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To: Interested Parties

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Re: New California Statewide Poll Finds Voters Support Reducing Penalties for Personal Drug Possession to a Misdemeanor to Reduce Jail Overcrowding and Save Money

Tulchin Research recently conducted a statewide survey among likely California voters to assess public opinion toward budget priorities and criminal justice issues. Overall, voters are very concerned about the state budget deficit, and while crime is not a top-of-mind issue, voters overwhelmingly believe that prisons and jails in the state are overcrowded and want more alternatives to incarceration for non-violent offenders. As a specific solution for reducing overcrowded prisons and jails, California voters strongly support a proposal to make drug possession for personal use a misdemeanor. We provide below a summary of key findings followed by a more in-depth analysis of the survey.

- The state budget deficit is a top concern for voters (19 percent) while crime (1 percent) barely registers with voters as a problem facing the state.
- **Opinion is nearly unanimous that jails are overcrowded and we should find other ways to deal with non-violent offenders** (87 percent agree, 61 percent *strongly* agree).
- **Most voters statewide (70 percent) favor reducing the punishment for possessing a small amount of drugs, such as heroin, cocaine or methamphetamine for personal use**, including nearly half (43 percent) who *strongly* support this reform. This proposal draws broad backing across party, ethnic and regional lines as voters see this reform as an effective way to reduce overcrowding in jails, save money, help balance the budget and protect funding for other services.

Summary of Survey Results

The survey asked a series of questions to understand how voters in California perceive the current conditions in the state on a number of issues.

Generally speaking, voters are still very frustrated with the way things are going in the state as more than twice as many feel the state is headed in the wrong direction than the right one (60 percent wrong track to only 27 percent right direction). A core part of this frustration is the state's ongoing budget problem which is emerging as a top concern for voters. In fact, more voters named the state budget deficit (19 percent) as the most serious stand-alone problem when asked in an open-ended question. The economy (17 percent), education and cuts to education (17 percent) and jobs (16 percent) followed closely behind as concerns for voters. Even though combining the economy and jobs would put those at the top of the list, the fact that more voters now name "*the state budget deficit*" than "*the economy*" as the top individual concern is a marked shift in recent years and tells us just how prominent an issue it presently is for voters. Conversely, crime hardly

garners a mention as only one percent (1%) name a crime-related issue (crime, drugs, gangs or violence), putting it near the very bottom of the list.

Most Serious Problem

<i>What do you think is the most serious problem facing California today? (open end)</i>	
The state budget deficit	19%
The economy	17%
Education/ cuts to education	17%
A lack of good paying jobs	16%
Wasteful government spending	6%
The amount we pay in taxes	4%
Illegal immigration	4%
Crime, drugs, gangs and violence	1%
Public employee pensions	1%
The price of gas	1%
The cost of health care and health insurance	1%

While crime does not rank as a major concern among voters, overcrowded jails are viewed as a problem that needs to be addressed. To solve the problem, voters very much want alternatives to jails and incarceration. Notably, **voters overwhelmingly agree that “our prisons and jails are overcrowded and we should find other ways to hold people accountable for non-violent offenses”** as nearly nine out of 10 voters (87 percent) feel this way and six out of 10 (61 percent) *strongly* agree, while just 11 percent disagree. This overwhelming support for alternatives to incarceration for non-violent offenders carries along a broad range of demographic groups which include:

- **Bi-partisan support** – It is rare in the current polarized political climate to find an issue that can get members of both parties to agree. This issue achieves that nearly impossible goal as nine out of 10 Democrats (90 percent) and independents (91 percent) agree as do nearly four out of five (78 percent) Republicans.
- **Consistent support throughout the state** – When it comes to public safety issues, there is typically a geographic divide in the state as residents outside of the Bay Area and Los Angeles County tend to favor more punitive approaches to criminal justice, with inland voters being the most conservative on these issues. That is definitively not the case with the issue of finding alternatives to jail for non-violent offenders as voters throughout the state strongly agree we need better options than jail. Los Angeles County voters are most in agreement (90 percent) followed closely by Bay Area residents (89 percent). Yet voters in the Central Valley (86 percent), San Diego, suburban Los Angeles, and Northern California all agree in overwhelming fashion (84 percent agree for each of these regions).
- **Diverse support from a diverse state** – While California’s population is very diverse, opinions on the need for alternatives to jail for non-violent offenders are homogenous, as at least six out of seven voters of every ethnic group shares this sentiment, with Asians in most agreement (93 percent), followed by African Americans (91 percent), Caucasians (87 percent) and Latinos (86 percent).

The table below shows the remarkable broad spectrum of support for alternatives to incarcerating non-violent offenders:

Alternatives to Incarceration by Demographic Groups

Please tell me if you agree or disagree with the following statement: Our prisons and jails are overcrowded and we should find other ways to hold people accountable for non-violent offenses. Do you agree or disagree with this statement?

	<u>Agree</u>	<u>Disagree</u>	<u>Agree-Disagree</u>
<u>Total</u>	87%	11%	+76
<u>Party</u>			
Democrat	90%	7%	+83
Republican	78%	19%	+59
DTS/Other	91%	5%	+86
<u>Region</u>			
LA County	90%	6%	+84
LA Area	84%	14%	+70
Bay Area	89%	9%	+80
San Diego	84%	13%	+71
Sacramento/North	84%	13%	+71
Central Valley	86%	13%	+74
<u>Race</u>			
White	87%	11%	+75
Latino	86%	10%	+76
Black	91%	7%	+84
Asian	93%	7%	+86

In looking at specific options for reducing our overcrowded jails, **an overwhelming majority of voters support reducing personal drug possession charges for drugs such as “heroin, cocaine or methamphetamine” from a felony charge to a misdemeanor (70 percent support).** In fact, nearly half of voters (43 percent) **strongly support** reducing personal drug possession charges from a felony to a misdemeanor, while just over a quarter of voters (27 percent) oppose this option and very few (just 3 percent) are undecided on the matter. The table below shows the specific percentages in support as well as the exact question language that we used.

Personal Drug Possession Charge Reduction to Misdemeanor: Support vs. Oppose

Currently, possession of a small amount of illegal drugs, such as heroin, cocaine or methamphetamine, for personal use is a felony crime punishable by up to three years in jail. There is a proposal to reduce this punishment to a misdemeanor crime, which is punishable by up to one year in jail, plus fines and probation. Would you support or oppose this proposal to reduce the punishment of possessing a small amount of illegal drugs for personal use from a felony to a misdemeanor?

Total Support	70%
Strong Support	43%
Somewhat Support	27%
Total Oppose	27%
Strong Oppose	21%
Somewhat Oppose	7%
Undecided	3%
Support – Oppose	+43

Similar to the support we saw for alternatives to incarcerating non-violent offenders, the backing for reducing personal drug possession charges from a felony to a misdemeanor is strong among a wide range of demographic groups throughout the state.

- Solid majorities of Democrats (78 percent), independents (72 percent) and Republicans (57 percent) favor this proposed change in criminal justice policy.
- At least three out of five voters in every part of the state supports making possession of a small amount of drugs for personal use a misdemeanor with the Bay Area offering the highest level of support (82 percent), followed by LA County (70 percent), Sacramento and the rest of Northern California as well as San Diego (66 percent each), suburban LA outside of LA County (65 percent), and the Central Valley (61 percent).
- While voters of all generations support this reform, voters under 50 (77 percent) back this change in higher numbers than do voters 50-64 years old (69 percent support) and senior citizens (57 percent).
- There is consistent support across ethnic lines as 74 percent of African Americans, 72 percent of Latinos, 70 percent of Caucasians, and 67 percent of Asian Americans would like to see drug possession for personal use reduced from a felony to a misdemeanor.
- Interestingly, respondents who have been a victim of a crime in the past also show strong support (72 percent) for reducing personal drug possession charges from a felony to a misdemeanor.

The table below shows the groups that show the strongest support for reducing personal drug possession charges from a felony to a misdemeanor:

Support for Reduced Punishment by Demographic Groups

	<u>Support</u>	<u>Oppose</u>	<u>Support - Oppose</u>
<u>Total</u>	70%	27%	+43
<u>Party</u>			
Democrat	78%	19%	+58
Republican	57%	40%	+17
DTS/Other	72%	25%	+48
<u>Region</u>			
LA County	70%	28%	+42
LA Area	65%	31%	+34
Bay Area	82%	15%	+67
San Diego	66%	32%	+34
Sacramento/North	66%	33%	+33
Central Valley	61%	34%	+27
<u>Race</u>			
White	70%	28%	+42
Latino	72%	25%	+47
Black	74%	18%	+56
Asian	67%	32%	+35

In sum, voters very much want to reduce the punishment for possessing small amounts of drugs for personal use and prefer drug treatment over jail. With the state facing overcrowded prisons and jails, and another large budget deficit, voters feel this policy change could alleviate both of those problems.

Survey Methodology: From May 1-6, 2012, Tulchin Research conducted a telephone survey among 800 Likely November 2012 voters in California using live, professional interviewers calling both landlines and cell phones. The margin of error for this survey is +/- 3.46 percentage points.