Instead, participants with practical expertise shared experiences as credible evidence to inform others. Chapter 6's qualitative analysis provides confidence that progressive consensus were genuine; with participants justifying their support in detailed interviews. Empirical insights into the role of experiential knowledge therefore helps challenge deliberative critics, and their concerns around expert dominance (Vaughan, 2010).

Although she suggests there could have been more experiential diversity, Lindsey captures the importance of experiential contributions; referring to her own background working in prison. She says:

“maybe it could have been more...not everyone was professional. I think it would have been a good mix to have different people. You know, like in a prison we had a guy who was an accountant, and then a guy who had been a lorry driver...got a guy who, you know, had never worked and so the discussion was really varied because lots of things were completely outside some people’s understanding of life; are kind of known as the ‘hard to engage’, because they will move away from having to engage with such things because of how they feel about themselves and that in itself kind of proves the issues that we have as a wider society...that the debate is difficult for some people and so it’s shown in a different way, and sometimes that becomes frustration and aggression”.

While the sample was diverse in terms of punitiveness, demographics and job description, Lindsey’s comment underscores a limitation in the sample discussed in Chapters 5 and 6. The groups were heavily skewed towards public sector workers. While the previous discussion notes that this does not mean opinions would be homogenous, Lindsey’s point suggests deliberative dynamics could differ with greater participant diversity. In reality, it might be hard to access wider participant pools, with critics of deliberative democracy often arguing many people will be uninterested in deliberating (Somin, 2010). The sample in this fieldwork was still diverse for the reasons set out, including having people in senior public sector roles, accountancy, and lower paid administrative roles etc. However, these observations highlight the relevance of future research around participant diversity.

Linking his progressive outlook to his experience working with prisoners, Peter says pre-deliberation “I did criminology at university; very few surveys go and speak to

prisoners, who are the experts at the end of the day”. Post-deliberation, commenting on the childhood trauma case study, he says “I work with far too many Craigs. If they had been listened to from day one their lives would have been very different”. Some referenced their personal experiences of crime underpinning their progressive outlook, like Jonathan who says pre-deliberation:

“I’m originally from the Newton area, which was hot⁴¹ gang related, a lot of gang crime. I lost a cousin. I lost two cousins, they were shot...I was more committed to not falling into that, and obviously good parenting, I kind of steered away from it a little bit”.

Discussing his work with children excluded from mainstream education, Jonathan emphasises ‘supportive’ solutions saying, “seeing children succeed...a lot of them have been lost to the system...if I can help the young generation not make the same mistakes as myself and some of my peers”. In contrast, and as noted in Chapter 6’s typology discussion, others acknowledged their shielded background, and offer clues that they may have learnt from other participants’ practical expertise. Pre-deliberation, Martin admits:

“ultimately I guess the hand I’ve been dealt with in life...I’ve probably looked at it from the perspective of I’ve not been impacted by it from either sort of the impact of crime or committing crime...I think definitely my upbringing is what’s shaped it and the lack of impact it’s had on my life”; and

⁴¹ ‘Hot’ is colloquially used for ‘a lot’.

“I think possibly parents’ views will have had an impact...I came from an okay area, went to a reasonable decent school, and so that gave me a good start in life and shaped my views”.

Post-deliberation Martin confirms that the deliberations challenged his preconceptions, saying:

“yeah, I think what it’s definitely provided me with is more knowledge around the topic...my knowledge around the topic before was probably solely based on sort of the soundbites you hear from the news or the newspapers and that kind of thing. So I thought that the statistics that were shared by your three colleagues in the first session were really interesting...definitely opened my eyes to actually some of the different methods for example”.

On contributions from participants, he says:

“interesting hearing their views around the benefits of the education side and the rehabilitation side. So I think I didn’t necessarily say to myself to change my views to that aspect, to support that, but I definitely would increase that”.

Here Martin suggests he did not anticipate changing his views, but that participants helped him reflect on the effectiveness of education and rehabilitation. Like Martin, Jason was positively impacted by other participants, recalling:

“especially you know the case that we discussed, and obviously people’s feedback on that, I found that fascinating actually...I just remember feeling that was quite deep and honoured and privileged really to have that conversation”.

He makes other similar comments appreciating other participants’ contributions. These highlight specifically the persuasive impact of ‘reflective devices’. This

qualitative richness moves the public opinion and crime literature forward (Rowan, 2011, Green, 2008, Fishkin, 1996) by evidencing the practical importance of dialogue and shared experiences for influencing opinions. The 'degree' to which criminal justice experienced participants were the 'key' influencers however, should also be researched further through a more detailed probing on the perceived persuasiveness of 'experience' contributions. For instance, discussions involved participant dialogue on the expert presentations and other deliberative content, and the comments above suggest some of these were influential. However it remains challenging to disentangle precisely whether 'professional experience' contributions were the most impactful.

The impact of 'experiential knowledge' also contributes a novel perspective to 'procedural legitimacy'. As Chapter 4 discusses, deliberative theory advocates inclusion of diverse perspectives and those impacted by decisions, to achieve 'procedural fairness' (Cohen, 1998). Consequentially, contributions from criminal justice practitioners appear essential for procedural legitimacy in crime deliberations, given their unique lived experience. Likewise this thesis has illuminated diversity in experiential knowledge. This includes direct experience of committing or being victim to crime, experience as a witness, professional experience and recognition of privileged experience. This adds a new dimension to the difference democrat literature (Bachtiger et al., 2018). Specifically, it contributes empirical depth to deliberative democracy on crime, by articulating the types of desired diversity of experience for rich participant discussions on crime.

The impact of professional experience however, remains complex. Zahra for instance initially held punitive views despite working in local authority support services. References to her own life reflected her complex mix of fear of crime, compassion for people in crisis but also concerns with criminal justice system failures. On fear, Zahra says:

“in my local area there's a high increase in vehicle crime, so because of that whenever I park the car it's on public land, on a road, so I'm constantly having to look over my shoulder. I've actually had to install cameras right where my vehicle is parked just in case”.

On justice, she sees:

“the lack of conviction rates, and that there's so many different forms of crime and I don't think all of them are taken as seriously...I believe the majority of people tend to get away with crime”.

Post-deliberation however, Zahra says personal struggles drive her compassion, saying:

“me personally, so I've suffered a lot when it comes to mental health. Because I've worked in it myself...there's so many policies and laws that restrict me from providing as much support as I can for these individuals...it's like a constant battle...it's just exhausting”.

Her compassion contradicts her punitiveness, underlining Chapter 2's conclusion that the punitiveness literature oversimplifies public opinion, which is often conflicting and multifaceted. Her account also intertwines personal interpretation of fact and emotion. Her experiential accounts therefore presents a further example of the complex interplay between rational and non-rational perspectives. Correspondingly it offers a

different theoretical perspective to the rational and difference democrat dichotomy, discussed in Chapter 4 and throughout this chapter. It therefore suggests the Emotional Loop notion, relates not just to how people's opinions are formed and types of knowledge, but how they communicate their own experienced realities. In summary, these deeper qualitative insights into experiential learning incorporate the existence of practitioner expertise, its persuasiveness, its influence on one's own views and its blend of rational and emotional elements. This provides novel opportunities for scaling-up deliberation, by highlighting the particular value of participants with experiential perspectives. It correspondingly offers unique dimensions on the practice of widening participation, and therefore 'discursive deliberation' theories (Dryzek, 2002, Mansbridge et al., 2012).

The findings on deliberative learning demonstrate it is multifaceted and unpredictable in ways unanticipated in Chapter 4's theoretical framework. For instance, the Emotional Loop theory did not anticipate Martin's unemotional response to the lived experience presentation when he says "I wouldn't say so much emotional". Nor did it predict the emotional variety from other participants; anger, sympathy or sadness. Further, participants varied on the deliberative content that resonated, with differing emphasises and interactions between 'rational', 'emotional', 'expert' and 'reflective framing' and devices. For some, the emotional impact of the lived experience presentation was prominent, while the more abstract case study was more emotionally triggering for others. 'Rational frames' and 'reflective devices' through expert presentations and participant contributions were also influential to varying degrees, as highlighted in Chapter 6's typology. Whatever the emphasis, the analysis pointed to the intertwining of emotional and rational bases behind opinions. Professional

experience often underpinned pre-existing progressive views, and professional insights shared in deliberative dialogue were influential for encouraging others to reflect on their attitudes. Further dimensions of experiential knowledge were also identified, such as unique cultural experiences based on participant ethnicity and gender.⁴² These present avenues for future research to explore how deliberative democracy uncovers greater diversity of experiences. These could contribute further to unique collective solutions on crime, and the underlying theoretical (Chambers, 2018) and empirical (Ozanne et al., 2009, Dryzek, 2002, Sass, 2018, Deveaux, 2018, Cammarota, 2009) discussions on improved outcome legitimacy from greater diversity of perspective.

Together, these insights offer new depth to the theoretical deliberative literature. This includes evidence of the broad and varied educative benefit for all participants, different types of 'knowledge' including new perspectives on experiential learning and the complex interconnectivity of emotion and reason. The findings suggest the research methods were well designed; rightly recognising the need for diverse information given the complexity of public opinions on crime. The variability of participants' amenability to different frames presents complexity for the design of widescale deliberation. This is especially true considering the wider public's diversity in terms of experience, education and pre-existing knowledge. While deliberative

⁴² Examples included Jason's experiences of racial discrimination and being labelled and his own familial experiences of poverty and crime. Samson discussed experiences growing up in black communities suffering with crime, problems in the home and concerns over aggressive policing. Hannah spoke about the specific injustices of women suffering domestic abuse and often ending up in prison.

scholars advocate deliberation for its embrace of complexity and diverse perspectives (Polletta and Gardner, 2018, Wojcieszak et al., 2010, Dryzek, 2005), the richness of these qualitative insights helps illuminate the practical diversity of frames needed for effective public engagement, and the need for further research. It therefore moves the punitiveness and public opinion literature forward on how we influence punitive attitudes and address degraded civic discourse; providing depth around effective deliberative methods on crime.

The discussion above offers clues that deliberative education might also stimulate indirect benefits beyond group consensus, such as civic inspiration. This presents new opportunities for positively influencing society through widening public participation in deliberation and therefore new empirical insights into discursive and critical theorist theories. The next section expands on this.

7.4 Inspiring civic society

Difference democrats prioritise mutual appreciations for different cultures and perspectives rather than consensus (Dryzek, 2002). As discussed, some deliberative literature also highlights how respectful dialogue can indirectly stimulate civic inspiration (Andreescu and Hughes, 2020). In Chapter 4 this thesis theorises that deliberation is valuable for both striving for consensus as well indirect benefits. It proposes inspiration might involve treating other community members in crisis more compassionately, discussing issues substantively in communities or other positive activity and political engagement like voting or campaigning. This is an original

theoretical analysis, presenting new tangible notions of civic inspiration around crime, through discursive deliberation like in Mansbridge et al. (2012). The theoretical potential for civic inspiration also underlines the importance of wider public participation in deliberation (i.e. discursive democracy). This is because it stands to potentially inspire many more people towards widescale social reform. The findings below contribute new empirical insights into the 'nature' of civic inspiration; beyond the theoretical vagueness. Understanding civic inspiration better, through these findings, also enhances theories on procedural legitimacy. This is because without procedural legitimacy and perceived fairness, deliberation is unlikely to inspire anyone, and the theoretical advantages of both are therefore intertwined. Further, insights into civic inspiration cement criticisms of the punitiveness literature. This pessimistically depicts the public as unchangingly and uniformly punitive (Bottoms, 1995); failing to recognise the possibility of more optimistic outcomes for public attitudes on crime.

This fieldwork found all participants were inspired in some way post-deliberation. This included an interest in delivering deliberations themselves to inspiring change in their communities. It highlighted opportunities for participants to borrow techniques from the deliberative exercise, and take it into their own work, such as platforming excluded voices or enhancing colleagues' understanding of the factors behind crime. It also appeared to inspire more community involvement, and a greater interest in political crime debates. It is not clear whether this interest was because progressive consensus were reached, or simply the opportunity to 'participate' and be 'included' or 'listened to'. Either way, these different impacts provide opportunities for practical offshoots for further deliberation or community activity, beyond reaching consensus.

Demonstrating evidence of inspiration for new approaches to community activism, Significant Progressive Shifter Jason, poignantly observed:

“I think for me as a school governor as well actually taking an extra view from a primary school age and actually looking more carefully at the children under our jurisdiction...I’m probably asking more questions that I wouldn’t have asked before...where I’m saying well why is that happening like that and I’m challenging our safeguarding”.

Jason’s claim to have changed his approach to vulnerable children within his community, represents the ability for deliberation to inspire more compassion. This finding is powerful given the potential crime prevention benefit of reducing school exclusions or mental ill health in young people (Ebel et al., 2011, Tremblay and Craig, 1995). Other examples were seen with Zahra’s post-deliberation inspiration to pursue a mental health career and Daisy’s interest in promoting more professional awareness of family crises and their link to crime with her disability support colleagues.

Some participants simply felt more energised to engage with community activities post-deliberation. Sinead for example was clear that deliberation has inspired her to act, concluding:

“I’ve been thinking about setting up a little drop in sessions anyway, but rather than just saying it and having that plan in my head I’m doing research for myself now and the group sessions have prompted me to do a little bit more and different things to look out for as well which could educate me that I would never had known if I hadn’t of come to the group”.

Other participants like Rishi made blander statements about being interested in volunteering, suggesting it was less likely to lead to any action. Participants like Sophie and Larissa however, admitted that they already felt they were doing as much as they could, and were not inspired to contribute more.

A few participants expressed enthusiasm for delivering their own deliberative practice, including Laura, Gregory and Lindsey. The most passionate example was seen when Lindsey says:

“with all the community stuff we’re getting into at the moment maybe, you know, we have lots of kind of Zoom meetings with professionals asking them to help us with our community, maybe when our community centre’s open then we’ll have...professionals and our community perhaps having a debating group...and people will learn that you don’t have to speak with aggression, you don’t have to speak...loudly in order to get yourself heard...often schools and places are really weary of parents that should and scream at them, but you know, if you’ve got nothing and you feel that you’re not ever heard and that you’re a low life...you’re going to go into a situation shouting, feeling on the back foot...to help people debate in a way that has a result, our group had a result. We came up with some statements that the whole group agreed on...within our community we could encourage those sort of things, and so people aren’t afraid of professionals”.

A desire for instigating future deliberative processes, indicates these participants perceived this thesis’ deliberations to be legitimate. Deliberative legitimacy literature

empathises the importance of perceived legitimacy for deliberative outcomes, such as public acceptance of policies (Fearon, 1998, Floridia, 2018). These findings however suggest procedural legitimacy is also central for stimulating self-perpetuation of deliberative practice in communities. It therefore contributes to the deliberative literature's theoretical understanding of the practical consequences of 'procedural' legitimacy.

'Voting intention' or political revelations were less pronounced, but there were signs of increased political interest. Laura says:

"I think definitely...talking about political intentions and voting, if there was a real drive by somebody to bring back children's centres into the community, I think that would be worthy of consideration".

Evidently, this demonstrates a renewed interest in political commitments around early intervention policies. Daisy remains sceptical about politicians, but says:

"I might pay more attention to it but I don't trust politicians really...but I think speaking honestly yes it would make me open my ears a little bit more and hear what those discussions are, yeah it would".

Gregory's political interest is also elevated post-deliberation, now suggesting politicians should participate in crime deliberations, proposing:

"yes, this would work, very politically for me, for sure...if we were able to put the scenarios you've put out there in the hands of like real people where we discuss how people's policies work against specific contexts...I'd be interested

in having politicians answer fifty scenarios against each policy...and then what do we vote?...way more thorough than political soundbites and mass media and speeches”.

Gregory’s comment suggests deliberation has inspired interest in innovative political engagement methods to mitigate manipulative media. It underlines deliberative democracy’s potential for addressing Chapter 3’s concerns around fake news and misleading media (Mavelli, 2020, Nyhan et al., 2019); offering a practical solution to theories advocating enhanced public debate on crime (Rowan, 2011). It again suggests deliberating can self-perpetuate future interest in deliberative practice, and therefore the plausibility of critical theorist objectives, as discussed above. Further, Chapters 2 and 3 discuss dynamics whereby politicians pander to or manipulate punitive publics (Loader and Sparks, 2017, Downes, 1998). Observations like Gregory’s and Daisy’s suggest deliberation could awaken political interest, voting and action for progressive individuals less engaged in political activities. This could potentially stimulate political movements through voting or other activities that empower progressive politicians or weaken governments weaponizing punitive sentiment. It therefore offers empirical evidence for theories suggesting wider public debate on crime could inoculate against political rhetoric (Green, 2008) or enable critical theorist objectives by challenging aggregative democracy and neoliberal dimensions (Dryzek, 2002).

Evidence also suggests opinion shifters might change voting intentions. Minor Progressive Shifter Martin says on voting preferences:

“it definitely would impact it...when you hear those sort of soundbites that would be popular with the voters...looking to what they actually mean by that one sort of slogan...I probably wouldn't have done that actually without having doing [sic] this whole process...I would probably take the soundbites less at face value...and look into them more...this group workshop...has definitely sort of opened my eyes to different methods”.

Martin's reference to 'methods' relates to criminal justice solutions discussed during deliberation, suggesting a new open mindedness to voting for progressive policies. His comment on 'soundbites', like Gregory's above, also implies deliberation could help people critically appraise and shield them against fake news and post-truth dynamics.

Abstracting these findings further, the examples summarised highlight distinct themes that develop our understanding of 'civic inspiration'. 'Indirect Social Compassion' captures the finding that increased understanding of the social factors behind crime could influence participants' compassion, empathy and civic activity for others in their community. For example, this reflects Jason's more compassionate perspective on his role as school governor. 'Everyday Deliberation' captures the idea that knowledge acquired from deliberation can influence participants' informal conversations in their community like those discussed by Mansbridge et al. (2012). This was seen from Daisy's suggestion that colleagues could benefit from a greater understanding of the social factors behind crime or participants' interest in convening their own deliberative practice. While further research is needed to substantiate this, over time these informed conversations could shift public opinion resulting in new public expectations

regarding government policy. 'Multi-layered Government Pressure' captures the idea that wider public deliberation could directly influence government policy through civic inspiration; implicitly captured by the critical theorist notions in Habermas (1990). The empirical evidence in this thesis around voting preference or motivations, highlights how civic inspiration and public opinion shifts could potentially influence government policies through elections. Further research could explore the extent of this impact including whether it inspires public campaigns, or changes in responses and messaging by authorities and the media to perceived attitudinal shifts.

7.5 Conclusions on deliberative mechanisms

Chapter 2's discussion on public opinion highlights how the public is frequently characterised as punitive (Sparks, 2003, Garland, 2006, Pratt, 2007); despite the great variety in individual demographics, beliefs and circumstances (Seto and Said, 2022, Haines and Case, 2007). Chapter 3 presented an original analysis on the mechanics of opinion formation including information, framing, underlying ideologies and the need for deliberative engagement to incorporate this complexity in public debates on crime. Chapter 6's typology demonstrates how certain participants underwent opinion shifts and reached progressive consensus. This chapter has developed this by illuminating dynamics influencing those shifts, such as rational/expert and emotional framing. Despite evidence for the epistemic advantages of deliberation, participants often embodied contradictions; adding further qualitative richness to the existing deliberative and public opinion literature. Correspondingly, it further justifies and informs deliberative practice; uncovering far greater depth around the information and

dialogue most impactful for different people. This self-perpetuates enhancements in deliberative design, catering for new layers of nuance. Pre-deliberation, Larissa for instance showed a clear understanding of and sympathy for the social factors behind crime, saying:

“why are they doing it?...you’ve to kind of look at the background. Are they desperate, is it drug related? You’ve got to get into the foundations of why that crime’s been committed and why these people have been put in that position at times”.

On prevention, she says “I think education would play a big part of it, because it’s about understanding things”. Her comments imply an appreciation for prevention through addiction support and education, but contrasted starkly with calls for harsh prison conditions. As Chapter 6 observes, Larissa argues prison should have bad conditions. Likewise, pre-deliberation Sinead feels crime comes from failing to help people in crisis, saying:

“parents, and I’m included in this parenting, has lacked in confidence, lacked with support, resorted into drink and drugs themselves and from other parents that I know of and the children haven’t had the support that they needed and so then they’re just put out into the streets to do what they wish”.

However, Sinead simultaneously advocates harsher and austere prison conditions. Chapter 6 notes her calls for harsh prison conditions even for minor drug offences. Sinead’s zero tolerance approach, contrasts starkly with calls for parenting support. A further example, again discussed above, is Jason’s contradictory stance that austerity is responsible for rising crime, alongside his scepticism around public spending and crime prevention effectiveness.

All three examples here were Progressive Shifters, suggesting deliberation helped challenge their contradictions, or clarify views. This is consistent with participants' own reflections discussed above, noting their acquired new knowledge as reason for opinion shifts. One conclusion might therefore be that punitive views are characterised by a degree of contradiction and confusion, and that opinion shifts involve tackling incongruity. Persuasion generally and epistemic theories of deliberation, arguably inherently involve correcting contradictions. However, this is not explicitly pinpointed in the deliberative literature. Difference democrats place significant value on pluralism and multiple versions of truth, therefore accepting the presence of conflicting ideas (Deveaux, 2018). However, this does not equate to suggesting alternative expressions are contradictory in character. Rational democrats believe deliberative dialogue helps the better arguments win (Habermas, 1990). This implies deliberation might help correct contradictory views, without stating this explicitly. The empirical insights here therefore contribute granularity to the participant's experiences and thought processes during deliberation. The finding of contradictory views also supports Chapter 2's theoretical conclusion that existing punitiveness literature frequently oversimplifies public opinion on crime. Even initially 'punitive' participants simultaneously held progressive ideas pre-deliberation. These findings therefore support the use of deliberative methods in crime, suitable for engaging and uncovering this complexity and correspondingly improving deliberated outcomes.

This chapter has demonstrated how blending rational and emotional frames within deliberation brings about educative benefits and consensus, while inspiring civic

interest. This thesis therefore provides a unique empirical evidence for the potential role of deliberation in stimulating wider public attitude shifts and criminal justice reform.

CHAPTER 8 ROADMAP TO SOCIAL CHANGE

8.1 Thesis snapshot

This thesis first presented an analysis of the gaps in the punitiveness literature, mechanisms of opinion formation and deliberative democracy for enhancing public dialogue on crime. This informed this thesis' fieldwork, which ran public participant interviews and deliberations on crime, and incorporated both rational and emotional content. These methods explored the impact of deliberation on participants' crime attitudes and different forms of information. This chapter therefore summarises the findings discussed in Chapters 6 and 7, including the identified participant typology and the different educative and civic inspiration benefits of the deliberations. It then notes the limitations of this thesis, followed by key policy recommendations and proposals for future research.

8.2 Contributions to the field

8.2.1 New theoretical perspectives

This thesis' analysis of the public opinion on crime literature finds significant gaps in the literature's acknowledgment of the complexity of public opinion, how opinions are formed and details on how to influence public attitudes on crime. This thesis therefore

presents a unique analysis into the mechanics of opinion formation, including evidence and information, message framing and underlying beliefs. It also includes a contemporary analysis of post-truth influences. This therefore develops our understanding of how punitive and progressive attitudes are established. It concludes that garnering public support for progressive solutions to crime, requires enhanced public information and dialogue and exposure to suitable rational and emotional frames. It is theorised that this is particularly vital in an age of misinformation, fake news and social polarisation, which all risk entrenching punitive attitudes.

This thesis therefore explores 'deliberative democracy' methods for enhancing public discourse on crime in significant detail, and the opportunity it presents to achieve a progressive consensus. It presents a model of discursive deliberative democracy, that seeks to resolve key deliberative debates on the location and form of deliberative democracy. Specifically, it uniquely blends rational and emotional information and message framing, including a unique 'Social Sustainability Frame'. This offers a novel approach to the literature's typical dichotomy on rational and difference democrats, and a deeper understanding of the epistemic benefits of deliberation. The theoretical position adopted also promotes a consensus around notions of truth, while incorporating a fuller appreciation of indirect benefits of deliberation beyond a consensus. It adopts a critical theorist and discursive democracy approach that challenges the UK's current aggregative democracy; seeking reform to the preoccupation with neoliberal ideals that promotes voting competitions between competing interests. With the right deliberative qualities, this thesis therefore proposes this can educate, inform local decisions, influence central government, and inspire informal social change in communities. It therefore seeks to uniquely resolve the

debate on the ideal location of deliberation, by exploring an ambitious form of public involvement in crime debates. Overall, it offers a unique model of deliberative democracy. This includes novel interpretations of the role of rational and emotional content, the emphasis on widening public participation in crime deliberations and the importance of striving for a progressive consensus around notions of social sustainability.

This thesis' methodology delivered a unique deliberative exercise (e.g. with lived experience presentations and social sustainability content) with public participants, to analyse their experiences through qualitative methods. This presented empirical evidence to inform key theoretical debates within the deliberative literature regarding knowledge, consensus, legitimacy, rational versus emotional dialogue and challenging aggregative democracy. The qualitative methods are unique within the deliberative literature on crime; finding significant nuance regarding the impact of deliberation on crime opinions. The depth of the qualitative data also found nuance around the nature and extent of the consensuses, such as participant caveats or residual punitiveness or scepticism. The following section outlines the key empirical findings in response to each research question.

8.2.2 Fieldwork insights

8.2.2.1 In what ways can the process of deliberative democracy influence public understanding and support for more 'progressive' forms of criminal justice intervention?' (RQ1)

This thesis found that participants reached authentic progressive consensuses around investing in tackling the social factors behind crime. Equally, it found that the consensus was not always agreed to by participants for the same reasons. Appreciations for progressive criminal justice therefore often entailed compromise, varied between groups and may have been fragile. It therefore offers considerable depth to what consensus can mean in practice, including the complexity and uncertainty around the concept.

The most significant finding was the identification of a new and unanticipated participation typology. This found deliberation increased support for progressive approaches, while highlighting nuances in individual opinion changes and varied amenability to progressive arguments between participants. The qualitative methods were pivotal for enabling a deeper understanding of the different impact of deliberation for shifting opinions and the reasons for variability. These insights therefore move the public opinion and crime literature forward; providing a detailed qualitative account of the complexity of participant opinion and the nature and extent of progressive shifts and consensuses. It therefore finds real-world opportunities for critical theorists; presenting a realistic model for public engagement to garner attitudinal shifts favouring progressive criminal justice reform. The identified typology can help inform decision makers about the design, inherent uncertainty and mixed outcomes of any attempts to convene criminal justice deliberations. The typology's detail can also provide assurance that similar deliberation could garner public support for progressive

prevention, while appearing to be unlikely to increase punitiveness. This assurance might therefore make crime deliberations more likely in practice.

8.2.2.2 What forms of information appear to influence lay understanding and attitudes?’ (RQ1A)

This thesis found that a mix of rational, expert, emotional and reflective devices contributed to attitudinal shifts, in unique ways across participants. It significantly develops our theoretical understanding of rational and non-rational content and the range of epistemic benefits arising from deliberation. Based on observations of the deliberations and participant reflections in post-deliberation interviews, this includes the varied impact of participant dialogue for finding common ground. It includes the impact of emotional explanations of crime for stimulating understanding and empathy around the social factors behind crime. It illuminated the influence of personal experience within deliberative discussions, including professional accounts of the cases of crime and effective ways to prevent that through supportive initiatives. It also demonstrated the persuasiveness of rational arguments including economic frames. This thesis’ theory proposed emotion is fundamental for forming our attitudes and is intertwined with rational reasons. The empirical findings therefore correspondingly develop our understanding of the interplay between facts, emotive information and participant dialogue within deliberation, and their varied impact on different participants.

On the effectiveness of crime costs frames specifically, this thesis finds that a 'Social Sustainability Frame' that captures the concept of 'avoiding the costs of crime through progressive prevention' was persuasive for all participants. It was also effective for garnering support for progressive crime prevention. However it was persuasive for participants for different reasons; some pragmatically accepting the rationale, some fully persuaded, some persuaded but seeking further evidence. Overall they empirically support this thesis' theory that the proposed Social Sustainability Frame would be particularly persuasive within deliberation; providing new perspectives on making the crime costs literature suitable for public consumption. Findings present important empirical evidence on the role of rational framing within deliberation and the importance of nuanced narratives like 'social sustainability'. However, the varied impact also presents new insight into the theoretical nature of consensus; highlighting that agreement can be reached on the same facts but based on differing interpretations.

8.2.2.3 How does the process of dialogue and reaching consensus impact lay understanding and attitudes?' (RQ1B)

As noted above, public participants with more punitive attitudes underwent progressive shifts, and pre-existing progressive views were affirmed or strengthened. The analysis identified that this arose from a combination of participant dialogue such as the persuasiveness of progressive contributions, and the process of reaching a consensus. The pre-existing level of knowledge between participants varied considerably. Participants with limited knowledge of criminal justice showed clear

changes in knowledge and appreciation for progressive prevention, therefore demonstrating the impact on 'lay attitudes'. However the discussion below highlights limitations in these insights due to weaknesses in the participant diversity of the deliberating groups.

8.2.2.4 How does the process of deliberative democracy impact different constituencies and groups?' (RQ1C)

As noted, findings identified a participant typology, showing a varied impact of deliberating across participants with differing pre-deliberation attitudes on crime. It had a bigger impact on those with initially more punitive views, demonstrating a particularly educational impact for those participants. Further, the impact of the economic frame also varied across participants, although in a less predictable way that makes it harder to track against particular 'constituencies'. Findings showed that both groups came to a progressive consensus, as anticipated in the theoretical chapters. However, despite very similar group make-ups in terms of demographic background and punitiveness levels, the two group consensuses did vary. This highlights the inherent unpredictability of a group's deliberated outcome, and therefore an avenue for further research.

Evidence also found that participants felt inspired to participate in community activities following deliberation. This however varied in impact between participants, including the nature and degree of inspiration. Individuals were therefore impacted differently, without there being a clear pattern connected to their 'constituency' in terms of

punitiveness or otherwise. For example, post-deliberation some proposed changes to their own working practice to be more consistent with progressive prevention. Others were inspired to vote progressively. Another group wanted to hold their own deliberative forums, feeling it could help stimulate progressive change in their workplaces and communities. The analysis in Chapter 7 also concludes that this is evidence of the perceived legitimacy of the deliberative process. Overall, this finding develops our theoretical understanding of the explicit link between procedural legitimacy and the indirect benefits of deliberating, like civic inspiration. It further substantiates the case for widening public participation; inspiring wider civic engagement and thereby realising the critical theorist objectives of a more inclusive and participatory democracy.

Analysis also uncovered further complexities influencing public opinions including contradictory views and varied cultural experiences. This contributes new complexity to the public opinion literature, and avenues for future research. In particular the standout finding was that those participants with pre-existing punitiveness were more likely to hold contradictory views, making both progressive and punitive statements. The process of deliberation appeared to shift attitudes by addressing these conflicts by generating a more informed stance.

8.2.2.5 How do different external ideological frames, personal circumstances and civic participation levels influence the process of deliberative democracy in this context?
(RQ1D)

The typology noted above identifies how participants' ideologies could be influenced through participant dialogue, evidence and the process of reaching a consensus. Findings found a particularly strong impact from participants' professional experience, both in terms of the impact deliberation had on them, and their influence on other participants. For instance, participants undergoing progressive attitudinal shifts often observed the persuasive impact of contributions made by participants with professional expertise of effective crime prevention. Equally, those with professional experience often felt more confident in their pre-existing progressive views, which the deliberative dialogue and evidence helped reaffirm.

The impact of participants' pre-existing civic engagement and other personal circumstances was less clear-cut. The findings outline how all participants were inspired in some form post-deliberation, and various participants discussed their own experiences of crime whether professionally, as a witness or as a victim. However, it was challenging to disentangle the influence of these contributions within deliberation, such as whether one person's enthusiasm for family support in the community inspired others. Equally, there was no clear pattern on participants who had been victims of crime having a particular ideological leaning, or a varied amenability to deliberative content. Overall, the findings found that a combination of participant dialogue, rational and emotional frames and the process of reaching consensus, had the effect of garnering more or affirmed progressiveness. This was true notwithstanding people's diversity in terms of ideology, personal circumstances and levels of civic inspiration; with the weight attributed to the different deliberative content varying across participants.

8.2.2.6 In what ways might deliberative democracy be 'scaled up' into effective forms of public engagement and consultation in criminal justice debates?' (RQ2)

This thesis' presents novel theory emphasising the importance of widening public participation in crime deliberations (e.g. through Devolved Deliberative Democracy) for inspiring social movements and criminal justice reform. The evidence that participants learned, were inspired and were able to reach progressive consensus demonstrates the potential value of delivering public deliberation like this. New insights into the different forms of civic inspiration specifically further our understanding of the potential practical impact of deliberation in communities. This is an important precondition for promoting the scaling-up of deliberation, and the plausibility of 'public' deliberation on crime.

Wider analysis is still required regarding the limitations and risks of scaling-up, including measures needed to maintain deliberative quality and procedural legitimacy. For instance, challenges remain around ensuring evidence is presented consistently, maintaining effective moderation and adhering to deliberative principles such as inclusivity and mutual understanding. Without quality control, widening participation could potentially be harmful, or at least fail to achieve the social objectives pursued in this thesis. New ideas for widening public participation will therefore need further consideration, such as deliberative toolkits or educating new deliberation moderators to convene in their communities. Further, future deliberative design should also consider the importance of effective follow-up with public participants to maintain trust

or otherwise demonstrate their deliberative contributions had a meaningful impact. Further research might also explore whether it is better to convene smaller deliberations to a high quality, rather than widening participation but with reduced deliberative quality. This requires further policy work on the ideal models of widening participation, and further research to evaluate their effectiveness and deliberative authenticity. Further research should also explore the level of appreciation of deliberation from politicians and decision makers, including their understanding around the difference between public deliberation and mere engagement. This is vital for exploring the plausibility of politicians instigating and funding deliberation and any up-scaling.

8.3 Room for development

The principal limitation of the research is the sample size and make-up. As Chapters 5 and 6 discuss in detail, the sample was predominantly educated to degree level, had a significant public sector worker bias and had a slight progressive leaning. While the previous discussion highlights reasons why this make-up need not automatically equate to bias (i.e. due to the non-homogeneity of public sector workers), the current group configuration means there is uncertainty regarding the findings' transferability. Equally, findings are consistent with other deliberative research which finds attitudes can change and consensus be reached through informed and respectful debate (Carman et al., 2015). Therefore this thesis draws evidential strength from the weight of previous research. Nonetheless, a higher number of participants with a greater range of education levels or economic profiles, might find different patterns. For

example, lower educated participants might potentially be less amenable to expert evidence. Further, more analysis could be done on the political identification of participants, and how this interacts with their punitiveness levels and other aspects of their ideology. More generally, the number of participants (n=17) is small, and a large number might show a greater range of impacts from deliberation whether or not the group make-up has changed. One cannot overgeneralise the findings on this thesis, that deliberation can shift punitive attitudes on crime.

Other steps could also be taken to improve deliberative quality. This could include longer deliberative sessions with a greater diversity of content, whether emotional or rational. For example, exploring the impact of differing and competing economic frames would help test the resilience of social sustainability. Some participants noted that in-person deliberations would have been advantageous such as being able to establish a greater emotional rapport with the lived experience presenter. This therefore suggests 'virtual' deliberations had weaknesses. To address the limitations, future research opportunities are discussed below. Additionally, an enhanced framework of ethnographic observation could have been undertaken during both participant interviews and deliberation. Analysis for body language, tone, facial expressions and other behaviours might offer even greater nuance or evidence regarding the different impact of participant dialogue and deliberative content. Limiting the most substantive analysis in this thesis to interview transcripts therefore potentially missed depth.

While the findings identified universal support for progressive consensus, it also identified a punishment consensus across all participants. A weakness in the deliberative content is therefore the lack of more radical proposals, to explore the extent of amenability to more progressive ideas. This could have included expert content on the decriminalisation of drugs, large reductions of prison sentencing (e.g. prison release schemes), prison abolition, bans on school exclusion or other more controversial policies. A greater diversity in deliberative content is required going forward to explore its impact on groups consensus, unanticipated and potentially novel group recommendations and the limits on potential attitudinal shifts.

8.4 Shaping the ‘real world’

This thesis’ findings present a number of policy recommendations. Progressive policy and decision makers, such as Police and Crime Commissioners (PCCs), should deliver deliberative methods like those outlined in this thesis, to address gaps in substantive public engagement (i.e. Devolved Deliberative Democracy). PCCs and other devolved authorities should feel more confident delivering deliberative methods using their local visibility, legitimacy and power, to garner support for progressive crime prevention, inspire civic action and mitigate the impact of post-truth dynamics. On crime, the public profile of PCCs makes it more attractive for citizens to engage; providing a sense of ‘greater stakes’ or access to officials that have the power to instigate change. At its most successful, high quality public deliberation may place legitimate pressure on national governments to act, especially as devolved authorities have the capacity to loudly advocate public demands or opinions generated through

local deliberation. PCCs have this platform because they represent whole regions, giving the impression of seniority compared to local authority leaders, whose powers are also more fettered by cabinets and councillor colleagues. This perception generates more mass media coverage and central government access. This greater access self-perpetuates PCCs' status, garnering further public legitimacy and relevance. The Labour Party's new paper into government reform promises new powers for devolved bodies, concluding:

“There is also clear evidence that people want more of a say on the issues that affect their lives, meaning we need double devolution – pushing power as close as possible to people and communities” (Labour Party (2022), p. 12).

This political interest shows a constructive environment for the devolution agenda emphasised in this thesis.

The Devolved Deliberative Democracy model could for instance involve the applicable PCC first convening deliberative experts from academia and the third sector to co-design a public deliberation programme. This could be done alongside key community stakeholders such as those commissioned by the PCC to work on crime prevention or victim services, including the PCC's faith and other grassroots networks. The latter would, vitally, help ensure the appropriate participant diversity, for the reasons outlined throughout this thesis and core to deliberative theory. The co-design group would discuss issues including the methods for recruiting participants, ensuring appropriate diversity, deliberative content, the deliberative objectives (i.e. ascertaining what participants are being asked to do), funding, administration and appropriate evaluation and follow-up work. One proposal that could be raised at that design meeting, could

be to hold a deliberative exercise, like the one in this thesis, in each local authority in a PCC area. That's 7 in the case of the West Midlands. Each could be run in connection with a local community organisation, to help access local participants and create a sense of local salience. With administrative support from the PCC's Office, the deliberating groups could be asked to assess the PCC's draft Police & Crime Plan, and to propose recommendations for adding or amending. The groups could also be tasked with agreeing local community solutions and activities to which each participant commits to supporting in some way. The PCC would commit to incorporating the recommendations, communicating them to central government and supporting the community activity for a defined period. At each deliberation, videos of expert and lived experience presentations could be projected, with one PCC Office staff member with appropriate generalist expertise attending to answer participant queries. While it would be desirable to have all presenters in person, this model anticipates resource limitations. The deliberated group recommendations would be captured within the PCC's Police & Crime Plan, but the process would also be evaluated for attitudinal shifts and civic inspiration. The latter would help with the establishment of 'action groups' to convene local participants and community organisations to act on their inspiration. The PCC could also commit to funding 'deliberative training' on deliberative principles, process and moderation skills. This training component would help foster a more organic legacy of deliberation beyond the PCC funded programme. Funding would be required for the design, running, evaluation and follow up-work. This exercise would then be reviewed by the PCC and co-design group to consider its impact and whether the process should be reformed or repeated. For instance, depending on the outcomes, it could be delivered again across all local authorities with new participants, and ongoing efforts to sustain action in their groups.

More broadly in terms of deliberative content, progressive professional and political policy makers should use economic arguments including around social sustainability, for garnering public support for progressive crime prevention. They should also use diverse information methods within deliberations, including emotional frames, accounting for differences in what resonates between individuals. To achieve political buy-in, a robust case on the benefits of deliberation may be required and this thesis' findings could be important for making that case. Conveners of deliberation, including professionals and politicians, should embrace variety in deliberative methods due to the complexity of different issues, geographies and contexts. This includes mixing formats that simply enhance the quality of dialogue in communities, allow the public to inform government decisions and/or delegate decision making to deliberating public participants. Technology should also be explored for opportunities to enable widescale deliberation, and should be a key focus of future research. However, the agenda needs clear strategies for promoting digital literacy and ethical governance.

8.5 Future enquiries

Future research is required to substantiate, develop or test this thesis' conclusions. This could explore if groups with differing participant demographics like education levels, political affiliation or greater variety in lived or professional experience, produce different results. Future research should also explore a greater variety of economic arguments on crime or intervention cost effectiveness. This would ensure more

ideological balance within deliberative content, and ascertain the resilience of social sustainability narratives if challenged.

More evidence is needed on the variations in civic inspiration post-deliberation, particularly if a stronger case is to be made to decision makers to initiative deliberations. Future research could therefore explore whether certain types of information were more likely to trigger particular kinds of civic activism. For instance, it could explore whether participant debate inspires interest in community deliberation itself or whether expert evidence provokes interest in specific kinds of community volunteering. Given their role in underlying beliefs, the specific impact of deliberation on gender-based violence and ethnicity debates, could explore how deliberation can shift misogynistic, racist or other prejudicial views. Further, the impact of deliberation on different minority communities could unveil nuance regarding the impact of deliberation on varied cultural experiences of crime. Future research is also needed into the role of technology for wider-scale deliberation, including on virtual tools involving AI, digital literacy and poverty. Politicians from across the political spectrum should have their appetite closely investigated, to explore their level of understanding of deliberative methods.

8.6 A roadmap for social change

This thesis starts with a description of my personal fear of a punitive public backlash if I push for more radical criminal justice reform. The findings however build on the public opinion and crime and deliberative democracy scholarship, to present a more

optimistic roadmap for social change. The evidence in this thesis suggests public punitiveness is not inevitable, as is often implied in the theoretical literature. Instead it appears movable and capable of coalescing around progressive crime prevention agendas.

This thesis invites decision makers to embrace democratic reform for realising their progressive aspirations. It provides evidence of the public's ability to engage with and adopt sophisticated dialogue and evidence around crime. The findings therefore also invite decision makers to take a more expansive view about the kinds of information capable of influencing attitudes. First, it encourages greater efforts to make dry academic materials more publicly accessible, as shown in this thesis regarding the costs of crime literature. Secondly, this thesis has shown that political movements should seek to promote empathy. This should be achieved through compassionate narratives within substantive public dialogue, in a way that elucidates the social struggles that can lead to crime in society. Departing from the depiction of manipulative politicians in the punitiveness literature, this thesis' findings provides an evidenced pathway for politicians to instead embrace the public's amenability to kindness, as well as factual knowledge.

The impact of public deliberation may be unreliable, leading to varied consensuses, levels of attitudinal change and confidence in progressive reforms. However, the evidence suggests this effort could garner greater trust in democratic processes, and inspire civic engagement. This could yield greater support for progressive policies and more direct public involvement in the solution within their work and communities. The

evidence in this thesis should therefore be used to help progressive politicians see that their hopes of a safer society, should involve the wider public through a respectful, sophisticated and two-way dialogue around our shared vision for a better world.

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APPENDICIES

Appendix 1 – Table of National Survey Insights

Table of survey insights on crime or crime proxy opinions

Survey	Survey insight	Relevance to crime opinions	Reference
British Social Attitudes	32% supported more taxes and expenditure on health, education and social benefits in 1983, up to 65% in 1991, down to 31% in 2010 and rising again to 52% in 2021.	Trend implies 'indirect' public support for investments aimed at the factors behind crime (Smith and Gray, 2019, UK Parliament, 2021, Criminal Justice Joint Inspection et al., 2021) with an appreciation of certain measures of inequality (e.g. social benefits).	(The National Centre for Social Research, 2022)
British Social Attitudes	Regarding the statement 'Schools should teach children to obey authority', support was at 83% in 1986, reducing to 62% in 2020. Over the same period between 45% and 36% consistently agreed people should 'always obey the law even when the law is wrong', indicating a more stable authoritarian trend.	Trend indicates inconsistent patterns regarding disciplinarian approaches within schools, which is a potential proxy for punitive attitudes.	(The National Centre for Social Research, 2021)
British Social Attitudes	Regarding indefinite government detention without trial of suspected terrorists, in 2016 41% objected, up from 31% in 2006. Public agreement with 'it is worse to convict an innocent person than to let	Trend indicates inconsistent patterns regarding approaches to terrorism, which is potentially a proxy for attitudes on punitive approaches to crime	(NatCen for Social Research, 2017)

	a guilty person go free' declined from 67% in 1985 to 51% in 2006, but has risen again over the last ten years, up to 55%. Public support for the government's right to tap telephones has gone up to 77% from 73% in 2006.		
British Social Attitudes	Younger, higher educated and politically left-leaning people were less likely to support government intervention for national security at the expense of civil liberties. Older, less-well educated people who were more concerned about immigration and were more in favour of security interventions.	Offers insight into different punitiveness-proxy levels between demographics.	(NatCen for Social Research, 2017)
British Social Attitudes	45% believe equal opportunities for Black and Asian people are insufficient, up from 25% in 2000. Differences remain between those with socially conservative outlooks (27%), Leave voters (22%), social liberally respondents (71%) or Remain voters (60%).	These progressive trends suggest progressive shifts away from punitive attitudes are plausible.	(The National Centre for Social Research, 2022)
Crime Survey for England and Wales	81% believed crime had risen, despite decreases in overall crime excluding fraud over the same four-year. 16-24 year olds more often underestimated victimisation amongst their age group, 25-34 year olds	Trends suggest inaccurate perceptions, which could be relevant to perceived threat of crime or levels of perception accuracy regarding crime solutions.	(Office for National Statistics, 2019)

	were more accurate, and 35+ more often overestimated victimisation.		
Crime Survey for England and Wales	Respondents often hold inaccurate perspectives on national crime as a result of reliance on national media.	Trends suggest media is influential on or related to crime attitudes.	(Office for National Statistics, 2017)
British Crime Survey	Red top newspapers such as The Sun, The Mirror, The Daily Mail, The Daily Express and the Daily Star were linked to less support for more lenient approaches such as community resolutions (64%-68%), compared to The Daily Telegraph, The Guardian, The Independent, The Times and The Financial Times (66%-77%).	Trends suggest certain variables are influential on or correlate with crime attitudes, including newspaper readership.	(Home Office, 2011)

Appendix 2A – Pre-deliberation Participant Survey

Potential Participant Survey

Introduction

This research will involve some members of the public taking part in interviews and group workshops to discuss crime and criminal justice issues. The questions in this survey will help the researcher find a cross section of the public that have different views around criminal justice and come from different backgrounds.

Please ensure you have read the information sheet provided, before taking this survey.

There are no right or wrong answers and this survey is not a test, and there is no obligation to answer the questions.

If you complete this survey and are not invited to take part in the interviews and group workshops, I do wish to thank you for taking a few minutes to complete this short survey, and your survey responses will be deleted at this point. It does not mean you have failed in any way, as the invitation to take part in the next stage is simply about making sure there is a cross section of people with different views and backgrounds.

Your answers will be kept confidential and stored securely, as set out in the information sheet. If you are invited and willing to take part in the next stage of the research, your answers will continue to be stored. Please tick the box to indicate that you consent to taking this survey and having your answers stored for the purposes of the research as set out in the information sheet:

☐

Please answer the following questions by ticking the box that applies to you (normally a 'yes' or 'no' answer) or provide a short written answer where asked for one:

Survey

Your views on crime and criminal justice

Accepting views may be more complex than you are able to express in this survey, do you generally believe people are solely responsible for their crimes in the community (e.g. violent crimes or theft etc.)? Yes ☐ No ☐

Do you believe punishment is a necessary response to people's crimes? Yes ☐ No ☐

Do you believe the best response to crime is always punishment? Yes ☐ No ☐

Do you believe the best punishment for crime is generally prison? Yes ☐ No ☐

Do you think responses to crime in society should generally be more harsh, less harsh or something else? More ☐ Less ☐ or if something else please specify:

.....

Do you think longer prison sentences for crime would generally be a good thing?

Yes ☐ No ☐

Are there any crimes for which you support capital punishment/death penalty?

Yes ☐ No ☐ If yes, please specify those crimes or give an example:

.....

Level of involvement in the community

Do you volunteer, do community work or contribute to neighbourhood groups or activity of any kind, at this moment in time? Yes ☐ No ☐ If yes, please provide details:

.....

Do you typically vote at local or national elections? Yes ☐ No ☐

Have you ever stood as a political candidate or held party political positions of any kind? Yes ☐ No ☐ If yes, when was this?:

.....

Have you done any campaigning previously, recently or currently, including any of the following: trade unionism; party political campaigning; contributing to political issues or debates; community or national issue organising; contributing to civic debates or protests? Yes ☐ No ☐

Do you regard yourself as currently active in the community? Yes ☐ No ☐

Would you like to be active in your community, but feel constrained by barriers in your life such as busyness, too many work or family commitments or financial or other social constraints? Yes ☐ No ☐

Would you say you have other priorities generally and so are not eager to be active in your community? Yes ☐ No ☐

Feel free to provide any other information if it helps answer the question:

.....
.....
.....

Your qualifications

Do you have any qualifications from school, college, university or other place of education? Yes ☐ No ☐

Please tick all of the boxes below that apply to you:

I have GCSEs or equivalent. ☐

I have A Levels or equivalent such as other further education qualifications (e.g. qualifications from a sixth form, community or foundational college or equivalent). ☐

I have a diploma, undergraduate degree or professional qualification. ☐

I have a postgraduate qualification. ☐

Please provide further information if you feel you have qualifications that do not fit neatly into the above options:

.....

Diversity monitoring information

Your answer to the following questions will help us identify whether or not we have participants from a range of different backgrounds or identities. Please mark an 'X' next to the most appropriate answer in each case.

What is your age?:

18-25 years old ☐

26-35 years old ☐

36-45 years old ☐

46-55 years old ☐

56-65 years old ☐

66+ years old ☐

Prefer not to answer? ☐

Please select one option that best describes your ethnic background?:

White – British ☐

White – Irish ☐

White – Any other White background (please specify) ☐

Black or Black British – African ☐

Black or Black British – Caribbean ☐

Black or Black British – Any other Black background (please specify) ☐
.....

Mixed – White & Black Caribbean ☐

Mixed – White & Black African ☐

Mixed – White & Asian ☐

Mixed – Any other Mixed background (please specify) ☐

Asian or Asian British – Indian ☐

Asian or Asian British – Pakistani ☐

Asian or Asian British – Bangladeshi ☐

Asian or Asian British – Any other Asian background (please specify) ☐
.....

Chinese ☐

Chinese – Any other Chinese background (please specify) ☐

Other ethnic group (please specify) ☐

How would you describe your religious beliefs?

None ☐

Christian (including any Christian denomination) ☐

Buddhist ☐

Hindu ☐

Jewish ☐

Muslim ☐

Sikh ☐

Spiritual ☐

Other (please specify):

Prefer not to say ☐

How would you describe your gender identity:

- Man ☐
- Woman ☐
- Non-binary ☐
- Other, please specify ☐
- Prefer not to say ☐

How would you describe your sexual orientation?:

- Bisexual ☐
- Gay man ☐
- Lesbian ☐
- Heterosexual ☐
- Other, please specify ☐
- Prefer not to say ☐

Do you have a disability or debilitating illness?:

- No ☐
- Yes ☐
- Prefer not to say ☐
- Please provide details if you wish to

Thank you, you have now reached the end of the questionnaire. The researcher will review your answers and will get back in touch with you as soon as possible to let you know if you are invited to take part in the rest of the research project.

Appendix 2B – Ethics Application, Participant Information Sheet and Consent Form

UNIVERSITY OF BIRMINGHAM

Application for Ethics Review Form

Guidance Notes:

What is the purpose of this form?

This form should be completed to seek ethics review for research projects to be undertaken by University of Birmingham staff, PGR students or visiting/emeritus researchers who will be carrying out research which will be attributed to the University.

Who should complete it?

For a staff project – the lead researcher/Principal Investigator on the project.

For a PGR student project – the student's academic supervisor, in discussion with the student.

Students undertaking undergraduate projects and taught postgraduate (PGT) students should refer to their Department/School for advice

When should it be completed?

After you have completed the University's online ethics self-assessment form (SAF), **IF** the SAF indicates that ethics review is required. You should apply in good time to ensure that you receive a favourable ethics opinion prior to the commencement of the project and it is recommended that you allow at least 60 working days for the ethics process to be completed.

How should it be submitted?

An electronic version of the completed form should be submitted to the Research Ethics Officer, at the following email address: aer-ethics@contacts.bham.ac.uk.

What should be included with it?

Copies of any relevant supporting information and participant documentation, research tools (e.g. interview topic guides, questionnaires, etc) and where appropriate a health &

safety risk assessment for the project (see section 10 of this form for further information about risk assessments).

What should applicants read before submitting this form?

Before submitting, you should ensure that you have read and understood the following information and guidance and that you have taken it into account when completing your application:

- The information and guidance provided on the University's ethics webpages (<https://intranet.birmingham.ac.uk/finance/accounting/Research-Support-Group/Research-Ethics/Ethical-Review-of-Research.aspx>)
- The University's Code of Practice for Research (<https://www.birmingham.ac.uk/Documents/university/legal/research.pdf>)
- The guidance on Data Protection for researchers provided by the University's Legal Services team at <https://intranet.birmingham.ac.uk/legal-services/What-we-do/Data-Protection/resources.aspx>.

Section 1: Basic Project Details

Project Title: The cost of crime and deliberative democracy: a persuasive frame for 'early help' crime prevention in an age of austerity (ethics submission reference number - ERN_21-0421)

Is this project a:

University of Birmingham Staff Research project ☐

University of Birmingham Postgraduate Research (PGR) Student project ☒

Other (Please specify below) ☐

[Click or tap here to enter text.](#)

Details of the Principal Investigator or Lead Supervisor (for PGR student projects):

Title: Professor

First name: Simon

Last name: Pemberton

Position held: Professor of Social Policy & Criminology

School/Department: Social Policy, Sociology & Criminology

Telephone:

Email address: s.pemberton.1@bham.ac.uk

Details of any Co-Investigators or Co-Supervisors (for PGR student projects):

Title: Dr

First name: Anna

Last name: Kotova

Position held: Lecturer in Criminology

School/Department Social Policy, Sociology & Criminology

Telephone: [REDACTED]

Email address: [REDACTED]

Details of the student for PGR student projects:

Title: Mr

First name: Tom

Last name: McNeil

Course of study: PhD in Social Policy, Sociology & Criminology

Email address: [REDACTED]

Project start and end dates:

Estimated start date of project: 01/09/2021

Estimated end date of project: 01/12/2021

Funding:

Sources of funding: Self-funding & 75% funding from the West Midlands Police & Crime Commissioner's Office

Section 2: Summary of Project

Describe the purpose, background rationale for the proposed project, as well as the hypotheses/research questions to be examined and expected outcomes. This description should be in everyday language that is free from jargon - please explain any technical terms or discipline-specific phrases. Please do not provide extensive academic background material or references.

The project explores the extent to which participant opinions on criminal justice can change when given information about the causes and costs of crime, proposed solutions and personal experience of these causes of crime, particularly when participants have had the opportunity to deliberate all of this information with other non-experts. The background rationale comes from my analysis of the existing literature highlighting the evidence around the extent of the costs of crime, effective crime prevention policies, and the role this literature might play in public debates around criminal justice.

The principal research question is: to what extent will a costs of crime narrative garner public support for less punitive approaches to tackling crime through a deliberative democracy process? For the purpose of this ethics submission, I note 'deliberative democracy' refers to a method or style of group discussion theorised to improve the quality of democratic debate in wider society or other political contexts. Ultimately it is about enabling respectful discussion between a diverse group of individuals who are, through this method, given the opportunity to deliberate the substance of issues to try and reach a consensus or otherwise develop a more informed set of conclusions.

This principal question is then broken down into the following sub-questions:

- *Which constituent parts of the 'costs of crime' narrative serve to augment or undermine public support for 'compassionate, supportive and upstream' interventions rather 'punitive' responses to crime?*
- *In what ways can the process of deliberative democracy influence public understanding and support for more 'supportive' forms of criminal justice intervention?:*
 - *What forms of information appear to influence lay understanding and attitudes?*
 - *How does the process of dialogue and reaching consensus impact lay understanding and attitudes?*
 - *How does the process of deliberative democracy impact different constituencies and groups?*
 - *How do different external ideological frames, personal circumstances and civic participation levels influence the process of deliberative democracy in this context?*

- *In what ways might deliberative democracy be 'scaled up' into effective forms of public engagement and consultation in criminal justice debates?*

The anticipated outcome is that the participant interviews and group workshops provide a rich set of qualitative data that provides new insights into the effect of substantive debate on criminal justice issues. In turn, it is hoped the findings will help inform and improve the public engagement methods of devolved criminal justice authorities (namely police and crime commissioners) and ultimately the criminal justice solutions pursued.

Section 3: Conduct and location of Project

Conduct of project

Please give a description of the research methodology that will be used. If more than one methodology or phase will be involved, please separate these out clearly and refer to them consistently throughout the rest of this form.

Participants will first be asked to undertake a participation selection survey provided they agree to do so with informed consent. The results of this survey will then be used to identify potential participants to participate further in interviews and group discussions. This will help identify individual participants with different starting opinions around criminal justice, different levels of civic participation and different education levels, to help make up a particular participant mix within the deliberative groups discussed below. The details around this participant survey will be outlined in answers below. With participants chosen from members of the public in Birmingham who have agreed to participate having given informed consent, two main qualitative research instruments will be used. The first instrument will involve a number of individual semi-structured interviews, to be conducted virtually over Zoom lasting around 60 minutes each. This will involve two interviews for each participant, meaning 36 interviews conducted from a maximum of 18 participants. The second instrument will involve three group workshops ('deliberative sessions'), each made of 6 participants, with there being two deliberative sessions held for each group. In summary there will be a five stage process. The first three stages involve participants undergoing pre-deliberation interviews, deliberative group discussions and post-deliberative interviews. Participants will undertake the initial individual interview, and will then participate in the first group workshop around two weeks later, a second group workshop around two weeks after that and a final individual interview around two weeks after the second group workshop - at times, if logistics dictate (e.g. completion of the first round of interviews takes longer than anticipated, or finding a time for the group workshop where everyone is available takes longer), the two week gaps may be slightly longer such as three

or four week gaps. The fourth stage will involve a qualitative analysis and coding exercise of audio or video recordings as applicable of all interviews and group discussions, under supervision from my supervisors. Video recordings are intended because this will make it easier to identify different participant contributions during group discussions, compared to just audio data where sometimes it might be more challenging to discern between contributors. Further, video recordings help provide additional information regarding facial expressions or visual cues including those connected to silence, which will add richness to the data and therefore the analysis. The fifth stage will involve writing up findings from the analysis and a discussion on the findings in relation to my theoretical framework.

Geographic location of project

State the geographic locations where the project and all associated fieldwork will be carried out. If the project will involve travel to areas which may be considered unsafe, either in the UK or overseas, please ensure that the risks of this (or any other non-trivial health and safety risks associated with the research) are addressed by a documented health and safety risk assessment, as described in section 10 of this form.

Please note that this ethics submission and the details below are predicated on the assumption that there will be fewer social distancing restrictions (or restrictions unlikely to impact on the research) in place due to completion of the Covid-19 vaccine rollout and government decisions on opening up. It is also made on the assumption that there will be no known imminent risk of alternative Covid-19 strains circulating in England at the time of the fieldwork. However, should circumstances be different when the fieldwork is due to commence, it is anticipated that I would need to submit a revised and satisfactory submission to the committee before starting.

The research will be undertaken in a maximum of three areas in Birmingham, and a minimum of one. In each case, the method will be carried out virtually for the interviews and in in-person in a community setting for the deliberative groups. Whether more than one area will be used will depend on the geographical location of potential participants, and the logistical ease of participants being able to access a single location or necessitating me having more than one location. If access is an issue (such as due to the time and cost of travel), I will establish up to three different groups in different locations within Birmingham, easily accessible to the applicable participants. In each case the deliberative groups will be convened at publicly accessible community centres or other public facilities with the consent of the applicable facility (e.g. Malachi's community centre in Billesley, the family forum facility at Kings Norton fire station or an appropriate youth centre such as the Lighthouse Youth Centre).

Section 4: Research Participants and

Recruitment

Does the project involve human participants?

Note: 'Participation' includes both active participation (such as when participants take part in an interview) and cases where participants take part in the study without their knowledge and consent at the time (for example, in crowd behaviour research).

Yes ☒

No ☐

If you have answered NO please go on to Section 8 of this form. If you have answered YES please complete the rest of this section and then continue on to section 5.

Who will the participants be?

Describe the number of participants and important characteristics (such as age, gender, location, affiliation, level of fitness, intellectual ability etc.). Specify any inclusion/exclusion criteria to be used.

The participants will be members of the public from Birmingham, with a target total of 18 participants. They will all be the age of 18 or over, with an even split between men and women. Participant demographics will be recorded provided participants voluntarily divulge such in accordance with the informed consent including age, sex, gender, sexual orientation, ethnicity, religion. However, participants will not be selected purposefully for these characteristics save as being 18 or over and an equal split between men and women. Participants will however be purposefully selected based on their responses to the participation survey attached in the supplementary documents, which seeks to help divide participants into three different groups. One group will consist of participants considered to support more punitive responses to crime and have low levels of civic engagement (e.g. low levels of community activity involvement). The second group will include a mix of participants based on their level of support for punitive responses to crime and civic participation levels, i.e. around 3 participants will be less supportive of punitive responses, as ascertained by their survey responses. The third group will include a mix based on education attainment levels. These different groups are to be established to help answer research questions around how deliberative discussions impact on different constituencies and groups or people with different personal experiences and backgrounds.

How will the participants be recruited?

Please state clearly how the participants will be identified, approached and recruited. Include any relationship between the investigator(s) and participant(s) (e.g. instructor-student). Please ensure that you attach a copy of any poster(s), advertisement(s) or letter(s) to be used for recruitment.

Initially, the aim will be for participants to be identified and approached through a community leader who is the Director of a grassroots social enterprise operating in Birmingham called Aspire4U. He has agreed to approach potential participants and invite them to undertake the participation survey following informed consent through his standard communication channels with members of the public living in Birmingham. The attached letter to him outlines the formal request for his assistance in participation recruitment, and would also enclose the information sheet and consent form to ensure clarity over the need for consent and the other important participation information matters contained within, including around confidentiality and right to withdraw. The Aspire4U Director is an existing professional contact through my work for the Police & Crime Commissioner's Office and he would be asked to support this work on a voluntary basis. Should I fail to access sufficient numbers of participants through this method, I would seek to advertise the opportunity through my own social media accounts (including Twitter and LinkedIn), using the proposed advert attached. All potential participants will be given the same information sheet. This will outline two separate stages of participant consent. First, participants willing to take the initial survey will be asked to consent to their answers being used and securely stored, in helping the researcher identify who to invite to continue with the research (e.g. the interviews and group discussions). The consent form for this is lighter touch than the consent form for the next phase of the research, and is contained on the survey itself and included in the supplementary documents to this ethics application. For the second consent request, if participants are asked and are willing to participate in the next stage of the research, they will be asked to sign the informed consent form if they are happy with the proposed research, in advance of continuing with the study if selected. This form is also contained in the supplementary documents to this ethics application.

Section 5: Consent

What process will be used to obtain consent?

Describe the process that the investigator(s) will be using to obtain valid consent. If consent is not to be obtained explain why. If the participants are under the age of 16 it would usually be necessary to obtain parental consent and the process for this should be described in full, including whether parental consent will be opt-in or opt-out.

All participants will be asked to read the attached information sheet, confirm they understand the contents and sign the attached informed consent form before taking part in any aspect of the research. All participants will be over the age of 18. Participants will be reminded of the fact of them having given consent before each stage of the research and reminded of their right to withdraw.

Please be aware that if the project involves over 16s who lack capacity to consent, separate approval will be required from the Health Research Authority (HRA) in line with the Mental Capacity Act.

Please attach a copy of the Participant Information Sheet (if applicable), the Consent Form (if applicable), the content of any telephone script (if applicable) and any other material that will be used in the consent process.

Note: Guidance from Legal Services on wording relating to the Data Protection Act 2018 can be accessed at <https://intranet.birmingham.ac.uk/legal-services/What-we-do/Data-Protection/resources.aspx>.

Use of deception?

Will the participants be deceived in any way about the purpose of the study?

Yes ☐

No ☒

If yes, please describe the nature and extent of the deception involved. Include how and when the deception will be revealed, and the nature of any explanation/debrief will be provided to the participants after the study has taken place.

N/A

Section 6: Participant compensation, withdrawal and feedback to participants

What, if any, feedback will be provided to participants?

Explain any feedback/ information that will be provided to the participants after participation in the research (e.g. a more complete description of the purpose of the research, or access to the results of the research).

As explained in more detail in the attached information sheet, participants will be given initial information about the purpose of the research in advance of participation (including in advance of taking the participation survey), and also a report of the thesis findings following completion of the research.

What arrangements will be in place for participant withdrawal?

Describe how the participants will be informed of their right to withdraw from the project, explain any consequences for the participant of withdrawing from the study and indicate what will be done with the participant's data if they withdraw.

Participants' right to withdraw will be clearly stated in the information sheet and through the informed consent form – this states participants can withdraw at any time for any

reason and that their data will be deleted if they withdraw before 15 days following their second interview. However participants will be told that their data in recordings of the group workshops cannot be deleted as this would not only be challenging technically, but also potentially risks making the data collected from other participants unusable or difficult to use. However, participants will be told that their statements in the group workshops will not be used in the write-up of the research if they withdraw. Participants will also be reminded of this during their interviews and group workshops. It will be explained that the honorarium to be given to participants in the form of vouchers is based on the completion of different stages of the study. Therefore withdrawing would have the consequence of individuals not receiving the full honorarium. Participants will also be given the option through the information sheet to ask for data collected on them to be deleted if they choose to withdraw, although it will be made clear that this may not be possible for their data in respect of the group discussions as that would make it challenging to interpret the other participants' data, as records of discussions would be incomplete. Further, as the data analysis stage (i.e. the coding exercise) might mainly involve coding audio files, it would be extremely difficult redact parts of the audio file. Participants will also be given a clear deadline by which to withdraw and withdraw their data (explained in the answer below). The information sheet and consent form are therefore explicit about this so participants are aware of what they are consenting to in this regard, along with their rights.

Please note that if at the time of inviting participants to undertake the initial participation survey the research has not successfully accessed funding to pay participants for their time (i.e. such as grant funding from the Office of the Police & Crime Commissioner for this purpose), then no honorarium will be offered and the study will attempt to identify participants who are willing to participate without any honorarium. At no point will any offer of an honorarium be made (in advance or during the research), and then the offer be reneged upon.

Please confirm the specific date/timescale to be used as the deadline for participant withdrawal and ensure that this is consistently stated across all participant documentation. This is considered preferable to allowing participants to 'withdraw at any time' as presumably there will be a point beyond which it will not be possible to remove their data from the study (e.g. because analysis has started, the findings have been published, etc).

The participants are given the option of withdrawing at any time before the end of their second interview by contacting the researcher on the email address provided (explained in both the information sheet and consent form), and this will be made clear throughout the different research stages (i.e. mentioned at interviews and group workshops), including before the start of their second interview. This is because at the end of the second interview all data relating that participant will have been collected and the data analysis will start. It is considered this is a proportionate stage to limit the right to withdraw as participants will have been reminded of their rights on multiple occasions and will have demonstrated general willing to participate throughout by virtue of their consent and already extensive time commitment.

What arrangements will be in place for participant compensation?

Will participants receive compensation for participation?

Yes ☒
No ☐

If yes, please provide further information about the nature and value of any compensation and clarify whether it will be financial or non-financial.

Participants will receive a combined honorarium of £50 in the form of Amazon vouchers for having taken part in all stages of the study. This is out of recognition that participants will have given a significant time commitment to the research. A £25 Amazon voucher will be paid to a participant after completion for the first deliberative session, and a £25 Amazon voucher will be paid after completion of the post-deliberative interviews.

The honorarium is also to cater for the fact that some participants may be on lower incomes and it is considered appropriate to remunerate for their time to ensure the research is inclusive and accessible (e.g. if for example it is realistic to expect participants to give up time where they might have considered working overtime). The honorarium was set at this amount as it was considered to be sufficiently generous for the time commitment which amounts to around 7 hours for each participant in total, but also not setting any perverse incentives to perform in some way or continue with the research if they found it distressing or a major inconvenience. Participants are to be given the option of discussing any concerns over the honorarium if it assists them in managing any benefits they receive from government such as universal credit.

As stated above, if at the time of inviting participants to undertake the initial participation survey the research has not successfully accessed funding to pay participants for their time (i.e. such as grant funding from the Office of the Police & Crime Commissioner for this purpose), then no honorarium will be offered and the study will attempt to identify participants who are willing to participate without any honorarium. At no point will any offer of an honorarium be made (in advance or during the research), and then the offer be reneged upon, to avoid causing disappointment or expectation.

If participants choose to withdraw, how will you deal with compensation?

Participants will be made explicitly aware, such as in the information sheet, that the honorarium will be paid in two stages as stated in the answer above. This is to remove the risk that participants feel compelled to undertake all stages of the research process just to access the full honorarium. Further, it also means there will be no adverse consequences if participants choose to withdraw in the middle of the research as they will receive an honorarium for having undertaken certain stages until the point of withdrawal.

Section 7: Confidentiality/anonymity

Will the identity of the participants be known to the researcher?

Will participants be truly anonymous (i.e. their identity will not be known to the researcher)?

Yes ☐

No ☒

In what format will data be stored?

Will participants' data be stored in identifiable format, or will it be anonymised or pseudo-anonymised (i.e. an assigned ID code or number will be used instead of the participant's name and a key will be kept allowing the researcher to identify a participant's data)?

As the study involves the qualitative analysis of a small number of participants, and as the researcher will interview participants personally and moderate the group workshops, there will not be true general anonymity, although steps will be taken to protect and securely transfer and store personal data. The secure transfer and storage of data will be enabled using the University of Birmingham's Secure Data Storage facilities for students and researchers – this has been set up with the support of my supervisors. Analysed data will also use an ID code to allow for my PhD supervisors to review my data collection without needing to share the personal data of any of the participants.

The data analysis output and research findings will maintain participant confidentiality and nothing will be attributable to the participants' identity in the thesis and any other reports or documents created from the research. The participants are made aware of this in advance through the information sheet and informed consent and they are reminded of both throughout the research process.

Will participants' data be treated as confidential?

Will participants' data be treated as confidential (i.e. they will not be identified in any outputs from the study and their identity will not be disclosed to any third party)?

Yes ☒

No ☐

If you have answered no to the question above, meaning that participants' data will not be treated as confidential (i.e. their data and/or identities may be revealed in the research outputs or otherwise to third parties), please provide further information and justification for this:

N/A

Section 8: Storage, access and disposal of data

How and where will the data (both paper and electronic) be stored, what arrangements will be in place to keep it secure and who will have access to it?

Please note that for long-term storage, data should usually be held on a secure University of Birmingham IT system, for example BEAR (see <https://intranet.birmingham.ac.uk/it/teams/infrastructure/research/bear/index.aspx>).

All data, including survey responses and interview and group sessions data, will be stored electronically on the University of Birmingham's secure Research Data Store; opened with the support of my supervisors. Initially certain data in the form of audio and video recordings will be recorded on my password protected phone due to its recording functions, but will be immediately transferred to the secure storage using the University of Birmingham's secure VPN for remote access, and secure University of Birmingham systems provided by IT Services for transferring data to the Research Data Store. Once securely transferred, all data on my phone device will be irreversibly and immediately deleted.

Data retention and disposal

The University usually requires data to be held for a minimum of 10 years to allow for verification. Will you retain your data for at least 10 years?

Yes ☒
No ☐

If data will be held for less than 10 years, please provide further justification:

N/A

What arrangements will be in place for the secure disposal of data?

At the expiry of 10 years following the end of the research, I will ensure the complete deletion of all stored data. The University's BEAR archive will be used to automate this process to ensure this deletion activity is carried out after 10 years.

Section 9: Other approvals required

Are you aware of any other national or local approvals required to carry out this research?

E.g. clearance from the Disclosure and Barring Service (DBS), Local Authority approval for work involving Social Care, local ethics/governance approvals if the work will be carried out overseas, or approval from NOMS or HMPPS for work involving police or prisons? If so, please provide further details:

N/A

For projects involving NHS staff, is approval from the Health Research Authority (HRA) needed in addition to University ethics approval?

If your project will involve NHS staff, please go to the HRA decision tool at <http://www.hra-decisiontools.org.uk/research/> to establish whether the NHS would consider your project to be research, thus requiring HRA approval in addition to University ethics approval. Is HRA approval required?

Yes ☐

No ☒

Please include a print out of the HRA decision tool outcome with your application.

Section 10: Risks and benefits/significance

Benefits/significance of the research

Outline the potential significance and/or benefits of the research

With trust in politicians at a worrying low and with public concern around issues such as the rise in serious youth violence in the UK in recent years, this research is relevant and of potentially significant benefit for uncovering new possibilities for better democratic engagement. The research methods, and the underlying theory, focus on trying to improve the quality of democratic discussion around the best solutions to crime. Depending on the findings this could open up authentic new ways of garnering public trust in devolved political institutions such as Police & Crime Commissioner Offices and in turn help to create legitimate and/or legitimise certain solutions to reducing crime that are supported in evidence.

Risks of the research

*Outline any potential risks (including risks to research staff, research participants, other individuals not involved in the research, the environment and/or society and the measures that will be taken to minimise any risks and the procedures to be adopted in the event of mishap.) **Please ensure that you include any risks relating to overseas travel and working in overseas locations as part of the study, particularly if the work will involve travel to/working in areas considered unsafe and/or subject to travel warnings from the Foreign and Commonwealth Office (see <https://www.gov.uk/foreign-travel-advice>). Please also be aware that the University insurer, UMAL, offers access to RiskMonitor Traveller, a service which provides 24/7/365 security advice for all travellers and you are advised to make use of this service (see <https://umal.co.uk/travel/pre-travel-advice/>).***

The outlining of the risks in this section does not circumvent the need to carry out and document a detailed Health and Safety risk assessment where appropriate – see below.

General risk

There are some minor risks for participants in terms of emotional wellbeing, which the planned method has taken care to mitigate. These are outlined here and where appropriate in the enclosed health & safety assessment document.

Safe space for dialogue

There is a risk that participants may feel anxiety over the nature of the research, such as whether it is seeking to test or trick them, and this is mitigated by the information sheet which seeks to tackle this explicitly by explaining this is not the case. Further the authentic nature of the participant interactions, particularly in the group exercise, is to be maintained through the moderation. This will emphasise the principles of respect and respectful dialogue which is designed to help alleviate tensions or anxiety.

Distress to participants

It is possible that a portion of respondents will have experienced crime at some point in their life, potentially as a victim. As such, the attached survey is drafted to avoid the risk of triggering potentially traumatic memories. In the survey, questions are purposefully non-intrusive by only asking about a respondent's opinions on crime without delving into participants' personal experiences. Further, the information provided in the information sheet specifically addresses the fact that the deliberation sessions are likely to involve discussing some content that could be upsetting, including in relation to the lived experience presentation and roleplay exercises. As these include references to traumatic childhoods including violence and sexual abuse, there is again the risk this could trigger distress in participants whether in its own right or because it triggers feelings connected to their own life experiences. Equally, participants are to be reminded of their rights of withdrawal discussed above, in part for this very reason.

Participants will also be continually monitored throughout the research (including during interviews) for any obvious signs of distress, with any evidence of such precipitating the

option to take breaks or withdraw from the interview or deliberation, or even being encouraged to withdraw in serious cases. The information sheet provides some useful contact information for support services such as for mental ill health support or victims support. Participants will also be followed up with, following the post-deliberation interviews, and given a debrief form containing my contact details for participants wishing to discuss the research further or raise any issues.

Distress could also manifest in heated discussion between participants, which could risk causing distress or anxiety among participants and in extreme cases could result in physical aggression, including towards the researcher. This will be mitigated both in terms of the style of moderation, which will repeatedly encourage respectful dialogue and the aim of listening to each other and striving for agreement in the collaborative nature of the workshop exercise. It is felt this will likely maintain a calmer atmosphere compared to group discussions where no time is made at the start to set expectations and principles of engagement. If however discussions become heated and there are signs of distress or risk of aggression (e.g. shouting, intimidating body language etc), then the moderator/researcher will consider calling for breaks to cool down before reconvening when tensions have ebbed and/or intervening to remind people of the principles of respectful dialogue, trying to listen to each other's perspectives and the fact it is perfectly okay to have a difference of opinion. In the event of highly elevated risk (e.g. aggression), the moderator will terminate the group workshop before things escalate. In this unlikely scenario, the moderator would follow up with each participant to check on their wellbeing, remind them of the resources provided on the information sheet and of their right to withdraw.

Safety of lived experience contributor

As there is a risk regarding the emotional wellbeing of the lived experience contributor (as referenced in the attached group workshop topic guide), prior written consent will be sought from the lived experience contributor, using the same informed consent sheet. This is to ensure they are comfortable with sharing their personal story. I will also ask them about their own experience and wellbeing regarding delivering these kinds of presentations, to satisfy myself their participation is appropriate for their own wellbeing and for achieving the purpose of this component of the deliberation, i.e. they are in a position to communicate their story effectively for the benefit of other participants, but without triggering their own distress.

Researcher safety

No obvious risks have been identified in relation to the researcher, save as identified above regarding the risk of heated discussions. In order to ensure the researcher manages these risks appropriately, in addition to the steps outlined above, the researcher will undertake an online course on focus group management, and will consult on the most suitable course with supervisors before enrolling.

Research independence & confidentiality

As the research is part funded by the Office of the Police & Crime Commissioner there is a risk that participants could be concerned that their personal information (e.g. accounts of their experiences of crime) might be shared with the police or used for investigatory purposes. The participant information sheet is therefore transparent about this funding. It also clearly states participant confidentiality will be strictly maintained and that the information participants provide during the research will only be used to inform policy around public engagement and not for any other purpose.

Venues

No community location chosen, such as Malachi's Billesley's Community Centre referenced above, will be booked for the group sessions without checking with the applicable centre's management that they have an up to date health and safety checklist in line with Health & Safety Executive checklist (including fire safety compliance) for community facilities. All facilities currently being considered, including Billesley Community Centre, the Lighthouse Youth Centre and Kings Norton Fire Station are all regularly used by members of the public for community purposes, are run by public bodies or reputable organisations and do not present any obvious health and safety risks. Before booking the applicable venue, in addition to obtaining written confirmation of recent health and safety checks from the management, I will undertake my own check in advance, including checking for issues such as fire exits, safe movement around the building and conformity to the applicable locations current Covid-19 conditions such as around air circulation, social distancing, mask wearing and hand washing if applicable and in accordance with national guidance.

Inclusivity

The interviews and group sessions will be held in English. To account for the potential for different levels of literacy or confidence with the written and spoken word, significant care will be taken to draft interview and group workshop topic guides using and promoting accessible language. This includes explanations of phraseology, such as specialist criminal justice terms. This is to help create an inclusive environment for participants. There is a risk that some potential participants will not speak English or not be confident doing so in a research setting, or may not seek to participate due to not being able to speak English. While this risk is acknowledged, as this research does not have any funding available for resources such as professional translation, it would likely be a significant barrier to make participation available to those not able to speak English. The risk will be mitigated where possible through the steps taken around the researcher's use of accessible terminology, alongside careful researcher moderation to look out for and support people who might be struggling with the interview questions or group discussions where English is, for instance, their second language.

University Health & Safety (H&S) risk assessment

For projects of more than minimal H&S risk it is essential that a H&S risk assessment is carried out and signed off in accordance with the process in place within your School/College and you must provide a copy of this with your application. The risk may be non-trivial because of travel to, or working in, a potentially unsafe location, or because of the nature of

research that will be carried out there. It could also involve (irrespective of location) H&S risks to research participants, or other individuals not involved directly in the research. Further information about the risk assessment process for research can be found at <https://intranet.birmingham.ac.uk/hr/wellbeing/worksafe/policy/Research-Risk-Assessment-and-Mitigation-Plans-RAMPs.aspx>.

Please note that travel to (or through) 'FCO Red zones' requires approval by the University's Research Travel Approval Panel, and will only be approved in exceptional circumstances where sufficient mitigation of risk can be demonstrated.

Section 11: Any other issues

Does the research raise any ethical issues not dealt with elsewhere in this form?

If yes, please provide further information:

Click or tap here to enter text.

Do you wish to provide any other information about this research not already provided, or to seek the opinion of the Ethics Committee on any particular issue?

If yes, please provide further information:

Click or tap here to enter text.

Section 12: Peer review

Has your project received scientific peer review?

Yes ☒
No ☐

If yes, please provide further details about the source of the review (e.g. independent peer review as part of the funding process or peer review from supervisors for PGR student projects):

This project has been peer reviewed by my supervisors.

Section 13: Nominate an expert reviewer

For certain types of project, including those of an interventional nature or those involving significant risks, it may be helpful (and you may be asked) to nominate an expert reviewer for your project. If you anticipate that this may apply to your work and you would like to nominate an expert reviewer at this stage, please provide details below.

Title: Click or tap here to enter text.

First name: Click or tap here to enter text.

Last name: Click or tap here to enter text.

Email address: Click or tap here to enter text.

Phone number: Click or tap here to enter text.

Brief explanation of reasons for nominating and/or nominee's suitability:

Click or tap here to enter text.

Section 14: Document checklist

Please check that the following documents, where applicable, are attached to your application:

Recruitment advertisement ☒

Participant information sheet ☒

Consent form ☒

Questionnaire ☒

Interview/focus group topic guide ☒

Please proof-read study documentation and ensure that it is appropriate for the intended audience before submission.

Section 15: Applicant declaration

Please read the statements below and tick the boxes to indicate your agreement:

I submit this application on the basis that the information it contains is confidential and will be used by the University of Birmingham for the purposes of ethical review and monitoring of the research project described herein, and to satisfy reporting requirements to regulatory bodies. The information will not be used for any other purpose without my prior consent.

☒

The information in this form together with any accompanying information is complete and correct to the best of my knowledge and belief and I take full responsibility for it. ☒

I undertake to abide by University Code of Practice for Research (<https://www.birmingham.ac.uk/Documents/university/legal/research.pdf>) alongside any other relevant professional bodies' codes of conduct and/or ethical guidelines. ☒

I will report any changes affecting the ethical aspects of the project to the University of Birmingham Research Ethics Officer. ☒

I will report any adverse or unforeseen events which occur to the relevant Ethics Committee via the University of Birmingham Research Ethics Officer. ☒

Please now save your completed form and email a copy to the Research Ethics Officer, at aer-ethics@contacts.bham.ac.uk. As noted above, please do not submit a paper copy.

Participant Information Sheet

What have you been invited to do?

You are invited to be part of a research study about public opinion on crime and you are completely free to choose if you want to take part or not.

What is the purpose of this information sheet?

This sheet gives you important information about what you would be asked to do, your rights (such as right to privacy and right to withdraw) and how the findings will be used. Please take time to read this information, and discuss it with others if you wish. If anything is not clear, or you would like more information, please ask the researcher - contact details are below.

What is this research about?

This research looks at public opinion on how to reduce crime and how debating the issue affects those opinions. Understanding public opinion on crime through this research, could impact on how different public services around crime (e.g. elected Police & Crime Commissioners) make decisions and gain the public's trust.

Why have you been invited?

I want to understand opinions of members of the public from Birmingham, and this is why you have been invited.

To start, you are invited to take a short survey. You may also be invited to take part in further interviews and group discussions, **but not everyone who takes the survey will be invited to this next stage**. Decisions on who takes part in the interviews and workshops, are based on ensuring the research involves people from different backgrounds and opinions.

Do you have to take part?

No. Participation is completely voluntary. If you agree to participate, you can stop taking part or raise any concerns about the research, at any time. You can also request

that any data held about you be destroyed at any time. To this request this, please email the researcher at the email address below. However, the deadline for requesting your data is deleted, is 15 days after your second interview, explained further below.

‘Data’ includes records of the things you and other participants said during interviews and workshops. You will be given more information about your data rights and your consent, if you choose to participate.

What does the research involve?

You would be asked to commit to approximately 8 hours in total, including:

- Taking a short survey to be completed and submitted by email. You may then be invited to take part in interviews and group workshops.
- Taking a 1 hour interview online or by phone. This would hopefully take place as soon as possible after your survey if you are invited to participate in the full study. This is to be undertaken by the end of November 2021.
- A group workshop lasting approximately 3 hours to be held at Saint Nicolas Place, 81 The Green, Birmingham B38 8RU, starting at 5.30pm on one of 14, 15 or 17 December 2021 – exact date to be confirmed.
- A second group workshop lasting approximately 3 hours to be held at Saint Nicolas Place, 81 The Green, Birmingham B38 8RU, starting from 5.30pm on one of 12, 13 or 14 January 2022 – exact date to be confirmed.
- A final 1 hour interview online or by phone. This would take place as soon as possible after two weeks following the second group workshop. This to be taken by the mid-February 2022.

None of the activities above involve any deliberate trickery or tests. With your consent, the interviews and group workshops will all be sound and/or video recorded so that the researcher can go back afterwards and consider people’s opinions in detail.

If you agree to take part, the researcher will use the personal contact details you have provided to contact you and organise the interviews and group workshops.

Will we make any adjustments if you have accessibility needs?

If you need any support to take part, such as any learning needs or disabilities, please tell the researcher using the contact details below and the researcher will do their best to make reasonable adjustments and support your participation.

Are there any risks from taking part?

Yes. The interviews and workshops are not designed to deliberately bring up upsetting personal memories or experiences of crime, but it is possible that they will. This is because discussions might involve talking about upsetting topics such as child abuse or neglect. You do not have to discuss or bring up anything that might be upsetting for you. You are free to take a break, raise any concerns with the researcher or leave at any point.

For example, there will be a short presentation in one group workshop from an individual who has committed crime and experienced prison in the past. This will be to help explain to the group, what led that individual into crime and what helped them away from crime. The group workshops will also involve you reading a real life short story to yourself, and includes descriptions of very difficult childhood experiences and upsetting content such as mentions of sexual abuse and violence. This is similar to a roleplay exercise but you will not need to act or read anything out.

Your personal experiences may have helped shape your opinions on crime and you are free to discuss these. To avoid causing any upset, you and all other participants will be asked to do their best to be respectful to all other participants during discussions.

After all interviews and workshops, you will have an opportunity to speak with the researcher and discuss any concerns. If at any point you feel distressed, there are also links to support networks at the end of this information sheet that are free to use.

Will you receive any benefits from taking part?

You will receive a combined £50 in Amazon vouchers for taking part in all stages of the study, to thank you for your time. A £25 Amazon voucher will be given after completion of the first group workshop, and a £25 Amazon voucher will be given after completion of the second interview. If these vouchers cause you any problems with any income or welfare support (e.g. universal credit) you receive, please let us know and we will try to be flexible where possible in how we give you the vouchers.

There will not be any payment for expenses such as travel expenses.

We hope you find participation interesting and enjoy hearing other people's views. It is also your opportunity to contribute to research which could influence public policy. This includes the research findings being shared with the West Midlands Police & Crime Commissioner.

Can you be identified by taking part?

The only people who could identify you as a result of you taking part, would be the researcher and other participants in the group workshops. You and the other participants will all be expected and asked to keep discussions between you confidential. You can of course talk about the research to friends, family and anyone else. However, you should not talk about what specific people in your group said, such as using their name and then explaining what they said.

If you agree to take part and consent, the researcher will use the information you provide in the survey, the things you say during interviews and the group workshops to write about your opinions on crime. Your interviews and contributions during the workshops will be recorded by video and/or audio recording to make it easier for the researcher to review and analyse what you and other participants have said.

Your name and anything that could be used to identify you, your family or anyone close to you, will be kept confidential and anonymous, including in any reports of the findings from this research such as any articles or papers written by the researcher. Any information or data that could be used to identify you, will only be recorded, stored and reviewed by the researcher. Where your data is seen by the researcher's supervising academics, an identification number will be used that only the researcher knows is linked to you.

Any information or data that could be used to identify you will be transferred and kept in password secured formats, using the University of Birmingham's secure online Research Data Store. This will be deleted ten years following the end of the researcher's PhD, which is expected to be completed at the end of 2023.

No information or data that could be used to identify you will be shared with any police authority.

If you decide you no longer consent to the researcher keeping your data, such as recordings of what you said during your interview and workshops, you can tell them using the email address provided below. The researcher will delete your data, provided you make this request within 15 days after your second interview. If you withdraw, what you say in the group workshops will not be used by the researcher. However, the researcher cannot delete any recordings of the group workshops as this would make it difficult to use the contributions from other participants. Therefore please think carefully about whether you want to take part or not, as your contributions and data are very important for carrying out this research.

What will happen with the findings?

The findings will help the researcher develop policy around how to engage with the public on crime. Findings will be written up and shared with academics, policy makers including the West Midlands Police & Crime Commissioner Simon Foster and potentially other audiences such as being published in academic journals, books, reports, conference presentations or other formats.

If you take part, the researcher will share a summary of the findings with you and will be happy to try and answer any questions you have.

Who is funding this research?

This research is the practical part of the researcher's PhD studies. The researcher is currently a senior representative of the West Midlands Police & Crime Commissioner Simon Foster (PCC). This research is approximately 75% funded by the PCC, and 25% by the researcher themselves.

However, for this research, the researcher is completely independent and the research does not represent the views or objectives of the PCC.

Who can you contact with questions or concerns?

The researcher's name is Tom McNeil, who as well as working for the West Midlands Police & Crime Commissioner is undertaking a part-time PhD at the University of Birmingham in the Department of Social Policy, Sociology and Criminology. For further questions about this information sheet, or if you have concerns, please contact Tom at any point at [REDACTED]. To make a complaint, you can contact Tom's PhD supervisor Professor Simon Pemberton at [REDACTED].

Resources if you are distressed or want support

We believe that the risk of this research causing you distress is low. However, if you want more information or to talk to someone about anything that has come up during this research, you can use these resources, which are **free** and may help you:

- For something troubling you, you can get in touch with the Samaritans, available 24 hours a day, 365 days a year. Telephone: 116 123. If you do not need an immediate response, you can email: jo@samaritans.org

- If you've been affected by crime, you can call your local victim care team at West Midlands Victims Support. Telephone: 0300 303 1977. Lines are open 8am-8pm Monday to Friday, and 9am-5pm Saturday to Sunday. If you need support outside of open hours, call the support line for free on 0808 1689 111 or request support via their website.
- For issues around matters such as domestic abuse or other forms of abuse, you could contact:
 - the 24 hours a day National Domestic Abuse Helpline. Telephone: 0808 2000 247 or chat to a female advisor confidentially online at: <https://www.nationaldahelpline.org.uk/Chat-to-us-online>
 - If you have been affected by abuse as a child, even if it is many years later, you can contact the National Association of People Abused in Childhood. Telephone: 0808 8010 331.

If you need information in another format, please tell us. Thank you for taking the time to read this sheet.

Consent form

Your consent & signature

Please tick the boxes and sign this form, if you agree to the following:

- I confirm I have read and understand the participant information sheet explaining what will happen if I take part in this study, including talking about upsetting issues. I have had the opportunity to ask questions and I am happy with the answers.

☐

- I understand that my participation is voluntary and that I can withdraw at any time without giving any reason. I can request that my data is removed and destroyed provided I make this request before 15 days after my second interview. I accept however that my data from the group workshops will not be deleted, but that this data will not be used by the researcher if I withdraw. I understand I do not have to answer any questions I do not want to answer. Any service or support I receive and my legal rights will not be affected whether I take part or leave the study. I understand I will not receive £25 in vouchers if I leave the research before the first group workshop, and that I will not receive the second set of £25 vouchers if I leave the research before completing the second interviews.

☐

- I understand that all interviews and group workshops I participate in, will be audio and/or video recorded for the purpose of the research. I agree to this recording and the data being stored, as long as it is stored securely and confidentially. I understand and agree my data can be kept for 10 years after the end of the research study and then it will be destroyed safely. I agree to treat the group workshop discussions as confidential by not mentioning outside of the research other participants' names and what those participants said.

☐

- I understand that my data will be kept confidential and that it will be used and controlled in line with data protection laws in England and in line with the University of Birmingham's data protection policies. This will include data being securely stored using University of Birmingham storage. I give permission for the researcher to analyse my data and allow access to anonymised versions of my data with the researcher's supervisors.

☐

- I understand that any information given by me may be used in reports, academic journal articles, books and/or presentations by the researchers but NOT my name and any information that could be used to identify me. I

understand that I can request feedback on the research findings by asking the researcher.

☐

- I consent to the researcher keeping my contact details for up to 18 months, that I can be contacted to allow the researcher to organise the interviews and workshops and that I may be contacted for further information connected to this research in the future.

☐

Based on the above, I agree to take part in this study.

☐

Name of participant:.....

Signature:.....

Date:..... 2021

Name of researcher obtaining consent: Tom McNeil

Signature.....

Date..... 2021

A copy of the signed and dated consent form and the participant information sheet will be given to the participant electronically and a copy securely kept by the researcher.

Appendix 2C – Participant and Group Information

Table of participant information

Participant number & Group number	Punitive (answer score/ description)	Civic engagement (description)	Qualifications	Diversity information	Completed both interviews	Completed both workshops
1 – group 1	0 – Low Punitive	Active	A Levels	56-65, White British, Woman, Heterosexual, Disability	Yes	Yes
2 – group 2	0 – Low punitive	Active – would like to do more	Undergraduate	46-55, White, Woman, Heterosexual	Yes	Workshop 1
3 – group 1	0 – Low punitive	Active	Postgraduate	Black African, Christian, Heterosexual, Man, Disability	Yes	Yes
4 – group 2	0 – Low punitive (but does reference prison as appropriate more than once)	Active	Postgraduate	56-65, White British, No religion, Woman, Heterosexual	Yes	Yes
5 – group 1	3 – High punitive (supports harsher punishments such as longer sentences and death penalty)	Active	Undergraduate	26-35, Asian Pakistani, Muslim, Woman, Heterosexual	Yes	Yes

Participant number & Group number	Punitive (answer score/ description)	Civic engagement (description)	Qualifications	Diversity information	Completed both interviews	Completed both workshops
6 – group 2	2 – Low punitive (but does believe punishment is necessary and thinks some punishments should be harsher)	Low Active	A Levels	36-45, Black Caribbean, No religion, Man, Heterosexual	Yes	Workshop 1
7 – group 1	0 – Low punitive (actively supports rehabilitation)	Active	Postgraduate	56-65, White British, No religion, Man, Bisexual	Yes	Yes
8 – group 2	2 – Medium punitive (believes in sole responsibility for crime)	Low active, but active minded	Undergraduate	26-35, Asian Indian, No religion, Man, Heterosexual	Yes	Yes
9 – N/A	7 – High punitive (supports harsher punishments such as longer sentences and death penalty)	Low active	A Levels	36-45, Asian Pakistani, Muslim, Woman	No	None
10 – N/A	7 – High punitive (supports harsher punishments such as longer sentences)	Low active, but some interest in being more active	A Levels	26-35, Asian Pakistani, Muslim, Man, Heterosexual	No	None

Participant number & Group number	Punitive (answer score/ description)	Civic engagement (description)	Qualifications	Diversity information	Completed both interviews	Completed both workshops
	and death penalty)					
11 – group 2	5 – High punitive	Low active, but some interest	Undergraduate/professional qualification	18-25, White British, No religion, Man, Heterosexual,	Yes	Yes
12 – group 1	4 – Punitive (supports harsher punishments such as longer sentences and death penalty)	Active, and would like to be more active	Undergraduate	36-45, White British, Buddhist, Woman, Heterosexual, Disability	Yes	Workshop 1
13 – group 1	2 – Punitive (supports harsher punishments such as longer sentences and death penalty)	Active	Undergraduate	36-45, Black-Caribbean, Christian, Man, Heterosexual	Yes	Yes
14 – group 2	0 – Low punitive	Low active, would like to be more active	Undergraduate	36-45, White British, Woman, Heterosexual	Yes	Workshop 2
15 – group 1	0 – Low punitive	Low active, would like to be more active	Postgraduate	56-65, White British, No religion, Woman, Heterosexual	Yes	Yes

Participant number & Group number	Punitive (answer score/ description)	Civic engagement (description)	Qualifications	Diversity information	Completed both interviews	Completed both workshops
16 – group 2	1 – Low punitive	Active	Postgraduate	46-55, Mixed White-Black Caribbean, Atheist/Agnostic, Man, Heterosexual	Yes	Yes
17 – group 1	0 – Low punitive	Low Active	Undergraduate	46-55, Mixed White-Asian, Christian, Man, Heterosexual	Yes	Yes
18 – group 1	6 – High punitive (supports harsher punishments such as longer sentences)	Active	Undergraduate	26-35, Mixed White Black-Caribbean, Christian, Man, Heterosexual,	Yes	Yes
19 – group 2	5 – High punitive (supports harsher punishment and death penalty)	Low Active – some suggestion of further interest	Undergraduate	46-55, White British, Greek Orthodox, Woman, Heterosexual, Disability	Yes	Yes

Appendix 2D – Interview Topic Guides

Interview 1 – Interviewer Notes and Topic Guide

Notes for interviewer on interview opening

- Introduce self as PhD researcher at University of Birmingham looking at public opinion and crime, and that this is being explored because it could help inform how public bodies engage the public on this important issue.
- Thank participant for participating.
- Check participant has read and understood information sheet and invite questions from interviewee on that.
- Briefly mention right to withdraw particularly if questions inadvertently trigger distress, confidentiality and anonymity and right to contact me if any questions afterwards – check informed consent is current.
- Check and state participant has signed informed consent from.
- Explain participant should:
 - Feel free to give honest answers to each question and that this is an opportunity to share what they really feel;
 - Feel free to deviate from question if that is what they feel will help them answer.
- Explain that there are no right or wrong answers and that the interview is not a test and contains no trick questions.
- Remind participant that interview is going to be recorded with their consent.
- Explain interview is expected to last approximately 60 minutes.
- The group workshops will be an opportunity to debate these issues – really grateful you've signed up to whole research.

Questions

[Interviewer note: semi-structured questions, not all questions need to be asked, with additional prompts and organic conversation to be allowed where felt appropriate for facilitating an authentic discussion on the topics]

- Icebreaker question: would you like to tell me a little bit about yourself, such as where you are from, where you live now, what you're passionate about, what you do as a job or whether you're a parent/caregiver?
- What are the first things that come to mind when you think about crime?
 - What particular crimes?
 - What worries do you have about crime?
 - Your thoughts on whether crime is a big problem in society?
 - Your thoughts on whether crime is a big problem in your community?

- To what extent do you believe people are responsible for their own crimes committed in the community (e.g. violent crime or theft etc.)?
 - To what extent do you think it is just a personal choice?
 - To what extent do you think do you think personal circumstances play a part?
 - Is anyone else to blame?
- Why do you think people commit crime?
 - To what extent do you think people simply choose to commit crime? If so, why?
 - To what extent do you think do you think personal circumstances lead people to commit crime?
 - Are some people just bad people form birth?
 - Do people simply choose at a point in life to start being bad?
 - Do you think there are any particular circumstantial reasons why people commit crime? If so what?
- How should people be treated when they commit crimes?
 - How should the police respond? What would deserve a heavy handed approach?
 - What kinds of sentences from the courts should they get?
 - What are your thoughts around punishment?
- How do you feel about prison as a response to crime?
 - Do you think prison is a fair response to crime? Please explain.
 - What kinds of crime do you think people should go to prison for?
 - To what extent do you think prison works to stop people committing more crime?
 - When do you think prison is not an appropriate punishment?
- How do you feel about community restrictions and surveillance as a response to crime?
 - How do you feel about people being security tagged?
 - How do you feel about people needing to report back to probation?
 - What kind of other activities would you expect to be undertaken by people in the community?
- What are your thoughts about the ability to prevent crime?
- To what extent do you think preventing crime through initiatives that work with parents, children's centres and schools should be a priority?
 - What are your thoughts about how important it is for parents to show affection?
 - What are your thoughts about whether parents need help knowing to how to influence their children's behaviour?
 - What role do you think schools should have?
 - To what extent should schools have additional resources to support children who might fall into crime?
 - Are you aware of initiatives like children's centres? What are they?
- To what extent do you feel society has a moral obligation to prevent crime including violent crime?
 - Do you have thoughts about the duty of government or people in the community to try and prevent crime?
 - What kinds of activities do you think society or people have a duty to perform?

- What do you think is the economic impact of crime in the community (e.g. violent crime or theft etc)?
 - Do you have any thoughts about the cost of crime, such as the cost of paying for policing and the criminal justice system?
 - To what extent are arguments about saving costs through preventing crime persuasive for you? Why?
- What do you think shapes the way you think about crime and the solutions to crime in society?
 - Are there particular types of crime or particular crime issues that impact how you feel about crime?
- To what extent does whether or not society can afford something, impact on what you think government should do?
 - To what extent do you worry about affordability of certain initiatives?
 - Would you expect different things to be done if there was more or less public money? Please explain.
- To what extent do you worry about the UK economy when it is struggling, and if it does worry you, what is it that worries you most?
- What does the idea of sustainability mean to you?
 - To what extent are you familiar with what sustainability means?
 - To what extent is sustainability something that matters to you?
- To what extent are you politically active or engaged in community activities such as volunteering?
- To what extent are you motivated to get involved in your community whether political activities, volunteering or other activity?
- To what extent are you motivated to engage in your community due to issues around crime, including choosing who you vote for or activities that might prevent crime?
- Is there anything else you would like to say about this research or the topic of crime?

End of interview formalities

- Thank participant.
- Remind participant of next steps in project (i.e. workshops and second interview).
- Remind of right to ask any follow up questions or raise concerns as per information sheet.

Interview 2 – Interviewer Notes and Topic Guide

Notes for interviewer on interview opening

- Thank participant again for their participation to date and this final interview.
- Remind participant about their information sheet and invite questions from interviewee on any changes to their understanding since the first interview.
- Briefly go through participation information sheet including reminders on right to withdraw particularly if questions inadvertently trigger distress, confidentiality and anonymity and right to contact me if any questions afterwards – check informed consent is current.
- Remind participant that they should:
 - Feel free to give honest answers to each question and that this is an opportunity to share what they really feel;
 - Feel free to deviate from question if that is what they feel will help them answer.
- Explain again that there are no right or wrong answers and that the interview is not a test and contains no trick questions.
- Remind participant that interview is going to be recorded by Zoom recording with their consent.
- Explain interview is expected to last approximately 60 minutes.

Questions

[semi-structured questions, not all questions need to be asked, with additional prompts and organic conversation to be allowed where felt appropriate for facilitating an authentic discussion on the topics]

- Icebreaker question: how have you been since we last spoke?
- What are your thoughts about the group workshop you participated in?
- To what extent did you agree with other participants?
- To what extent were you content with the group's agreed statements at the end of the second session?
- Can you tell me what those statements were in broad terms, e.g. what the main focus was in terms of what the group believed would reduce crime in the long term?
- To what extent did you feel the group discussion helped or did not help you accept the views of other participants?
 - Did it help strengthen your views?
 - Did it weaken your views?
 - Were there things you agreed or disagreed with in particular?
 - Did you feel able to influence others?
- Did you change your mind at all as a result of the group discussion, on the best way to prevent crime in the long term?
- Do you feel you learned anything, or developed your knowledge as a result of the group workshops?
- To what extent do you value or not, this kind of public sector engagement?
- Do you think people would benefit from engagement from the Police & Crime Commissioner or other local authority in group discussions like this?

- To what extent did these discussions help you reflect or not on your beliefs about crime and the causes of crime?
- Were there any particular arguments or perspectives that you found particularly convincing?
- To what extent did the expert presentations (on early intervention and costs of crime, surveillance and prison) impact on your opinions or not about why people commit crime?
- To what extent did it influence what you feel is the right way to prevent crime in the long term?
- What are your thoughts now about the way to have the biggest impact on reducing crime in society?
- Did the discussion impact on what you think about punishment as a response to crime?
- To what extent do you feel you learned more about the financial costs of crime and did it impact on your beliefs? If so, what was it about these cost related arguments?
- Were there any particular pieces of information or aspects of the group workshop that were particularly influential on your final opinion?
- Can you remember arguments based on 'social sustainability', surveillance/tagging and prison? Were any of these arguments particularly persuasive for you?
- How did the presentation from someone's personal life make you feel and to what extent did it influence your thinking?
 - Did the presentation provoke any emotional response?
 - Did this emotional response impact on what you feel is the best way to prevent crime in the long term?
 - Did it provoke sympathy, anger, a mix or something else?
- How did the roleplay exercise make you feel and to what extent did it influence your thinking?
 - Did the roleplay exercise provoke any emotional response? Please explain.
 - How did this emotional reasons impact on your thoughts about the best way to prevent crime in the long term?
- To what extent do you feel society has a moral obligation to prevent crime in the way discussed in the group workshop?
- To what extent does knowing whether society can afford something or the state of the economy, matter to you?
- To what extent does avoiding the financial costs of crime matter to you?
- To what extent does the idea of economic sustainability appeal to you, following the group exercise and why?
- To what extent would the group exercise impact on:
 - who you would vote for?;
 - your interest in politics; or
 - impact on what you do in the community on this issue or just community activity in general?
- Does it make you want to do more, or does it make you want to support society in a way that promotes the statements agreed on by the group?
- Is there anything else you would like to say about this research of the topic of crime?

End of interview formalities

- Thank participant.
- Remind participant of next steps in project (i.e. reviewing what participants have said and writing up findings in research thesis).
- Remind of right to ask any follow up questions or raise concerns as per information sheet.
- Confirm to participant how payment will be made.

Appendix 3 – Group Workshop Topic Guides

Group session 1

Note: this agenda is to be shared with participants in advance of group workshop, minus moderator notes

General information

Location: Virtual meeting over Zoom

Time: TBC – whole session to last 2 hours 45 minutes

General moderator notes

- Be friendly and welcome each participant on arrival to put them at ease.
- Invite all to show camera, explain chat box, be on silent when others speaking and hand up function.
- Check all participants are being encouraged to participate.
- Look for any discomfort in individuals to help offer gentle words of encouragement or support as appropriate.
- Lightly probe individuals if they have not yet contributed.

Topic guide

Activity	Notes for moderator	Time
Introduction	• Introduce self as PhD researcher at University of Birmingham • Reminder of purpose of research given (i.e. exploring public opinion on crime and public debate), and information on information sheet including confidentiality, right to withdraw and ask for support • Reminder that ultimately anonymised research findings shared with Police & Crime Commissioner to inform policy • Moderator explains group will be asked to consider together one key question: <u>“What would have the biggest impact on reducing crime in the community (e.g. violence or theft) in the long term?”</u> • Participants asked to try and find a consensus on the issue throughout this session and the next session, with the aim of jointly writing, with help of moderator, by the end ‘key	10 minutes

Activity	Notes for moderator	Time
	statements' about what the group believes would have the 'biggest impact' for reducing crime in the community in the long run • Participants are under no obligation to find agreement and should try to be honest, while being respectful • Participants told to try and find areas of 'common ground' and 'differences' if agreement cannot be reached • Participants asked to be open-minded generally and open to learning new insights from other participants • Moderator explains principles of deliberative democracy including: ○ Listening to and respecting all people's perspectives even when there is strong disagreement ○ Each participant having equal importance and right to contribute ○ Being free to be open, honest and express themselves ○ Discussing reasons and solutions to the question with the objective of achieving consensus or a better understanding of each other's positions, but being reminded that it is absolutely fine to respectfully disagree and that there should be no pressure to conform ○ Aim is to achieve procedural legitimacy (i.e. the desire is for the participants to feel the process they have been involved in has been fair) ○ Achieve outcome legitimacy (i.e. that through the participants' involvement and contributions, that the statements formed or agreed upon will be stronger and more useful for policy as a result, compared to policy formed without this kind of dialogue) ○ Inspire participants to want to engage with community activity more (defined broadly) because of this exercise, whether related to the subject matter or more generally	
Ice breaker	• Moderator asks participants to 'very briefly': ○ Share their name ○ State their favourite animal and why ○ State one thing they would like to see improve in society (to be something other than crime) ○ Saying whether they felt people listened to their views generally ○ Saying whether they think they are good at listening to other people's views ○ Saying why they agreed to participate	5 minutes

Activity	Notes for moderator	Time
Open discussion	• Moderator initiates participant discussion around main question: “What would have the biggest impact on reducing crime in the community (e.g. violence or theft) in the long term?” • To ask initial questions to spur discussion: ○ What do you think of when you think of the term ‘crime in the community’? ○ Does this kind of crime worry you and/or do you think it is a big problem in society? ○ What are your thoughts about how to tackle this kind of crime in society? ○ To what extent has society got its approach to tackling this kind of crime right? • Moderator asks further sub-questions where appropriate to stimulate conversation: ○ What does rehabilitation mean to you and what are your thoughts about it? ○ What are your thoughts about punishment? ○ What are your thoughts about prison? ○ Can people who commit crime change? Why do you think that? ○ Do you think there's more that can be done in the community to prevent crime? Why or what? ○ Do you think there is more room for health, support for parents and education services to play a part in preventing crime? ○ What are your thoughts about how much crime costs, or the cost of different proposed solutions to crime?	60 minutes
Comfort break	• Participants invited to take a break as they see fit	10 minutes
Expert presentations	• The moderator introduces three 15 minute ‘expert witness’ presentations focussed on distinct crime and justice solutions (presentation content shown in separate appendix)	50 minutes
Comfort break	• Participants invited to take a break as they see fit	5 minutes
Short reflection	• Participants to be given time to reflect alone on what they heard from witnesses and asked to note down any key questions they had arising from the presentations • Participant to be told no pressure to generate questions if none spring to mind, so as not to induce anxiety	5 minutes
Short group discussion	• Give participants five minutes to discuss their questions within the wider group	5 minutes

Activity	Notes for moderator	Time
Questions to expert witnesses	• Participants invited to ask expert witnesses questions regarding presentations • Moderator to try and ensure questions discussed within groups are aired where possible • Moderator to try and ensure every participant given opportunity to ask questions but without being pressured	15 minutes
Conclusion of session	• Participants asked to reflect on what they had heard in both the introductory debate from each other and expert presentations • Participants reminded of the date and time to reconvene for second group session • Participants reminded the purpose of second group session was to reach an agreement on a set of statements • Participants thanked for their time	3 minutes

Group session 2

Note: this agenda to be shared with participants

General information

Location: Virtual meeting over Zoom

Time: TBC – whole session to last 2 hours 50 minutes

General moderator notes

- Be friendly and welcome each participant on arrival to put them at ease
- Check all participants are being encouraged to participate
- Look for any discomfort in individuals to help offer gentle words of encouragement or support as appropriate
- Lightly probe individuals if they have not yet contributed

Topic guides

Activity	Notes for moderator	Time
Introduction & recap	- Moderator to remind participants of first session including group discussion and presentations already undergone, and the objective of trying to reach agreement on a set of statements regarding what would have the biggest impact for reducing crime in the community in the long-term <u>“What would have the biggest impact on reducing crime in the community (e.g. violence or theft) in the long term?”</u> - To outline purpose of second session is to introduce different perspectives or ways of looking at crime, including: a real life account from someone with lived experience of having committed crime and criminal justice system; opportunity to ask questions of the lived experience presenter; a short roleplay exercise; an open discussion around group’s reflections	7 minutes
Lived experience presentation	Moderator introduces lived experience presenter and presentation given	15 minutes
Questions to lived experience presenter	- Moderator to open up to participants for questions - Moderator reminded participants that this related to presenter’s personal life, and gratitude for presenter’s willingness to contribute on potentially difficult/emotional topics - Participants advised of expectation that their questions would be sensitive in content and delivery - Participants reminded of deliberative principles around treating all with respect - Moderator to say “confident participants would be respectful anyway, but that this advice was given as a precaution”.	15 minutes
Roleplay exercise	- Participants asked to read roleplay exercise as though it is about them, as outlined in applicable appendix - Participants reminded before starting that this content could potentially be upsetting and that there was no obligation to read it or continue to read it if it is causing distress	7 minutes
Comfort break	Participants invited to take a break as they see fit	10 minutes
Final open discussion	- Moderator reminds participants of opening question and group task: <u>“What would have the biggest impact on reducing crime in the community (e.g. violence or theft) in the long term?”</u> - Moderator reminds participants of some of the issues discussed in opening debate from first session - Moderator to advise: - Can have multiple statements & can add details such as caveats	60 minutes

Activity	Notes for moderator	Time
	○ Can decide to disagree, but should try to say where there is agreement and where there is disagreement ● If participants fail or appear like they will fail to reach agreement on writing statements, moderator to present back-up exercise to list in order preferred solution from following predetermined statements: ○ Supporting people struggling, or living in families struggling, with issues like poverty, mental health, substance addiction, problems at school or household violence is the best way to prevent crime or reoffending in the community in the long term ○ Restricting people's liberty in the community (e.g. through tagging or surveillance) is the best way to prevent people from committing crime in the community or reoffending in the long term ○ Imposing prison sentences is the best way of preventing people from committing crime or reoffending in the community in the long term ○ None of the above are the best way to prevent crime in the community, and the better way would be to..... [<i>to be suggested by the participants as applicable</i>]	
Conclusion of session	● Participants thanked for their time ● Participants reminded of final interview with participants individually ● Participants reminded of right to get in touch if have any concerns ● Participants reminded about Amazon vouchers	5 minutes

Appendix 4 – Expert Presentations

Key arguments for expert presentations

This note is designed to facilitate the expert presentations, which will be delivered as part of the first deliberative session to help inform participants about different ways of tackling crime in the long term, and the arguments for and against these different methods.

The following sections divide into three distinct arguments around the best way to prevent crime in the long-term, all to be presented on by a different policy officer from the Office of the West Midlands Police & Crime Commissioner.

The different arguments include a comparison between: supportive crime prevention, particularly early intervention; community resolutions including surveillance focussed solutions; and prison. The expert presenters are to talk for 15 minutes on each argument, and are expected to cover each bullet point under their ‘argument’. Where there are references, this is for the expert presenters information only, as the presentations are designed to be accessible and focussed on the core elements of the debate rather than provided unnecessary detail or overly academic information. Although the three presentations are designed to emphasise the different schools of thought about how best to tackle crime, there will naturally be some overlap between the presentations such as supportive initiatives as part of an early intervention and rehabilitative community support given to people who have committed crime already.

Presentation 1 – Supportive crime prevention

- Introduction:
 - Would like to invite you to consider a ‘social sustainability’ approach to preventing crime in the long term, which looks closely at the causes of crime and an economically sustainable way to reduce crime in society
 - It places less focus on prison except for cases where release might put the public in imminent danger, with the argument that focussing on what causes crime is more likely to prevent crime or reoffending than punishment
 - This presentation places a particular emphasis on steps we can take to prevent crime from happening at all, by intervening early and particularly for children and young people
- Causes of crime:
 - Evidence shows that a range of difference social challenges in people’s lives can ‘cause’ crime, particularly when experienced in childhood
 - This is because evidence shows that people’s crime is heavily related to their personal circumstances, and that the idea people ‘choose to do bad

- things' is too simplistic and often neglects to consider what is driving their crime
- Although not always obvious how exactly it will manifest, and often involves a mix of factors, there's lots of evidence that suggests the following factors can be involved:
 - Having suffered violence in childhood such as domestic abuse or other forms of abuse
 - Undiagnosed learning differences, or disabilities such as brain injuries or autism
 - Substance misuse and addiction (including witnessing it from parents or others around them when growing up), or started as a result of dealing with other traumas and mental health problems
 - Mental health problems (including witnessing it from those of parents in the home when growing up)
 - Schools exclusions, or problems in school around accessing help for learning differences or disabilities – exclusions themselves are often related to problems cause from earlier abuse or traumatic life circumstances
 - Unemployment, homelessness, problems with benefits, debt and poverty including living in homes where parents and caregivers suffer these problems
 - Of course not all people who suffer these things in life commit crime, but evidence suggests most people who do commit crime and end up in places like prison, have suffered these things and so evidence shows the link is extremely strong
 - Among other arguments, there is a moral argument for saying society should prioritise preventing these causes of crime as the best way of preventing crime in the long term
 - Costs of crime:
 - The costs of crime in the UK are astronomical
 - For example, the government's own statistics showed crime in 2018 cost the UK approximately £60 billion and this is a conservative estimate
 - Costs include:
 - Prison (including huge capital expenditure of new prison places and ongoing maintenance, costing approximately £39,600 per year per prisoner in 2008/09 (Strickland, 2010)), £40,100 in 2019 (Prison Reform Trust, 2019), can cost on average around £57,000 for women in prison compared to intensive community order of £15,000 (Prison Reform Trust, 2012)
 - Police service
 - Crown Prosecution Service
 - Courts
 - Legal aid
 - Health services, including cost to help people with injuries as a result of crime, or mental health and substance misuse problems as a result of having been a victim
 - Costs arising from theft (e.g. supermarkets report hundreds of millions of pounds in losses per year)
 - Ongoing offender treatment services as a result of failing to prevent harm earlier (addiction, mental health, restorative justice, domestic

abuse perpetrator programmes, anger management, ex-offender employment programmes etc)

- Victim services
 - Witness services including witness protection programmes
 - Probation services
 - Central government policy and planning costs (e.g. Home Office, MoJ etc)
 - Loss of time working for victims and for those affected by crime, such as a family member of someone who has been attacked or killed
 - When people offend and go to prison or are kept out of work due to criminal records or them spending time committing crime, we miss out on economic output/taxes of those people
 - People who commit crime and are out of work might also be in receipt of welfare payments, and their inability to work could also mean they fall into deeper poverty and commit even more crime
 - Cost of preventing crime such as through security technology, equipment, building and security personnel
 - Reoffending specifically calculated to cost £15 billion in 2017 (GOV.UK, 2018), £18 billion for 2019 (The Centre for Social Justice, 2020, Newton et al., 2019)
 - Academic research also suggests we should add a value to the loss of life quality people have suffered as a result of crime, not unlike when people get compensation in courts for their suffering
 - Crime in areas can also potentially put investors off from investing in an area.
 - Crime can have intergenerational effects, and so children of parents who have gone to prison might themselves be more likely to commit crime, and so costs of crime can impact on costs for generations
- Effective approaches to preventing crime:
 - Costs of crime could be prevented if we focussed on preventative schemes, particularly if we focussed all the expense we spend on prisons on prevention instead
 - Key areas of focus, which evidence shows can be effective, should include support for struggling families:
 - such as tackling early issues around mental health, domestic abuse and substance misuse in a child's household, which can prevent the mix of problems that lead to crime in the long term – this might involve investment in children's centres on new forms of pastoral support in schools
 - can including help with parenting programmes and providing other opportunities for parents such as through employment and escaping poverty
 - Supporting young people with behavioural issues or learning differences and disabilities better in schools can prevent them being vulnerable to crime, e.g. prevent school exclusions and exploitation by organised criminals and keep them in supportive environments where they can avoid issues like substance misuse and more likely to thrive
 - Social sustainability argument summarised:
 - The public is often worried about whether certain public investment is affordable, and we want solutions that are 'sustainable' because we don't

want the hardship caused when we 'run out of money or the things we need to get by'

- Supportive crime prevention gives us economic sustainability
- Because we know what causes crime, because they can be prevented, and because not preventing it costs us huge amounts, **it makes economic sense to focus heavily on supportive crime prevention** (this is social sustainability)
- Criticisms of other approaches:
 - Prison is not a good option:
 - Prison around for a long time and hasn't acted as a deterrent for serious crime in society, arguably because the social causes discussed mean people are not always thinking logically about consequences of crime
 - Evidence shows parents in prison can cause problems for both the children through family separation (mental health, going into care, poverty and long term education and employment prospects etc) and also harms rehabilitation chances of offenders because they don't have the family structure as a motivation or emotional support (The Centre for Social Justice, 2020, Prison Reform Trust, 2012)
 - Prison overcrowding makes rehabilitation untenable as reduced access to purposeful activity and stability (GOV.UK, 2018), 60% of England & Wales prisons overcrowded, some operating at between 147 per cent and 163 per cent of their uncrowded capacity, meaning unsanitary conditions, large periods of confinement and insufficient space for rehabilitative activities (The Centre for Social Justice, 2020)
 - Prison results in offenders having worse mental health, experiencing poverty (Heard, 2015), losing family, employment and housing ties which makes rehabilitation much harder (Prison Reform Trust, 2012, The Centre for Social Justice, 2020), e.g. fewer than 50% out of the 71,656 released found stable housing on release in 2017-18, and this is linked to higher reoffending rates (The Centre for Social Justice, 2020) and only 17% were on PAYE employment after a year leaving prison (Prison Reform Trust, 2019)
 - Prison has poor rehabilitation rates; nearly 50% of prisoners reoffend after release, which also suggests prison doesn't keep people safe if in fact it exacerbates causes of crime (The Centre for Social Justice, 2020, Prison Reform Trust, 2019); over 50% of adults reoffend within first year of release, and over 75% of juvenile offenders within first year (Strickland, 2010), sometimes closer to 65% (compared to around 30% when including people who were proved to reoffend without having had a custodial sentence), although it is important to note that how reoffending rates are measured can vary from year to year and between organisations, although reoffending rates generally have been stable over a long period of time (Ministry of Justice, 2020)
 - Prisons are often environments with high drug taking (different surveys suggest between 13-30% of prisoners start a drug addiction in prison (The Centre for Social Justice, 2020)), intimidation, large-scale organised criminality, violence (e.g. around 28,000 incidents

against offenders and officers in 2017) and self-harm (e.g. almost 43,000 incidents in 2017) (GOV.UK, 2018)

- There is evidence to suggest people's personality can change in prison in ways that makes their integration into society more difficult, including distrusting others, difficulty engaging in relationships, impaired decision making, becoming more emotionally detached. This is particularly true for longer prison sentences (Jarrett, 2018). Despite that longer prison sentences in England & Wales have increased (Prison Reform Trust, 2019)
- Consistent with evidence showing prison has poor success at rehabilitating, it can be argued that it is and 'punishment' generally is ineffective at making people feel repentant or guilty for their crimes. Instead it might create resentment or result in individuals mixing more with others committing crime and getting pulled into more serious crime (Tunick, 1992)
- Because we know people who end up committing crime have normally been subjected to hardship, sending them to prison to suffer more is flawed as a solution to their criminality and is actually not the fair way to respond to crime and is expensive
- Surveillance, risk management and community rehabilitation approaches distract from the required upfront investment that would prevent the need for much of the risk management measures
- Electronic tagging of 'community surveillance' alternatives to prison can arguably interfere with the factors designed to prevent reoffending such as around a health personal life with family and support networks, can be stigmatising (such as showing up through clothes) or impact on activities such as sport (Heard, 2015)
- Unpaid work, as is common with community rehabilitation solutions to crime, is often not tailored to the skills or needs of the individual and therefore limited in rehabilitative value (Heard, 2015)

Presentation 2 – Surveillance in the community

- Introduction:
 - This presentation presents a position that focusses on tackling crime in the community.
 - There is a tension between two types of crime prevention work or solutions to crime, that are focussed on community settings rather than prison. This is between measures designed to 'control or manage those who have committed crime to stop them committing more' and measures more focussed on 'rehabilitating offenders so the underlying drivers of their crime can be tackled'
- 'Controlling crime or managing crime through surveillance':
 - Less focussed on tackling underlying causes of crime, more focussed on preventing reoffending for community safety through monitoring and tracking offenders

- Can be known as a 'risk management approach'
- There is still a sense in which people are being made to pay for their crimes by having their liberty restricted in the community – still a punishment component
- Predominantly focusses on the ability to effectively control individuals' movement through electronic tracking, curfews and court reviews of the surveillance order/conditions (including advocating for the expansion of such), which can allow offenders to keep working (and contributing in tax), maintain family ties and personal relationships including others who have been through criminal justice, receive support services in local community (including better educational and skills training), be provided with supported and stable housing, avoid being surrounded by other offenders (monitored using GPS). This is sometimes coupled with a call for more investment in probation services in the community instead of prison (The Centre for Social Justice, 2020) – clearly then, even a 'crime control' approach can blend more with 'supportive' interventions
- Community orders that come with surveillance type measures can be coupled with orders to carry out minimum hours of work, education and support services (mental health or addiction), undertaking restorative justice and bans from going to pubs or having certain associations, and could still involve going to prison for breaches (The Centre for Social Justice, 2020)
- By keeping lots of offenders in the community it means prison can be reserved for the most serious and dangerous offenders, particularly relevant as 67% of offenders in prison are there for non-violent offences, and 80% when just considering women offenders (The Centre for Social Justice, 2020)
- There has been a big drop in the use of community orders generally (e.g. In 2009, some 196,000 individuals were sentenced to a Community Order; by 2019, this figure had dropped to 87,000) which might be due to concerns over the government's probation reforms and their ability to provide effective services (The Centre for Social Justice, 2020)
- Evidence shows community based orders are more effective at reducing reoffending than prison in the UK and other EU countries (e.g. in England & Wales reoffending for community orders in 2018 around 30% rather than 50% for prison) (The Centre for Social Justice, 2020)
- Community sentences are particularly effective for those who have large number of previous offences and with mental health problems, and despite that their use has almost halved (Prison Reform Trust, 2019)
- Community sentencing options that don't involve electronic tagging, they have been shown to achieve better outcomes than short-term prison sentences (i.e. less than 12 months):
 - Short-term sentences result in 3%+ more offending than community sentences and 7% more offending than suspended sentences, with the number of offences higher on average for those who had short term prison sentences (Mews et al., 2015). Previous government research has indicated similar results (Prison Reform Trust, 2012)
 - Supervision requirements were associated with lower reoffending (Mews et al., 2015)

- Government figures have found previously that those on community orders were twice as likely to end up in employment than if in prison (Heard, 2015)
- Beyond tagging and surveillance type measures, community sentences can involve (Mews et al., 2015, Heard, 2015):
 - Unpaid work for up to 300 hours
 - Activities, such as developing skills or making amends to their victim
 - Undertaking an accredited programme to help change offending behaviour
 - Prohibition from doing particular activities
 - Adherence to a curfew, so that the offender is required to be in a particular place at certain times
 - An exclusion requirement, so the offender is not allowed to go to particular places
 - A residence requirement so that the offender is obliged to live at a particular address
 - Mental health treatment with the offender's consent
 - A drug rehabilitation requirement with the offender's consent
 - An alcohol treatment requirement with the offender's consent
 - Supervision by the Probation Service
 - A foreign travel prohibition requirement
 - Specific support for vulnerable women including those who have been subjected to abuse and poverty
- Some pilots have involved intensive community orders for 18-25 year old men (including training, education, community payback, supervision etc), and have been shown to reduce reoffending by 10% more than prisons (Heard, 2015)
- There are debates about the best way to deliver community orders with some suggesting punitive versions are less effective at rehabilitating offenders for example (Heard, 2015):
 - It is more common for overly onerous curfews (e.g. up to 16 hours a day) or supervision, despite evidence suggesting treatment focussed conditions and support are more likely reduce reoffending (Heard, 2015).
 - Some warn that punitive requirements particularly unhelpful for young people, or those with serious challenges such as disabilities or mental health problems (Prison Reform Trust, 2012)
 - Unpaid work, or 'community payback jackets' or other measures attached to orders could mainly serve to humiliate rather than rehabilitate (Heard, 2015)
 - Imposing fines as part of community sentences is unfair given many involved are on low incomes or significant debt, and some could resort to crime to pay off fines (Prison Reform Trust, 2012)
 - There are risks associated with private companies motivated by payment by results despite limited evidence of effectiveness (e.g. Serco contract cancelled in 2013 after overcharging MoJ for electronic tagging by £68.5 million) (Heard, 2015)
 - Some stress the importance of including restorative justice where appropriate (i.e. where a willing victim and offender meet under supervision to communicate harm suffered by victim) given its effect on

reducing reoffending (14% reduction) and achieving victim satisfaction (85%); surveys suggest this is popular with the public (Prison Reform Trust, 2012)

- Concerns that some are imprisoned for breaches of community orders when prison is not initially deemed appropriate – evidence supports this concern (Heard, 2015) and this is more likely if conditions imposed are unrealistic or come without sufficient face to face support for offenders through genuine interpersonal relationships (Prison Reform Trust, 2012)
- There is some evidence that where there are stricter community orders available that courts/sentencers might be inclined to use the more punitive versions even if disproportionate for the crime (i.e. a suspended sentence where a simple community order was sufficient) (Mills, 2011)
- Treatment requirements not given enough and insufficient places and investment in programmes of support for schemes around alcohol or substance misuse, mental health (unrealistically high thresholds) (Heard, 2015, Prison Reform Trust, 2012) or learning disabilities or difficulties, particularly if community orders are not intensive enough to achieve rehabilitative effects (Prison Reform Trust, 2012)
- Criticisms of other approaches:
 - Prison is very costly despite high reoffending rates, and it is more cost effective to keep people managed in the community. For example the average cost of a woman's prison place was recently found to be £56,415; almost three times the cost of an intensive community order at £10,000-£15,000, which look more to deal with underlying mental health, substance misuse and abuse issues, and prison results in significant reoffending rates: 54% of women leaving prison are reconvicted within one year; for those serving less than 12 months this increases to 64% (Heard, 2015) – see also costs of prisons discussed in previous presentation
 - Prison can cause new problems such as family breakdown, it fails to deal with other issues better dealt with in the community such as substance misuse, and evidence shows prison can make it harder to get work after because of the stigma attached (surveys suggest many employers won't hire an ex-offender) and because evidence shows gaps in employment such as 6 months out also put employers off (The Centre for Social Justice, 2020)
 - There is a sense that focussing on so called 'causes of crime' does not focus enough on keeping the public safe or there being a form of punishment in which offenders take responsibility for their own crimes; concerns which community orders are at least in part there to address

Presentation 3 – Prison

- Some people will argue that prison is the preferred option for responding to crime, although there are a variety of varying opinions around the purpose of prison and also the kinds of crime for which prison is appropriate

- The main arguments for why prison is a suitable response to crime or at least to many crimes are typically as follows (Strickland, 2010, Tunick, 1992):
 - From a moral perspective, it can be argued prison is essential for punishing wrongdoing, whereby whatever the effect of prison on issues like rehabilitation or reoffending, it is the right response because it is morally right people are punished and made to suffer in some way for their crimes. This falls under the category of 'retribution', a philosophical doctrine which is normally defined as:
 - Punishment to achieve 'justice', through society's condemnation of wrongdoing (i.e. society punishes to make it clear society deems the act wrong) or
 - Imposing a punishment in the form of prison when it is deserved (i.e. 'just deserts') with the hardship endured by the person who offended being a way of 'paying back' and rebalancing of the wrong they committed
 - From a beneficial impact on society perspective, it can be argued prison acts:
 - As a deterrent – the threat of prison sentences prevents people in society from committing crime
 - Prison keeps dangerous people away from communities such as from violent offenders
 - Prison is best place to rehabilitate people, i.e. a belief that this is the right setting to preventing people from reoffending when released
- As prison can more clearly be seen as 'punishment' because of its extreme restriction of liberty and often poor living conditions, sometimes it is depicted as society taking revenge out on people who commit crime. While some regard 'vengeance' as a 'primitive' response, it can be argued that is an emotion that helps society 'defend itself' or that the anger that motivates vengeance can be righteous where it is governed by our caring for other people (Tunick, 1992)
- Prison conditions – not all prison advocates suggest prison conditions should be bad, with some arguing that the restriction in liberty alone is what should constitute 'the punishment' (GOV.UK, 2018)
- Prisons are often found to have poor rehabilitative activities (just 43% found to have meaningful activities in 2017-18 prison inspections), but where meaningful skills training and education in prisons is involved and use of release on temporary licence to start integrating into society, reoffending reduction rates improved (Prison Reform Trust, 2019)
- There is some evidence to suggest that long prison sentences can result in individuals becoming more orderly and better able to comply with rules to avoid negative consequences, although research on this is not conclusive – there is more evidence suggesting negative personality changes (e.g. distrusting of others, reduced communication abilities and capacity for forming relationships) and evidence suggests more rehabilitative prisons cultures like that in Sweden are more likely to achieve positive effects (Jarrett, 2018)
- England & Wales imprisons more than nearly all other EU nations, and rates and sentences have risen significantly over last 30 years and now sits at around 84,000, despite over the same period crime rates largely falling or remaining stable (The Centre for Social Justice, 2020)

- Defending criticisms around poor reoffending rates following release, prison advocates argue that what is required is more financial investment in prisons to improve conditions and therefore improve rehabilitation conditions. Such investment would include (GOV.UK, 2018):
 - Clean wings and humane conditions
 - More prison staff to prevent drugs, contraband, violence, self-harm, to provide one on one and group work with inmates
 - More money on technology and intelligence to tackle organised crime in prisons, including to tackling drones
 - More mental health and substance misuse support in prisons
- Criticisms of other approaches:
 - Focussing on the underlying causes of crime (e.g. mental health problems) is misplaced or doubted as being a valid explanation, and therefore distracts from or excuses the fact people should be held responsible for their actions/crimes, i.e. it is seen as letting people off the hook and/or that people who commit crime simply choose to do bad things and should be punished as a matter of justice
 - By removing prison as a key sanction or punishment, you remove the deterrent effect of prison, and this might result in more people committing crime or risking getting caught because they are less concerned about the consequences (Tunick, 1992)

Appendix 5 – Roleplay exercise

Roleplay exercise - Introduction

The following is based on a true story of a young person in the West Midlands. It talks about the trauma they suffered in childhood and how their background led to this young person committing crime. Produced by West Midlands Police, it is known as 'Craig's Story' and was written to show missed opportunities for preventing childhood trauma and also the serious crime and harm to victims that came as a result. Craig's Story is just one example of a real life young person – West Midlands Police say there are many more just like it, where the person ends up coming into contact with the police (West Midlands Police, 2016).

Please read this short story and put yourself in the shoes of Craig, as if this story is about you. The aim of this, is to try and encourage you to feel emotion and maybe sympathy about Craig's situation. It is also to help you understand more about Craig and how his terrible life experiences might have resulted in him committing crime.

You will then be asked to think about whether this story affects how your beliefs on the best way to reduce crime in the long term.

Before starting, please note that some of this story may be upsetting. You do not have to read it and you can stop reading it at any time if it causes you upset or discomfort. You can also mention anything to the researcher that upsets you.

Craig's Story

Your name is Craig, and this is the story of your life up until the age of 18. Before you were born your mum and dad met while your mum was in care after she had been separated from her parents. Your dad was 26 and your mum was only 14. Your dad had been committing crime since he was a teenager and he was a heroin user. Your mum was also addicted to drugs.

You were one of 6 children, and your mum gave birth to you and your siblings over a 7 year period. Your older brother was born in the same month that your dad went to prison for three months, and you had no choice but to move home with your family 5 times over a couple of years. Your living conditions were made worse by the fact that when your dad wasn't in prison, he was domestically violent to your mum. On at least one occasion, you and some of your siblings ran away from the house in fear while your dad was attacking your mum.

By the time you were 7, your dad had already encouraged you and some of your brothers to commit crime and he had taught you how to steal from houses and cars. Due to your challenging behaviour, your primary school made two referrals about you in nine months, raising particular concerns that you were starting to have relationships with older girls at such a young age. As a result, you were given extra support at school and social services were invited to attend. At around the same time, reports were made against your dad for associating with underage girls. It later transpired that your dad had been sexually abusing your older brother, which ultimately resulted in your brother bringing underage girls from his care home to your dad's flat and prostituting them to him.

Only a year later when you were 8 you and one of your brothers were stealing cars on your own, damaging property and behaving antisocially. Around the same time you were found by the police playing alone with rubbish on a derelict site. When asked by the police, you didn't know your address or when your mum would return for you.

Your schooling continued to suffer and you were placed in specialist school for young people with serious problems.

While your dad was in prison for robbery, your mum went on holiday and left you and your siblings with a man she knew. Under his care, one of your younger brothers fell out of an upstairs window as he tried to throw stones at a visitor. He had life threatening injuries and at one point was not expected to live. During a visit from social services, it was found that neither you or your siblings had enough food or proper clothing. It was at this point that you were taken into emergency care.

Once your dad was released from prison he continued to commit crimes including making threats, damaging property, stealing cars, carrying weapons and being violent. Not long after, he was returned to prison.

Eventually you and your siblings were returned to your mum. However, she left you all again, with a different man she knew. Some of you were found naked in the man's bed and you and your siblings were all dirty and living in squalor. One of you and your siblings was found sleeping in the garden shed with pornographic magazines. On the discovery of these dreadful conditions, you were again all taken into care for a few weeks.

You started to misbehave and officers from the local authority's Youth Offending Service tried to meet with your mum to offer help and support. But your mum wouldn't talk with them and the case was closed.

When you were 11, the British Transport Police found you on a railway embankment near your school. The officers took you home but you didn't want to go. You told the police that your mum hits you, that she wasn't feeding you, and that at that time she was staying with her crack cocaine dealer. You also told police that you would prefer to be in care. Despite explaining these things, you were still issued with a penalty notice for trespass on the railway.

Eventually the authorities took action and your mum was sent to prison for neglect and child cruelty to you and your siblings. Your dad was released from prison again, but only three days later was arrested for serious violence and returned to prison once more. When your mum was released from prison, the authorities believed her new partner was trying to sexually groom you and your siblings, and your mum and her partner were served with child abduction warnings.

You and your siblings were taken into care and separated into different care homes. You did all stay in contact, but the separation and trauma of the situation took its toll and you and a number of your siblings became increasingly angry. For instance, despite only being a young teenager, one of your sisters was found with an online profile where she was just in her underwear, and she told her carers she had been prostituting herself. Eventually, she went missing and it emerged that she had been introducing sex offenders to other girls at her care home. You frequently damaged property and hurt staff and residents.

You continued to steal things from cars and houses, just like your father had taught you. Things started to get worse and you began committing robberies using violence and knives.

Things had become serious enough for social workers to suggest you be placed in a therapeutic residential unit as soon as funding could be found. However, this didn't happen and instead the places you were sent to could not cope with your behavior. Just as you were moved multiple times as a small child, you were again moved 8 times in 4 years.

When you were 15 you helped your friend stab a man in the neck, chest and stomach by holding the man down and knocking the man's terrified girlfriend down to the ground. The man just happened to be in the street at the same time, and the attack was for no clear reason. You were arrested for attempted murder, and sent to prison for 6 years. The victim and his girlfriend suffered serious ongoing trauma after the attack, and after surviving having been in a coma, the man was believed to have life changing physical injuries.

In the first months in a young offenders institution which is a prison for young people, you were seriously bullied, were receiving almost no proper education and there was

no proper attempt to help you with your range of problems. After a while, you were moved and spent 3 years in a specialist unit, with high numbers of staff and a small number of young people – an expensive placement involving almost three times the resources of the initial institution you had been placed in. At first, you were violent and regularly assaulted other young people and staff. Over time though, you received expert help with your behaviour, were supported with education rather than attempts at punishment and you were kept safe from hurting yourself and others. While there, you started to mentor other children and think about what kind of a life you wanted for yourself when released, with ideas of potentially training to become an electrician. During this stage you also discovered that you were severely dyslexic, which no one had previously diagnosed.

At the age of 18 you finally left the specialist unit. On the outside you met someone who became your girlfriend and you felt determined to lead a different life from now on. You had also started to support your young siblings by helping them stay clear of crime, celebrating their educational achievements and telling social services when you discovered that your sisters had gone missing.

However, the cracks have already started to show. You can't find a place to live of your own, you can't afford to live in housing where you get extra support for your problems, and you hardly have enough money to live on. You're now homeless and you've started to have to sleep on friends' sofas. The situation has become more difficult because although you have been volunteering for a charity, you're finding it difficult to get work even though you are getting interviews, partly because of your dyslexia. You're trying hard to avoid crime, but other people around you including those you're staying with, often ask you to go with them to steal and commit crime.

Appendix 6 – Coding Framework

Data Analysis

Research questions & codes

Notes:

- This code table to be amended iteratively during coding exercise
- This table to be completed for each participant, with headings for first interview, workshop and second interview with written extracts relevant to the codes written in with reference to location in applicable recording (e.g. 6 minutes in) – therefore 17 versions of this table will be created
- Each table to record demographic data of applicable participant at the top, for reference in terms of punitiveness, civic participation etc
- For each quote, add comment on context/link to theory such as social sustainability and add information to typology of person's journey to consider against others in final row
- Each quote to have recording time reference for ease of identification
- Some points similar to previously recorded points are just given an approx. time reference
- Emerging categories put in [].

Pro forma framework

Key

- Anticipated themes as part of the theoretical framework: plain text
- New themes identified throughout analysis: underlined
- Themes anticipated as part of theoretical framework but identified as not applicable during analysis stages: italics

Which constituent parts of the 'costs of crime' narrative serve to augment or undermine public support for 'compassionate, supportive and upstream' interventions rather 'punitive' responses to crime?
• Costs of crime persuasive • Costs of crime not persuasive • Reasons/elements for being persuasive • Reasons/elements for not being persuasive • <i>Costs of crime persuasive for other solution (e.g. punishment)</i>

In what ways can the process of deliberative democracy influence public understanding and support for more 'supportive' forms of criminal justice intervention?:

- Evidence of punitive starting point
- Evidence of non-punitive starting point
- Evidence of change of view
- Deliberation encouraged more support for 'supportive' intervention
- Deliberation encouraged/enhanced support for 'moral' argument for prevention
- Deliberation improved understanding or knowledge
- Deliberation didn't influence/change opinion
- Contradictory opinions or expressions

What forms of information appear to influence lay understanding and attitudes?

- Evidence participant dialogue influenced
- Experts presentation influenced
- Lived experience influenced (factual or emotion)
- Roleplay influenced (factual or emotion)
- Information didn't influence

How does the process of dialogue and reaching consensus impact lay understanding and attitudes?

- Agreed with deliberative conclusions/agreed statements
- Deliberation was educational
- Deliberation changed attitudes
- Deliberation had other positive effect on understanding/knowledge
- Deliberation created empathy/emotion for others
- Deliberation induced interest in debate
- Deliberation changed nothing
- *Deliberation negative effect (e.g. negative emotion)*

How does the process of deliberative democracy impact different constituencies and groups?

- Impact on individual's punitiveness
- Impact on individual's civic participation enthusiasm
- Other impact evidenced (e.g. on women, education level)

How do different external ideological frames, personal circumstances and civic participation levels influence the process of deliberative democracy in this context?

- Punitive perspectives influential in deliberation
- Progressive perspectives influential in deliberation
- Personal work expertise/profession/life experience influential in deliberation
- Personal education influential

• <u>Other effect on deliberation from personal characteristics (e.g. ethnicity or religion)</u>
In what ways might deliberative democracy be 'scaled up' into effective forms of public engagement and consultation in criminal justice debates?
• Deliberation considered valuable & reasons • Deliberation from public sector deemed good & reasons • <i>Deliberation not considered good & reasons</i> • <i>Other insights</i>
Typology/Categories/Patterns/Explanations based on above Example of descriptive categories emerging: [Prison Persistent (where belief remains sturdy in the role of prison as both punishment and a reformative function, as well as for maintaining community safety, notwithstanding the deliberative exercise)] – this description captures a perspective that was held by a number of the participants, and emerged as a theme throughout the analysis process. Example of typology emerging: [Significant Progressive Shift Typology defined by possessing the following characteristic categories: • Moderate Punitive (initially held punitive beliefs with more emphasis on individual responsibility for crimes such as a stronger emphasis on necessity of punishment or believing people commit crime because they believe they can get away with it or enjoy it, and focus on need for more policing and punishment to address crime, rather than emphasis on support – moderate for making references to poverty, mental ill health and recognition that support has a place in preventing crime such as for young people or reducing reoffending) • Distinct Attitude Shift (clear evidence of significant shifting from more punitive perspectives towards greater recognition of social causes of crime, imperative of early intervention to prevent children being caught in crime, a moral obligation on society to prevent crime and/or recognising people's crime is heavily influenced by unfortunate circumstances and wanting a more rehabilitative focus) • Prison Persistent (where belief remains sturdy in the role of prison as both punishment and a reformative function, as well as for maintaining community safety, notwithstanding the deliberative exercise)]