

To: Interested Parties
From: Danny Franklin; Benenson Strategy Group
Date: November 13, 2017
Re: Criminal Justice System Survey Results

Methodology

Benenson Strategy Group conducted 1003 phone interviews from October 5, 2017 to October 11, 2017 on behalf of the ACLU Campaign for Smart Justice. 41% of interviews were conducted by cell phone. All respondents are residents of the United States over the age of 18 and are representative of the general public. The margin of error for the dataset is +/- 3%. It is higher among subgroups.

Americans believe the criminal justice system is in urgent need of reform and believe shifting resources from incarceration to rehabilitation, including in response to offenses involving violence, would make communities safer. They believe alternatives to incarceration for drug addiction or mental illness would help communities. Moreover, voters across partisan lines say that they would be more likely to support elected officials if they proposed these reforms, including reforms to reduce the prison population.

The support for change is near the level of national consensus. Overall, 91% say that the criminal justice system has problems that need fixing, with 55% saying the system has “serious problems that need to be addressed immediately,” while an additional 36% believe the system has “some problems that need to be addressed eventually.” Only 7% believe that the system is “working well.”

The bulk of concerns are focused on the need to reduce the prison population and reinvest those resources in addressing mental health and drug addiction issues. Overall, 71%, say it is important to reduce the prison population in America, including 87% of Democrats, 67% of Independents and 57% of Republicans. Even among Trump voters, 52% say it’s important to reduce the prison population.

There are three primary concerns driving the desire for change.

First, Americans believe that rehabilitation, rather than harsh prison conditions, is the most effective way to keep communities safe. When asked which “would do more to prevent people convicted of crimes from committing further offenses once they’re released from prison:

- ✓ 72% say, “providing rehabilitation services and training so they can re-enter society and be productive citizens.”
- ✓ 25% say, “making prison as hard and unpleasant as possible so they are afraid of going back.”
- ✓ Even most Trump voters (57%) say rehabilitation services would do more to prevent recidivism, compared to just 40% who say prison should be as hard as possible.

Second, Americans believe that an incarceration-focused system wastes public resources that should be reinvested in community programs and treatment, including in response to offenses involving violence.

There is majority agreement that reducing the prison population would help and not harm communities because it would enable governments to put resources toward efforts that would prevent crime. In a forced choice question:

- ✓ 59% said that reforms that reduce the prison population would “help communities by saving taxpayer dollars that can be reinvested into preventing crime and rehabilitating people convicted of crimes.”
- ✓ 34% said that reducing the prison population would “harm communities because people who belong behind bars will be let out.”

Notably, the more information given to Americans, the more supportive they are of reform, including of alternatives to incarceration. When these reforms are characterized with greater specificity and the question is framed, “If you knew that making reforms that reduce the prison population would mean sending some people convicted of crimes to rehabilitation programs to help them cope with mental

illnesses or addictions instead of sending them to prisons,” 73% say it would help communities and only 23% say it would harm them.

This is especially true when it comes to mental health issues. 84% agree (and 65% strongly agree) that people with mental health disabilities don’t belong in prisons, but rather should have access to programs and treatment by professionals.

Indeed, a large majority of Americans believe that incarceration is counter-productive to public safety. 71% agree that “sending someone to prison for a long sentence increases the chances that he or she will commit another crime when they get out, because prison doesn’t do a good job of rehabilitating problems like drug addiction and mental illness.” This belief crosses party lines, with 68% of Republicans and 65% of Trump voters believing that long sentences are counter-productive since prison does not do a good job of rehabilitating people.

These attitudes extend to how the criminal justice system should respond in many circumstances to offenses involving violence. A majority of Americans (61%) believe that people who have committed violent crimes can turn their lives around. Support is strong for alternatives to prison for people suffering from drug addiction when they commit a serious crime. 61% of Americans believe that “even if they’ve committed serious crimes, people with drug addictions don’t belong in prison, they should be in rehabilitation programs where they can get the treatment they need and recover from their addiction.” 87% of Americans believe that “even if people with mental health disabilities commit crimes that involve violence, communities will be safer if they’re sent to mental health programs where they can get the treatment they need from professionals.”

Third, Americans recognize the racial bias that exists in our criminal justice system. A majority (55%) agree that “people of color are incarcerated at higher rates than White Americans because of racism in policing, prosecution, and sentencing.” Further, only 1 in 3 Americans believe Black people are treated fairly by the criminal justice system, including only 29% of Independents.

Finally, we asked Americans a series of questions on what kind of candidates they would support when it comes to positions taken on criminal justice reform issues. The data shows a strong appetite for candidates who support policy reforms that can address these inequities and misallocation of resources. 3 in 4 people (74%) would be more likely to vote for an elected official if he or she supported reducing the prison population and reinvesting those savings into programs that prevent crime, including 67% of Republicans. And more than two-thirds of adults (68%) would be more likely to vote for an elected official if he or she supported reducing the prison population and using the cost savings to reinvest in drug treatment and mental health programs, including 65% of Trump voters. 68% of Americans would be more likely to vote for a candidate who believes in reducing the prison population by diverting people into rehabilitation programs that address the root causes of violent behavior.

Moreover, a large majority of Americans (72%) would be more likely to vote for a candidate who believes in eliminating mandatory minimum sentencing, and 73% would be more likely to vote for a candidate who commits to reducing sentences and reinvesting the cost savings into community programs.

The results of the survey clearly indicate that adults in the US, including Republicans and Trump voters, place significant importance on reducing the prison population, even for crimes involving violence. It’s clear that people want reforms to the criminal justice system that address the root causes of crime through rehabilitation, not incarceration and longer sentences.

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