



The NCSC Sentencing Attitudes Survey: A Report on the Findings

Princeton Survey Research Associates International
for the National Center for State Courts

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All statements and interpretations contained in the report are those of Princeton Survey Research Associates International and do not reflect the policy positions of the JEHT Foundation or the NCSC.

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THE SURVEY DESIGN AND REPORTING IN BRIEF

This report presents the results of a new National Center for State Courts (NCSC) study about public perceptions of sentencing in the state courts. A representative national telephone survey of 1,502 adults age 18 and older was conducted from March 6 to April 9, 2006 by Princeton Survey Research Associates International (PSRAI). For results based on the total sample, the overall margin of sampling error is plus or minus three percentage points.

The report begins with an executive summary that highlights the key findings concerning the public's attitudes toward sentencing and the role of judges in particular in the sentencing process. The subsequent sections present the detailed findings of the survey in five sections. Each section begins with an overview of the results for the topic area and then provides specific survey findings for related questions, including any relevant comparisons across the key socio-demographic subgroups considered for this survey analysis. In addition to socio-demographic characteristics, respondents are grouped and then compared by their knowledge about crime and incarceration rates, priorities for dealing with crime and their personal involvement with the criminal justice system.

KEY BACKGROUND CHARACTERISTICS CONSIDERED IN SURVEY ANALYSIS

Sex
Age
Education
Race/Ethnicity
Political Party ID
Crime Knowledge
Priority Approach to Crime
Crime Victim Status
Criminal Charges Status
Contact w/ Corrections

Other important notes on the findings in this report include:

- Each substantive question in the survey was analyzed by the key background characteristics, but only those differences that illuminate the overall finding or relate to the public's attitudes about sentencing are discussed.
- In addition, differences between groups are included only if they are statistically significant at the 95% confidence level. Should any difference not be statistically significant at this level, but is reported for other reasons, that will be noted.¹

A more detailed description of the survey methodology, including an explanation of significance, is included in the Appendix of this report.

¹ Similarly, differences related to highly correlated background characteristics, such as age, education and race/ethnicity, are reported only if they remain statistically significant independent of one another. If that is not the case, but these differences are included, that will be noted.

EXECUTIVE SUMMARY

The climate of public opinion toward crime and punishment in this country has changed considerably over the past decade. As the national crime rate has declined, crime is less likely to be in the forefront of people's minds and – with the exception of certain high-profile crimes and cases involving celebrities – is less prominent in media coverage. What had been a frequent polling topic 10 years ago gets much less attention today. Moreover, recent surveys about crime often fail to specifically address public attitudes toward sentencing, or have examined the issue from one particular ideological point of view.

The NCSC Sentencing Attitudes Survey, a national poll of 1,502 randomly selected adults, was designed to fill this void by delivering specific, unbiased information about what people think and why. The new survey thoroughly examines the American public's views toward sentencing and related issues in an objective manner. The new survey was preceded by a review of past survey data. This review revealed that, similar to controversial issues like immigration, abortion, and capital punishment, sentencing is a topic on which public opinion cannot be properly characterized by simply relying on the general measures so commonly used. More specific lines of questioning were developed to dig deeper, clarify previous findings and identify the competing values and concerns underlying sentencing attitudes.

A Consensus View on Sentencing

In their responses to the NCSC survey, Americans reveal themselves to be neither hardliners nor softies in their views about how to best deal with those who commit crimes. People want a criminal justice system that is effective and fair in its sentencing policies and practices – tough when it needs to be to ensure public safety, but more flexible in dealing with offenders deemed less threatening to society or when rehabilitation might be better achieved through means other than incarceration. While people may not agree on all of the details, there is surprising consensus about various aspects of sentencing as it is and how it should be:

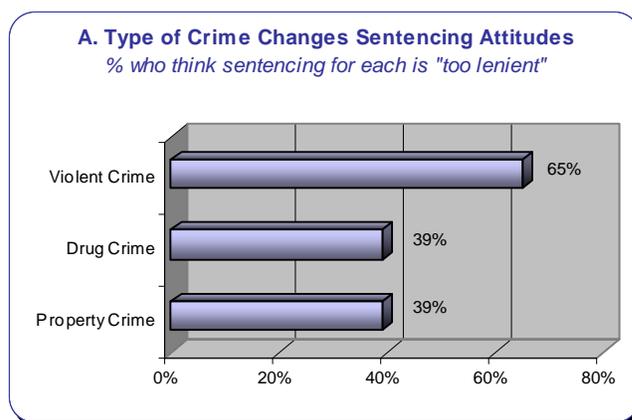
- Americans consistently favor a much tougher approach in sentencing those convicted of violent crimes than they do in sentencing non-violent offenders.
- Americans think rehabilitation is a more important priority than punishment and overwhelmingly believe that many offenders can, in fact, be successfully rehabilitated. But most see America's prisons as unsuccessful at rehabilitation.
- Current sentencing policies and practices are widely viewed as unfair to minorities, non-English speakers, and low income offenders, and prone to give higher income offenders preferential treatment.
- High levels of public support are found for alternatives to a prison sentence like probation, restitution, and mandatory participation in job training, counseling or treatment programs, at least for non-violent offenders. The public is particularly receptive to using such alternatives in sentencing younger offenders and the mentally ill.

Sentencing Attitudes Differ Dramatically by the Type of Crime

Despite statistics showing a steady decline in the crime rate over the past decade, most Americans continue to think that crime in general (59%), and violent crime in particular (61%), is on the increase. And a large segment of the public (44%) is also not aware that this country incarcerates a higher percentage of its population than the rest of the world. Such lack of knowledge partly explains why some general measures of sentencing attitudes would seem to indicate public demand for an even more punitive approach to sentencing than is currently in place. The NCSC survey finds that more Americans are inclined to say sentencing practices in their state generally are too lenient than believe they are too harsh (48% vs. 8%). Those who are misinformed about crime and incarceration are more likely to think sentencing is too lenient than those who know the facts.

However, another important reason general survey measures tend to overstate public support for a more punitive approach is that they force people into one box. When the public is given the opportunity to respond to separate questions about sentencing for different types of crimes, a very different picture emerges:

- When it comes to violent crime, majority opinion is decidedly hard line. Two-thirds (65%) think current sentencing of violent offenders isn't tough enough; three-quarters (73%) think that mandatory prison sentences for those convicted of violent crimes is a good thing; two-thirds feel that alternative sentences to prison should hardly ever or never be used in cases of violent crime.
- Majority opinion, however, shifts toward a much more flexible approach when it comes to sentencing non-violent offenders. In the case of non-violent drug crimes, fewer than half the public (39%) perceives current sentencing practices as too lenient; over half (57%) reject the idea of mandatory prison time for offenders in this category, and three-quarters (77%) think that alternatives to prison like probation and enrollment in treatment programs should be used often or sometimes. Opinion is quite similar with regard to non-violent property crimes.

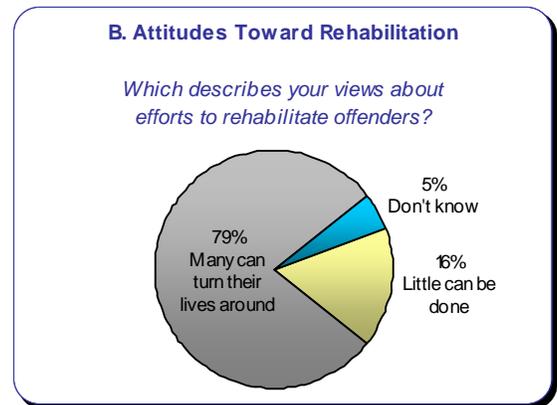


Past survey research has shown public concern about crime being strongly affected by variations in the rate of violent crime. It is violent crime that seems to first come to mind when most people respond to general questions on the subject. But that tends to obscure the very different opinions most people consistently express when asked their preferences for dealing with non-violent offenders.

Rehabilitation Seen as Important, Prisons Not Up To The Task

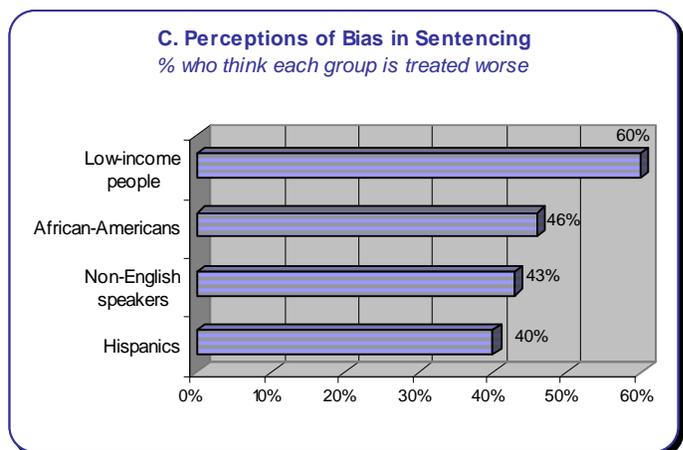
As previous surveys have indicated, the NCSC survey finds the public generally favoring prevention and rehabilitation over enforcement and punishment as the best way to deal with crime (58% vs. 39%). Rehabilitation is seen as achievable for many offenders – eight in 10 (79%) reject the notion that little can be done to turn someone into a productive citizen once they turn to crime. But prisons are perceived by most people as not much more than a warehouse – a majority (59%) say prisons are not too successful or not at all successful at rehabilitating offenders so that they don't return to crime when they are back on the street.

Incarcerating more offenders and keeping them locked up longer means spending more money on prisons, something most Americans view as a bad investment. By a substantial margin (76% vs. 19%) the public would rather see their tax dollars support programs that try to prevent crime by helping offenders find jobs and get treatment than be used to build more prisons. What's more, as a priority for state government funding, prison construction rates quite low with the general public. Three-quarters of Americans (75%) want to see state spending increased for education, and just under that number (70%) want to increase health care spending. In contrast, only a quarter (23%) would support increasing state spending for prisons.



Perceptions of Bias Against Lower Income and Minority Offenders

Another factor that tends to temper Americans' appetite for tougher sentencing is a widespread concern that sentencing is not carried out in a way that is fair to all groups of offenders. The NCSC survey finds a majority (60%) feeling that low-income offenders are treated worse than others convicted of similar crimes in the sentences they receive. Just under half the public (46%) feels African-American offenders experience discrimination in sentencing. Four in 10 people feel the same about the way non-English speaking (43%) and Hispanic offenders (40%) are treated. While minorities and disadvantaged groups are often assumed to get worse treatment, wealthy offenders are overwhelmingly assumed (81%) to get better treatment than others convicted of similar crimes.



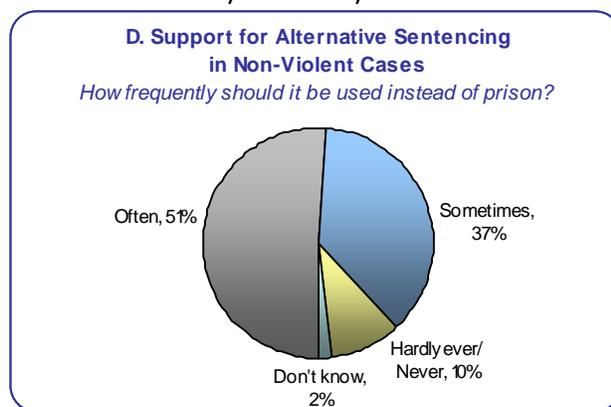
The perception of bias in sentencing on the basis of race, ethnicity, and socioeconomic status is particularly widespread among African Americans. Fully 77% of African-Americans think

offenders of their racial background get worse treatment in terms of the sentences they receive and 70% feel the same way about low-income people. While not quite as united in their views as African-Americans, a majority of Hispanics (55%) also believe offenders of their ethnic background face bias in sentencing.

Broad Support for Alternative Sentencing of Non-Violent Offenders

Survey research about sentencing attitudes done in the past had to introduce and explain the concept of alternative sentencing to their respondents. In 2006, however, alternative

sentencing is no longer a brand new concept to most people. The NCSC survey finds that about two-thirds of the public (64%) claims to be at least somewhat familiar with different kinds of alternative sentencing that is used in place of a prison term. The general idea of directing non-violent offenders into treatment and counseling programs is endorsed by about half the public (51%) as something that should be



used "often" as an alternative to prison. The public supports specific applications of alternative sentencing for non-violent offenders at even higher levels:

- Requiring offenders to compensate their victims for their loss (66% say this should "often" replace a prison term)
- Placing mentally ill offenders in treatment and counseling programs (65% "often")
- Requiring mandatory education and job training (63% "often")
- Placing young adult offenders under 25 years of age in treatment and counseling programs (61% "often")
- Placing drug offenders in treatment and counseling programs (56% "often")

The public is much less familiar with the concept of problem-solving courts than they are with alternative sentencing. Respondents were given the example of drug courts that, instead of jail or prison time, might require non-violent drug offenders to complete drug treatment programs, take random drug tests, and be monitored closely by a judge. Only about a third of Americans (35%) say they are aware of problem solving courts such as this. Despite the lack of familiarity, the public is very receptive to the concept of problem-solving courts as a better way to deal with non-violent criminals than through the traditional courts and prison system:

- Mental Health Courts, where non-violent offenders with mental illness are not sentenced to jail or prison if they remain in treatment ordered and monitored by the judge (82% of the public thinks this is a better way to sentence offenders than the traditional court system)

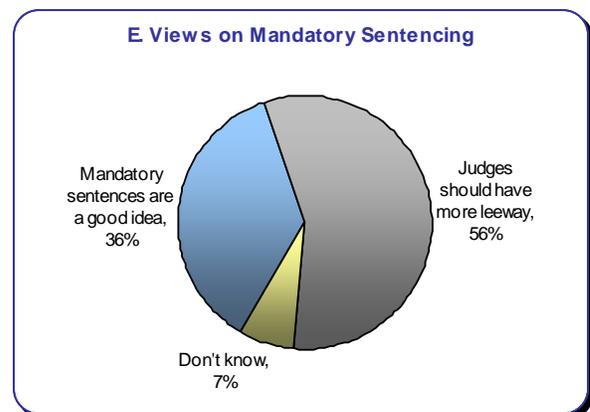
- Drug Courts, where a jail or prison sentence is not given to non-violent offenders charged with possession of illegal drugs if they complete a program providing drug treatment, random drug tests, and close monitoring by a judge (78% better way to sentence)
- Domestic Violence Courts, where judges closely monitor offenders who must complete abuse prevention programs and obey the judge's orders regarding contact with the victim (60% better way to sentence)

Blame for Sentencing Inadequacies Not Directed Mainly at Judges

The mandatory sentencing laws that take discretion away from judges in deciding sentencing for certain crimes have now been on the books for more than a decade. At this point, most people seem aware of these laws. Close to two-thirds of Americans (64%) say they are at least somewhat familiar with mandatory minimums. Now that mandatory sentencing laws are well established, dissatisfaction with the way sentencing is working does not appear to be as strongly linked to dissatisfaction with judges as it was in the past.

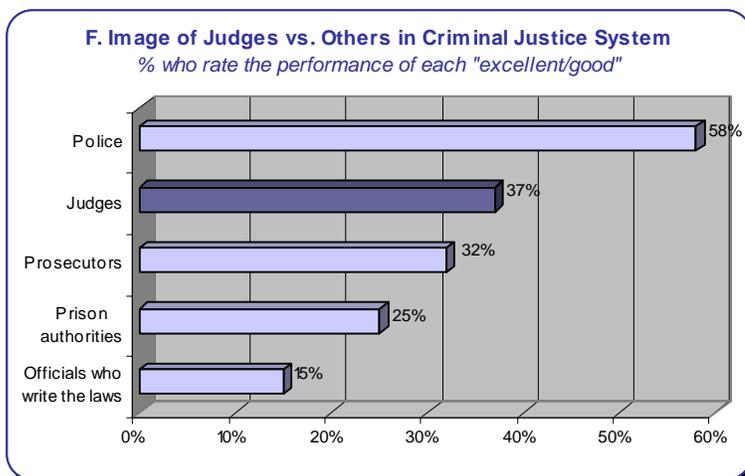
The perception of "soft on crime" judges handing down overly lenient sentences is not as widespread today as might be expected. As noted previously, close to half the public (48%) are critical of sentencing in their state for being overly lenient. But further questioning reveals that most people who feel this way don't hold judges personally responsible. Overall, only about one in five Americans (18%) thinks sentencing is too lenient *and* says judges are mostly to blame. A greater number think sentencing is too lenient and put the blame elsewhere – 17% name elected officials and 10% name prosecutors or someone else. Moreover, the group that blames judges for lenient sentencing is not especially alarmed about crime as a problem in their state. Those critical of lenient sentencing who are especially concerned about crime are more apt to hold state legislators responsible. Those who blame judges for overly lenient sentencing also are no more likely to have a crime victim in their family, or to be better informed about the crime situation.

Rather than wanting to rein in judges, a majority of Americans (56%) say judges should have *more leeway* in sentencing, rejecting mandatory sentencing as a general policy. This is a change from polling 10 years ago suggesting that most people welcomed such laws. Much of the unhappiness people have with judges doesn't result specifically from criticism of sentencing, but reflects broader, system-wide concerns. When those who rate the performance of judges as only fair or poor are asked why they feel this way, only about a quarter (27%) say they are critical



of lenient sentencing or inappropriate sentencing. A greater number attribute their views to something else, including a flawed system (18%), perceived bias or unfairness (8%), politics/cronyism (8%) or concerns about corruption (6%).

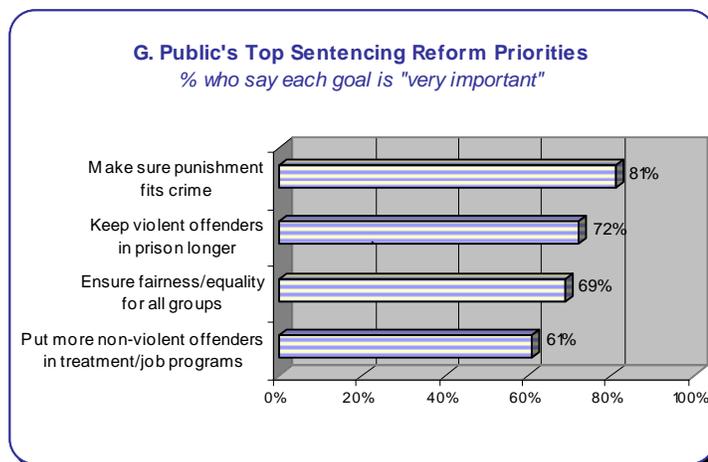
The public is actually less critical of the performance of judges today than it is of other major players in the criminal justice system. Overall, 37% give judges an excellent or good rating, 36% a mediocre rating of “only fair” and 19% say they do a poor job. The police get better ratings than judges (58% excellent/good), but other players in the criminal justice system like prosecutors (32%) and prison authorities (25%) are regarded somewhat less positively. Elected officials who write the laws – the biggest target for criticism – are regarded a lot less positively (15% excellent/good).



High Support for Sentencing Reform, Judges Playing a Big Role

The NCSC survey finds widespread support for sentencing reform. In 2006, only about one in five Americans (18%) believes that sentencing in their state “is working pretty” well. Three-quarters (76%) believe that changes are needed, including roughly a quarter (27%) who say *major* changes are needed. The public’s agenda for reform reflects their overall sentencing attitudes:

- Getting it right is the top priority – 81% say it is very important to make changes to ensure that “the punishment fits the crime.” This sentiment is shared by the strongest advocates of reform as well as those who call for more modest change.
- The public calls for getting tougher with certain offenders, while allowing for more flexibility in handling others. A majority of Americans (72%) believe it is very important to change sentencing to keep violent offenders in prison longer. But a majority (61%) also think it is very important to direct more non-violent offenders into treatment, job and education programs and to keep them out of prison.



- There is also consensus for making changes to improve fairness in sentencing. Seven in 10 Americans (69%) think it is very important that more is done to ensure fairness and equality for all groups of offenders.

One goal of sentencing reform that does not rate as high as a public priority is reducing the size of the prison population. Less than half of the overall public (38%) sees this change as very important. This is the one goal that decidedly separates those who feel most strongly about sentencing reform and those calling for more limited changes. Fifty-one percent of those who think major changes are needed think reducing the size of the prison population is very important, compared with 32% who think changes are needed, but not major changes.

The public very much wants judges to be involved with efforts to reform sentencing. In fact, after state legislators, they are the group most often selected to take the lead in making needed changes. Two-thirds of the public (66%) say judges should play a major role, not a limited role, in sentencing reform efforts, including 19% who want judges to assume the *leading* role.

Sentencing Attitudes Differ by Education, Race and Party

While there is much common ground among various segments of the population on sentencing issues, certain differences by subgroups should be noted. First, significant differences are seen by **education** in knowledge levels about crime and punishment in the United States. Those with more education are more likely to be aware that the crime rate has not gone up in recent years and that this country locks up a higher share of its population than other countries. Thirty-six percent of college graduates show themselves to be informed about such issues, compared with only 11% of high school graduates. In terms of attitudes, college graduates are more likely to think prisons are unsuccessful in rehabilitating prisoners. The college educated tend to have a higher opinion of judges and are more likely than those with less formal education to oppose mandatory sentencing for non-violent offenders.

There are also some significant differences in opinion by **race/ethnicity**. Minorities have a somewhat different perspective on sentencing than whites. African-Americans tend to have stronger views on these issues, Hispanics not so strong in their opinions. In some respects, minorities can be described as more satisfied than whites with the sentencing status quo. African-Americans and Hispanics are less likely than whites to think sentencing – both in general and for specific types of crimes – is too lenient. But in other aspects of sentencing, minorities – especially African-Americans – are more critical of the status quo. As noted previously, minorities are much more likely than whites to feel various subgroups of offenders are treated unfairly in sentencing. And there is a great deal of support among both groups for use of alternative sentences for non-violent crimes, exceeding the level seen for whites. As many as half of African-Americans say they would support using alternative sentencing for *violent offenders*, something that sets them apart from all other groups.

Finally, political partisanship seems to color sentencing attitudes to some extent. Where there are differences by **party ID**, the views of Republicans tend to diverge from those of Democrats and Independents. Republicans are more apt to perceive the courts as too lenient and generally support stronger punitive measures for dealing with offenders. About half of Republicans think the courts are too lenient in sentencing non-violent offenders and a similar number approve of the mandatory sentencing for such crimes.

Democrats and Independents generally see fewer flaws with current sentencing overall but are more likely to perceive sentencing bias against certain groups; Democrats even more so than Independents. Alternative sentencing for non-violent crimes is supported across party lines but Democrats and Independents are more likely to endorse using various alternatives to prison on a regular basis.

Despite these differences by party ID, support for the various elements of sentencing reform is found across political lines. About three-quarters of Republicans, Democrats, and Independents see a need for changes in the way sentencing is working. Clear majorities of all three groups want more done to make sure the punishment fits the crime, violent offenders get longer terms, and all offenders receive equal treatment. Republicans are less likely to endorse the goal of more alternative sentencing for non-violent offenders, but even in this case, about half of Republicans agree it is very important to make this change.

All in all, there are more areas of agreement than disagreement when Americans think about how sentencing is working and how they would like it to work. While the debate about such issues is often ideological in nature, most people seem to care less about ideology than they do about making sentencing more effective, fair, and proportionate to the offense committed.

DETAILED FINDINGS

I. PUBLIC PERCEPTIONS OF CRIME AND PUNISHMENT IN THE U.S.

Section Overview

Key to understanding public attitudes toward sentencing is recognizing the context in which such attitudes are formed. Therefore, in addition to examining opinions about specific sentencing policies and practices, the NCSC Sentencing Attitudes Survey looked more generally at Americans' perceptions of crime and punishment in the United States today. In reality, crime rates in this country have been falling for more than a decade. But perceptions have not caught up with this reality. Americans don't feel the same urgency about the crime problem that they once did – crime and illegal drugs no longer rank among the top problems facing the country in the public's view – but most people have the mistaken impression that the amount of crime is increasing. The prison population in this country has expanded greatly over the past decade, but many people are not aware that the United States incarcerates a higher percentage of its population than other countries. Judges, like most other key players in the criminal justice system, get lukewarm ratings for their performance in dealing with crime. Sentencing criticisms rank high as a reason judges get less than positive ratings, but are by no means the only factor. Prisons are seen by most people as successful at keeping offenders off the streets, but not successful at rehabilitating offenders.

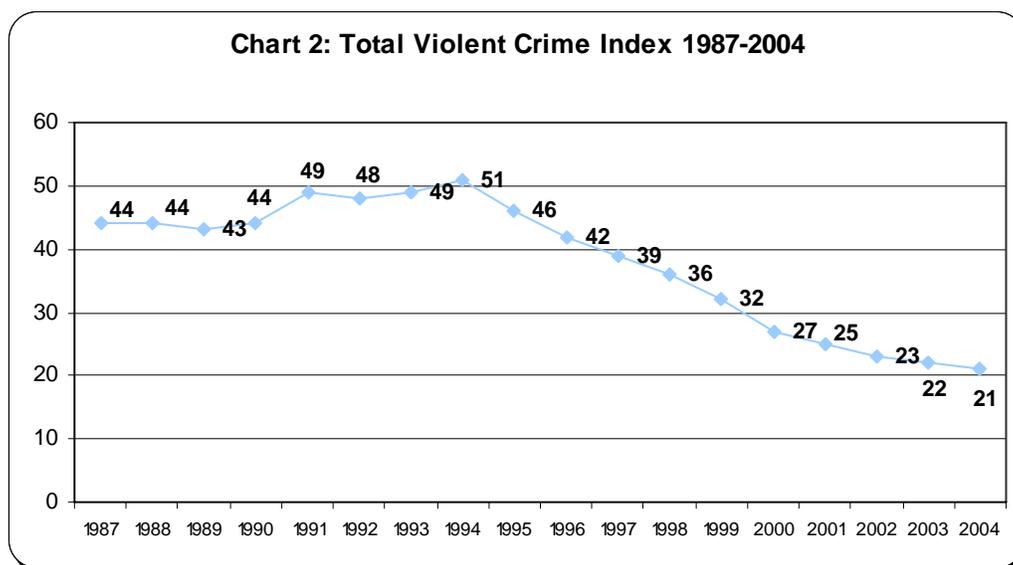
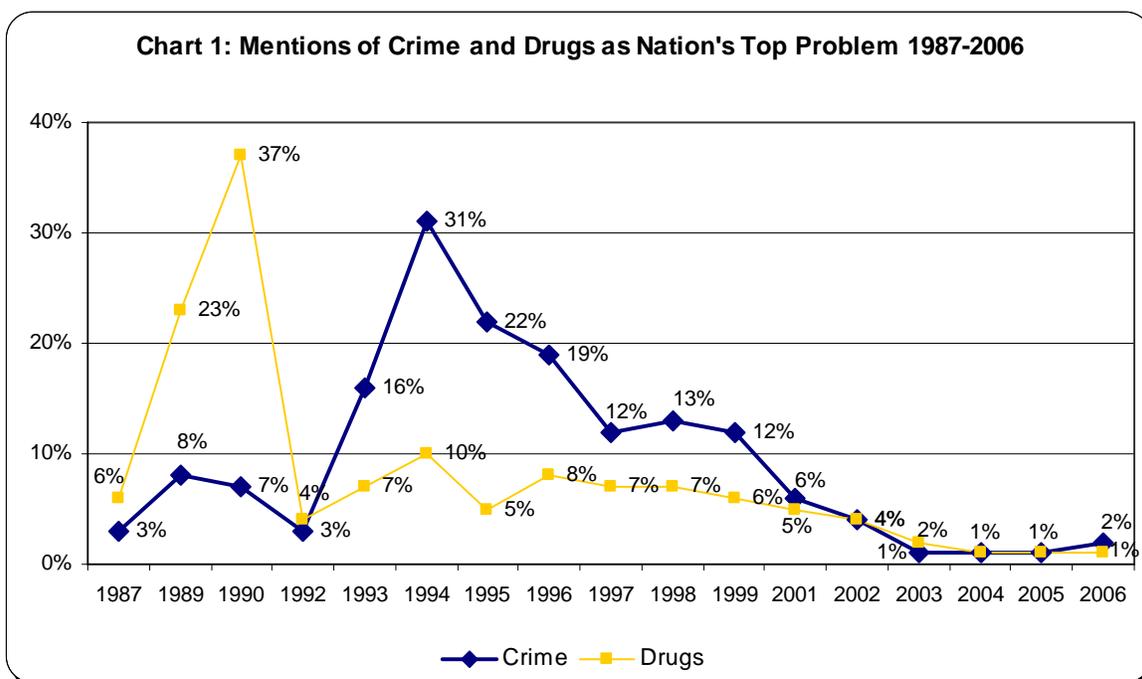
The Urgency of the Crime Problem

For decades, national surveys have included an open-ended question asking people to identify, in their own words, "the most important problem facing the country today." The new survey finds economic concerns (mentioned by 21%) at the top of the list, along with the war in Iraq (18%). This is a typical result from a historical perspective – economic issues and concerns related to war or international intentions generally dominate this list. **Crime is regarded as the country's top problem by only 2% of Americans and another 2% consider the related problem of illegal drugs to be number one. That puts concern about crime behind not only issues like the economy and Iraq, but even other domestic issues like health care (6%) and concern about morality and ethics in society (6%).**

As shown in the following chart, crime registered significantly higher as a public concern a decade ago. At the end of Bill Clinton's first year in office in December 1993, crime displaced economic concerns at the top of the public's list. That is the year the first true "three strikes" or mandatory sentencing law with virtually no exceptions, was passed in the state of Washington. One year later in 1994, the year California voters approved a "three strikes" law for their state by an overwhelming margin, the highest percentage on record (31%) named crime as the country's top problem. Mentions of crime as the top problem were never as high again, although they remained in double digits for the rest of the 1990s. Since 2003, mentions of crime have never topped 2%, nor have mentions of illegal drugs.

For the most part, public concern about the urgency of the crime problem has moved in parallel with the actual incidence of *violent* crime. Crime registered highest on the most important

problem question the same year that government figures estimate the total violent crime victimization rate to have been highest (1994).² There does appear to have been some lag time in the late 1990s, when violent crime victimization rates continued on a downward slope but mentions of crime as the top problem held steady.



² It should be noted that unlike violent crime victimization rates, non-violent property crime victimization rates showed no increase in the early 1990s. In fact, these rates have declined steadily since 1975.

Mentions of crime and related concerns as the top problem are somewhat higher at the state level than at the national level. **Overall, the new NCSC survey finds 7% of Americans viewing *crime/drugs/the legal system* as the most important problem facing their state. That puts crime, as a state problem, at about the same level as immigration (7%) and health care (7%), but significantly behind education (17%) and economic concerns (29%).**

- African-Americans are significantly more likely to cite a crime-related concern as the top problem facing their state today (15% vs. 4% of whites and 9% of Hispanics).

Misperceptions About Crime and Punishment

Crime is a problem that most Americans always seem to think is getting worse, even when it is not. NCSC Sentencing Attitudes Survey respondents were asked for their impressions of recent changes in the overall crime rate and the violent crime rate in this country. **Six in 10 adults (59%) say they believe the amount of crime overall has increased over the past five years, and a similar number (61%) think the amount of *violent* crime has increased. Very few people believe that the crime rate overall (13%) and the violent crime rate (12%) have actually decreased.** Another area of public knowledge tested was the awareness of the U.S. incarceration rate, reported to be the highest in the world.³ People are somewhat better informed about this subject than they are about crime rates. **Fifty-five percent of those surveyed answered correctly that the percentage of Americans in prison is generally higher than it is for other countries around the world. But that still leaves more than four in 10 who either mistakenly believe the U.S. incarceration rate is the same or lower than other countries (29%) or don't know how it compares (15%).**

A crime knowledge index was created by combining survey respondents' answers to the three questions noted above: 1) recent trends in the overall crime rate; 2) recent trends in the violent crime rate; and 3) the U.S. incarceration rate vs. that of other countries. Those who answered at least two of these questions correctly and none incorrectly were classified as "informed." Those who had more wrong answers than right answers were classified as "misinformed." The remainder were classified as "uninformed," and less likely to give answers to these questions.

Only one in five (19%) adult Americans has a sufficient grasp of the facts to be considered informed about crime and punishment in the United States. The majority (58%) are classified as misinformed. These people generally assume the crime rate is rising, and are significantly less likely to know that the U.S. incarcerates a higher share of its population than other countries. Another quarter of Americans (23%) are uninformed, mostly in the dark about these issues.

³ *The Christian Science Monitor* (August 18, 2003) reported that 5.6 million Americans, one in 37 adults living in the United States, were in prison or had served time previously, based on information provided by the Justice Department.

A demographic analysis of the crime knowledge index shows that, as expected, those with more formal education are better informed. However, even college graduates are as likely to be misinformed as informed about these issues (37% vs. 36%). (See Table 1) And over half of those with some college but no four-year degree (56%) are misinformed. More than two-thirds of high school graduates (69%) and those with less than a high school education are misinformed (70%).

Certain demographic groups stand out as more likely to be misinformed.

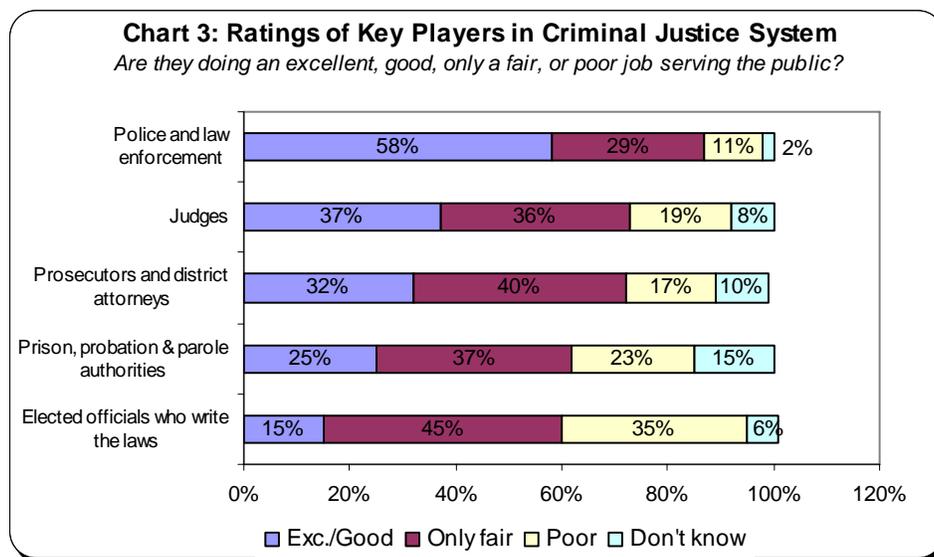
- Three-quarters (74%) of African-Americans and over two-thirds (70%) of seniors aged 65 and older are misinformed.
- Women are more likely than men to be misinformed about these issues (63% vs. 52%).

	<u>Informed</u>	<u>Uninformed</u>	<u>Misinformed</u>	<u>(N)</u>
TOTAL	19	23	58	1,502
College graduate	36	27	37	433
Some college	20	24	56	351
H.S. graduate	11	20	69	506
LT H.S. graduate	5	24	70	202
White	22	23	55	895
African-American	8	18	74	254
Hispanic	9	30	61	267
Male	21	26	52	698
Female	17	20	63	804
18-29	16	29	55	264
30-49	21	24	55	546
50-64	25	19	56	398
65+	9	21	70	280

About one in 10 adults (9%) reports that they personally or a member of their immediate family has been a victim of a violent crime in the last five years. Demonstrating that emotions and personal experience may overpower “the facts” when it comes to beliefs about crime, those victimized by violent crime recently are more likely to be misinformed about crime and punishment than those who have not been victimized (71% vs. 56%). No significant differences in crime knowledge, however, are found between those who say they themselves or an immediate family member have ever been charged with a crime and those who have not.

Ratings of Judges and Other Groups in the Criminal Justice System

The public as a whole gives lukewarm ratings to groups within the criminal justice system, with the exception of police and law enforcement. As shown in Chart 3, a majority (58%) of Americans think police and law enforcement are performing well enough to deserve an excellent or good rating. Other groups, however, are viewed in a significantly less favorable light. Judges get the second highest scores, followed by prosecutors/district attorneys, and prison, probation and parole authorities. The lowest ratings are given to elected officials who write the laws. Over a third (35%) think this group deserves a poor rating.



Some statistically significant differences in ratings of criminal justice groups are found by crime knowledge index scores, but these differences are neither very large nor consistent. The informed are more likely than the misinformed to give the following groups a positive rating of excellent or good: police and law enforcement (63% vs. 53%) and prison, parole, and probation authorities (30% vs. 20%). But there are no significant differences in positive ratings for judges, prosecutors, and legislators.

Stronger, more consistent differences in opinion are found by education and race. College graduates are more positive than those with less education in their evaluations of all groups. Whites, and to a less extent Hispanics, are more positive in their evaluations than African-Americans. Differences by race in attitudes toward the police and law enforcement are especially large.

- Almost two-thirds of whites (64%) and about half of Hispanics (53%) give the police an excellent or good rating, compared with only about a third of African-Americans (31%).
- Twenty five percent of African-Americans give the police the lowest rating of "poor," compared with 9% of whites and 12% of Hispanics.

Turning to the public's views about judges, racial differences in opinion are less pronounced for this group than they are for the police.

- African-Americans are less likely than whites to give judges an excellent or good rating for their performance (27% vs. 39%) but are not significantly more likely to give judges a poor rating (19% vs. 20%).
- Judges get their highest ratings from young adults age 18-29 (51% excellent/good) and college graduates (45%).

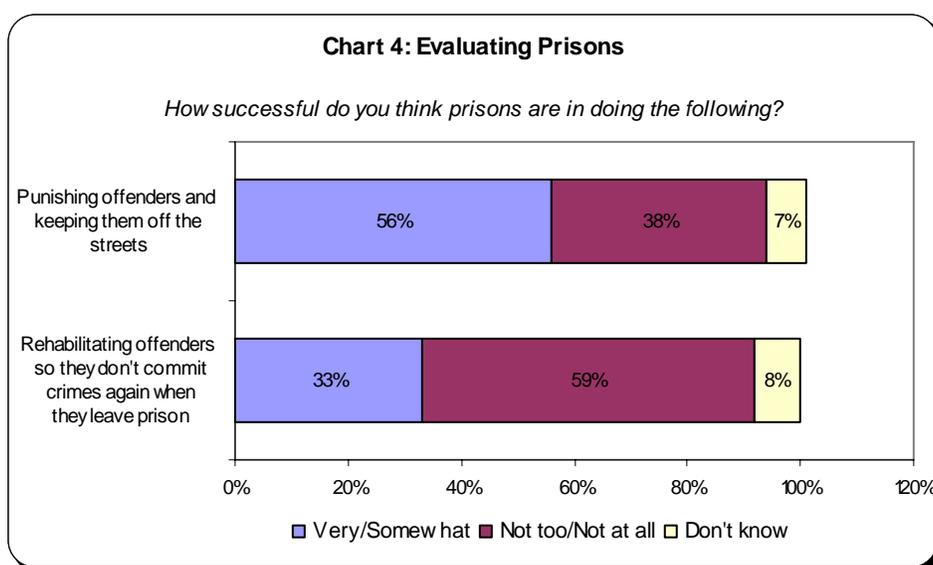
When those who give judges ratings of only fair or poor are asked the main reason for their opinion, the most frequent response relates to sentencing (27%).

Specifically, 17% of those critical of judges cite sentences that are too lenient and another 6% say sentencing is inconsistent or doesn't always fit the crime.

Sentencing concerns, however, are not the only important factor in terms of people giving judges sub par ratings. Eighteen percent cite flaws with the criminal justice system in general, including an overloaded docket, criminals being released early, and loopholes that allow criminals to "get off." Other reasons cited by those critical of judges' performance include bias/unfairness (8%), politics/cronyism (8%), and corruption or money influence (6%).

Prisons

Prisons are seen by most Americans as a warehouse, where offenders are locked up but little is done to help keep them from returning to crime after their release. Overall, a majority (56%) say they believe that prisons are very or somewhat successful in "punishing offenders and keeping them off the streets." But a similar majority (59%) think that prisons are not too or not at all successful in "rehabilitating offenders so they don't commit crimes again when they leave prison."



American adults who are better educated are particularly negative in their views toward prisons' success at rehabilitation.

- More than two-thirds of college graduates (72%) think prisons are generally not successful at rehabilitation, compared with about half of those with a high school education or less (49%).

Knowledge of crime and race/ethnicity are also factors.

- Based on the crime knowledge index, informed Americans are more likely than misinformed people (69% vs. 57%) to think prisons are not successful at rehabilitation.
- By race, whites and African-Americans have similar attitudes, with an identical 61% seeing prisons as not successful.
- Hispanics are not as negative; in fact, more see prisons as successful (46%) than unsuccessful (39%) in this area.

II. PUBLIC PREFERENCES FOR DEALING WITH CRIME

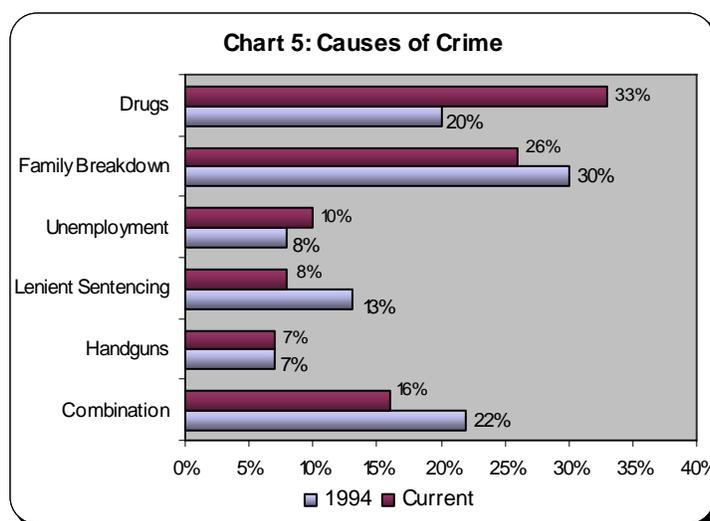
Section Overview

The public's views on the causes of criminal behavior and how to best deal with the crime problem are not consistent with support for harsh sentencing policies. As other national and statewide surveys over the past decade have shown, the NCSC Sentencing Attitudes Survey finds that societal factors like drug addiction and broken families are generally thought to contribute most to the crime problem, not a criminal justice system that goes too easy on offenders. The number of Americans who perceive overly lenient sentencing as the key factor underlying the current crime situation has dropped below 10 percent. Addressing the root causes of crime through prevention and rehabilitation is given a higher priority than the hard-line approach of focusing efforts on enforcement and punishment. Despite reservations about prisons' effectiveness at rehabilitation, Americans solidly believe that rehabilitation efforts can, in fact, succeed in helping offenders turn their lives around and become law-abiding citizens.

From an economic perspective, Americans see spending a lot of money on prisons as a poor investment. Three-quarters would rather have their tax dollars go toward funding programs to help offenders find jobs and get treatment than be directed toward building more prisons to keep those convicted of crimes locked up for longer periods of time. In light of recent budget crunches in many states, prisons and other correctional facilities face stiff competition for state funding. Only about a quarter of the public thinks their state should increase spending for prisons while large majorities want their state to spend more than it does now on education and health care.

The Main Cause of Crime

When presented with a list of five possible main causes of crime, Americans overwhelmingly choose either drugs (33%) or the breakdown of the family (26%) as the major factor. Just 8% now select "lenient sentencing" as the main cause of crime, down from 13% in a 1994 national survey that asked a similar question.⁴ The proportion that select lenient sentencing as the main cause of crime is statistically equivalent to the proportion that think unemployment and the availability of handguns are the main cause of crime. (See Chart 5)



⁴ May 1994 trend from NBC News/Wall Street Journal. Question wording read "Thinking about the cause of crime in the country, which of the following do you feel is the one factor most responsible for the recent problems with crime in the country?"

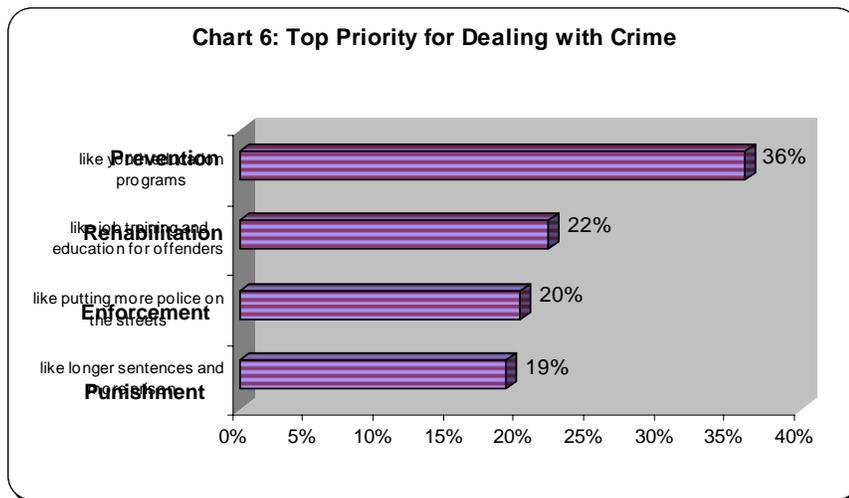
The tendency to view lenient sentencing as the main factor behind crime in this country varies significantly by race and party identification.

- Whites are more likely than African-Americans and Hispanics to think lenient sentencing is mostly to blame (10% vs. 3% and 3%).
- Republicans are more likely than Democrats and Independents to feel this way (14% vs. 5% and 6%).

Those who say their family has been victimized by violent crime are not significantly more likely than other people to perceive lenient sentencing as contributing most to the current crime situation. Instead, those with a crime victim in their family are more likely to blame the availability of handguns (13% vs. 6%).

Top Priority for Dealing with Crime

In choosing the best strategy for dealing with crime, most Americans opt for attacking the root causes of crime than instead want to see expanded enforcement and tougher punishment. **The new NCSC survey shows a majority of Americans (58%) saying the first priority should be prevention such as youth education programs (36%), or rehabilitation programs such as job training and education for offenders (22%). Smaller numbers choose enforcement such as putting more police on the streets (20%), or punishment such as longer sentences and more prisons (19%).** Public opinion on this issue has not changed in recent years. The current findings are statistically similar to those recorded in a 2001 Peter Hart survey for The Open Society Institute.



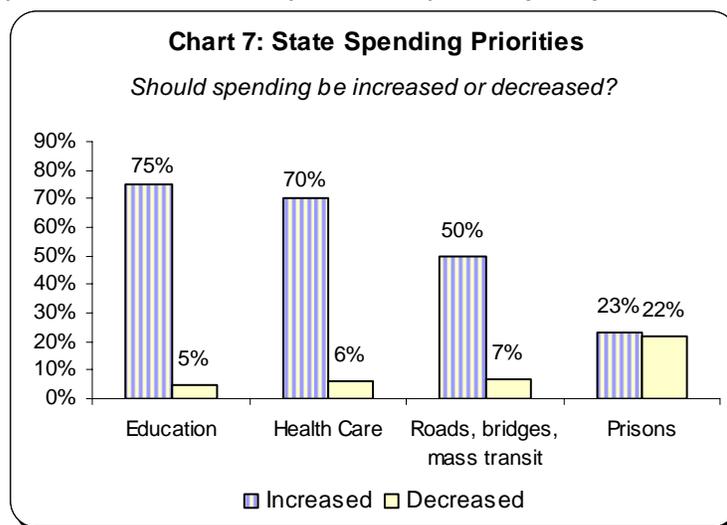
A preference for prevention/rehabilitation over enforcement/punishment is held by most subgroups of the population with a few noteworthy exceptions.

- Seniors age 65 and older, many of whom feel particularly vulnerable to crime, divide about equally in their preferences between prevention/rehabilitation and enforcement/punishment as the best way to deal with crime (45% vs. 47%).
- By party identification, Republicans are about evenly split between these two strategies (47% vs. 50%), while Democrats (66% vs. 32%) and Independents (62% vs. 35%) solidly prefer putting more emphasis on preventing crime and rehabilitating offenders.

Those who are informed about the crime situation in the United States, and know that the crime rate is not going up, favor the prevention/rehabilitation approach by a wide margin (68% vs. 30% enforcement/punishment). Those who are misinformed and tend to think the crime rate is rising also tend to give priority to prevention/rehabilitation, but by a closer margin (53% vs. 43%).

Tough punishment through longer prison sentences inevitably means spending more money on prisons. However, consistent with other recent survey data, the new NCSC survey finds only limited public support for directing more tax dollars toward prisons. When asked about how they would prefer to see their state spend tax revenue, only about a quarter (23%) of

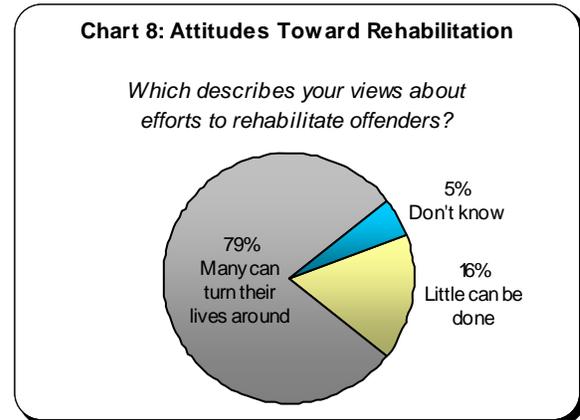
Americans think money for prisons should be increased. In fact, a similar number (22%) want to see state spending on prisons *decreased*. The public has other places it wants state tax dollars to be spent. Seven in 10 Americans want their state to increase spending on education (75%) and health care (70%), and fully half (50%) want to increase spending for transportation infrastructure – roads, bridges, and mass transit.



Even groups that tend to favor taking a more hard-line approach to dealing with crime do not generally support spending more money on prisons. For example, only 27% of seniors and 23% of Republicans say they would like to see their state spend more money in this area.

Potential for Rehabilitation Efforts to Succeed

As noted previously, most Americans think prisons today are not successful in rehabilitating offenders. However, that doesn't mean people think that rehabilitation is an unattainable goal. Just 16% of the public says that rehabilitation efforts are futile and "once someone turns to crime very little can be done to turn them into productive, law-abiding citizens." **A majority of the public (79%) takes the opposite view that "under the right conditions, many offenders can turn their lives around."**



The belief that rehabilitation efforts can succeed is seen across all segments of society. Even among those who think the best way to deal with crime is through tougher enforcement or punishment, two-thirds (66%) believe that many offenders can, in fact, be rehabilitated. Nine in 10 (88%) of those who think the better approach is to focus on prevention or rehabilitation say that many offenders can turn their lives around, given the right conditions.

III. GENERAL SENTENCING ATTITUDES

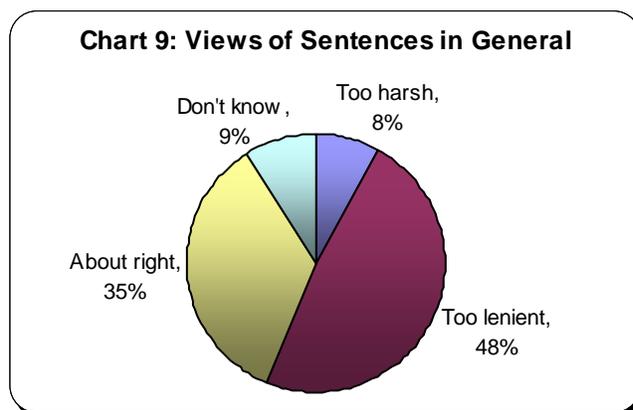
Section Overview

The American public is somewhat critical of sentencing in today's courts and it holds elected officials and judges most responsible for the flaws in the system. Nearly half of adults deem sentencing in general too lenient. More than a third of these critics blame this problem on judges, and another third put the blame on elected officials. But evaluations of sentencing for specific types of crimes produces a different picture of the public's attitudes, and reveals that most of the criticism relates to sentencing for violent crimes. Two-thirds say sentences are too lenient for such crimes, while less than half the public views the prison time and other punishments given for non-violent crimes as too lenient.

Americans also give the courts mixed reviews for fairness in sentencing. The new NCSC survey finds there is widespread belief that certain subgroups of the population – including low-income people, African-Americans and Hispanics – are treated worse in terms of sentencing than others convicted of the same crimes. Given this overriding skepticism about fairness in sentencing, and the lower profile of domestic crime in the national media, it is not surprising that support for mandatory sentencing has eroded since the mid-1990s when as many as one in two adults supported this policy.⁵ Today, a majority say that judges should have more leeway in deciding what punishments should be. The exception is when offenders are convicted of violent crimes; in these instances three in four adults support mandatory prison sentences.

Rating Sentencing Overall

The American public is divided about whether court sentences today are too harsh or too lenient, and many indicate the sentences are appropriate as is. **While nearly half (48%) say the amount of prison time and other punishments now given to people convicted of crimes is too lenient, just as many indicate they are not, including about one-third who say current sentences are "about right."**



⁵ Based on findings of a Public Policy Research Institute at Texas A&M University poll, conducted in June 1995 among 1,005 adults nationwide. In that survey, 55% said that mandatory sentences were a "good idea." Similarly, a CNN/USA Today/Gallup poll, conducted in August 1994 among 1,011 adults nationwide, found that 74% of the public would generally favored passage a so-called "three strikes and you're out" law.

Several background characteristics are related to opinions about sentencing overall. By race, more than half of whites (54%) say sentences are too lenient, compared with about a third of African-Americans (33%) and Hispanics (30%). Minorities, on the other hand, are significantly more likely than whites to say sentences given by the courts are about right or too harsh.

(See Table 2)

There is a similar pattern by age, education, and party identification.

- Half of adults age 30 and older say sentences are too lenient, while nearly half of those age 18-29 (48%) say sentences are about right.

- And while about half of those with at least some college education or a high school diploma say they think sentences are too lenient, half of adults with less formal education indicate current sentences are acceptable.

- By party, a majority of Republicans say prison time and other punishments given today are too lenient, while Democrats and Independents are more likely to indicate they are satisfied with sentencing as is.

TABLE 2: VIEWS OF SENTENCES IN GENERAL BY KEY SUBGROUPS

	<u>Too Harsh</u>	<u>Too Lenient</u>	<u>About Right</u>	
	%	%	%	(N)
TOTAL	8	48	35	1,502
White	6	54	32	895
African-American	18	33	41	254
Hispanic	12	30	49	267
College graduate	11	49	32	433
Some college	10	48	31	351
H.S. graduate	6	52	34	506
LT H.S. graduate	6	37	50	202
18-29	11	35	48	264
30-49	9	52	30	546
50-64	9	52	31	398
65+	4	48	36	280
Republican	4	62	28	247
Democrat	11	44	35	284
Independent	10	38	43	219

Knowledge of crime and incarceration rates and personal involvement with the court system also influence opinions about sentencing in general. Fully half of adults who are misinformed about crime (52%) say they think sentences are too lenient, compared with 42% of those who are well-informed about crime. Informed adults, a subgroup that is more evenly divided than most on this issue, are more likely than others to say sentences are too harsh (18%) or about right (32%). And while 51% of those who say no immediate family member has ever been charged with a crime say sentences are too lenient, that percentage drops to 38% among those who have experienced a close family member being charged with a crime. Notably, having an immediate family member who is a recent victim of a violent crime does not influence opinion about sentencing in general.

Judges and Elected Officials Most Responsible for Sentencing Flaws

Judges and elected officials are the groups people hold most accountable for the problems they have with sentencing in their state. **For those whose complaint is that sentencing is too lenient, virtually equal numbers blame judges (38%) and elected officials who write the laws (35%).** Those who think it is sentencing is generally too harsh are far more displeased with state lawmakers, with half blaming elected officials for sentencing being too harsh. One in five in this group say prosecutors and district attorneys are most responsible, while only 15% blame judges.

	Total	Too lenient	Too harsh
	%	%	%
Elected officials	38	35	52
Judges	35	38	15
Prosecutors and district attorneys	17	16	21
Police and law enforcement	1	1	4
Other	3	3	1
Don't know	6	6	6
	(n=824)	(n=680)	(n=144)

Among those who feel that sentences are generally too lenient, there is relative agreement across subgroups about judges and elected officials being most responsible for this problem, though there are some interesting generational differences. Adults age 50 and older are most likely to blame judges (44%), while middle aged adults tend to blame elected officials (42%) and those under age 30 are as likely to impugn prosecutors and district attorneys (29%) as they are judges (30%).

Looking at these figures in a different way, the survey finds that close to one in five of all adults (18%) thinks sentencing in their state is too lenient *and* believes judges are to blame. A similar proportion of all adults (17%) feel sentencing is too lenient but instead hold elected officials chiefly responsible. Those critical of judges for overly lenient sentencing would seem to be most affected by ideology and perceptions formed in the past rather than influenced by recent experiences. They tend to be older (50% are age 50 or older), and more likely to identify with the GOP – 40% call themselves Republicans, while just 26% say they are Democrats. They are neither more likely to have a crime victim in their family nor especially knowledgeable about the crime situation. And they are not prone to name crime a top-of-mind concern. Only 1% of the group critical of judges names crime, drugs or the legal system as the top problem facing their state. In contrast, 15% of those who say sentencing is too lenient but find elected officials at fault put crime at the top of their list of state concerns.

	Total	Too Lenient & Blame Judges	Too Lenient & Blame Officials
Age			
18-29	19%	11%	10%
30-49	39%	38%	50%
50+	41%	50%	40%
Party ID			
Republican	28%	40%	34%
Democrat	32%	26%	33%
Violent Crime Victim in Family			
Yes	9%	10%	11%
No	91%	90%	89%
Crime Knowledge			
Informed	19%	16%	16%
Misinformed	58%	65%	65%
	(n=1,502)	(n=256)	(n=240)

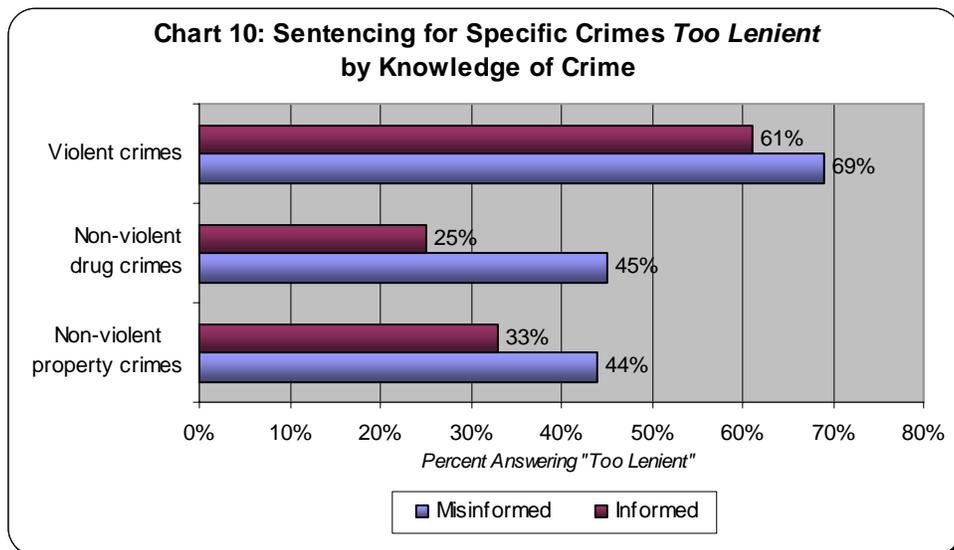
Rating Sentencing for Specific Types of Crimes

The new NCSC survey finds that the American public has very different attitudes about sentencing depending on the type of crime, with opinion turning primarily on whether or not the crime is violent. **A two-thirds majority (65%) say they think sentences now given for violent crimes such as armed robbery or rape are too lenient. That figure drops to well under half for non-violent property crimes such as burglary or auto theft (39%) and non-violent drug crimes such as possession or sale of illegal drugs (39%).** In fact, 23% deem current sentences for non-violent drug crimes *too harsh*. Apparently the public thinks the courts are most effective at sentencing for non-violent property crimes, with 45% saying that current sentences for such crimes are "about right."

TABLE 3: RATINGS OF SENTENCING FOR SPECIFIC CRIMES

	<i>Sentences for this type of crime are...</i>			
	<u>Too harsh</u>	<u>Too lenient</u>	<u>About right</u>	<u>Don't know</u>
	%	%	%	%
Violent crimes, like armed robbery or rape	2	65	28	5
Non-violent property crimes, like burglary or auto theft	6	39	45	10
Non-violent drug crimes, like possession or sale of illegal drugs	23	39	31	7

People with mistaken ideas about crime and incarceration rates tend to perceive current sentencing as too lenient, even for non-violent crimes. As shown in Chart 10, those misinformed about crime are more likely than those who know the facts to say that sentencing is too lenient for both violent and non-violent crimes. The disparity is especially great concerning non-violent drug crimes: 45% of misinformed adults versus 25% of informed adults think sentences for these types of crimes are too lenient.



Republicans are likewise dissatisfied with sentencing for the three specific types of crimes. They are more likely than Democrats and Independents to say sentences are too lenient for violent crimes (75% vs. 62% Democrats and 60% Independents), non-violent drug crimes (47% vs. 39% vs. 27%), and non-violent property crimes (45% vs. 36% and 36%).

Race and education are also influence opinions about sentencing for specific types of crimes.

- White are more likely than African-Americans and Hispanics to say sentencing is too lenient for violent crimes, though blacks too feel notably stronger about this than Hispanics (71% vs. 58% vs. 46%).
- Additionally, a larger share of whites compared with African-Americans and Hispanics consider sentences for non-violent drug crimes (42% vs. 31% each) too lenient, while only whites and Hispanics have significantly different views about leniency for non-violent property crimes (41% whites vs. 33% Hispanics).
- Education is only important with respect to non-violent crimes. Adults who haven't attended college are more likely than college-educated adults to say sentencing is too lenient for non-violent drug crimes (44% vs. 34%) and non-violent property crimes (43% vs. 35%).

The perception that sentences for non-violent drug crimes are too harsh is noteworthy. Even though the proportion that expresses this view (23%) is far from a majority, it is more than triple the number who say the same about non-violent *property* crimes. Subgroups significantly more likely to say sentences for non-violent drug crimes are too harsh include those who are informed about crime (38%), those who say state sentencing needs major reform (30%), college-educated adults (29%), Democrats (28%) and Independents (29%).

Sentencing Fairness

Americans widely believe that state sentencing is unfair to particular segments of society. When asked whether certain groups are generally treated better when sentenced, worse, or about the same as others convicted of similar crimes, many Americans say several groups are treated worse. Fully six in 10 say they think low-income people are treated worse than others. In addition, more than four in 10 report that African-Americans (46%) and non-English speaking people (43%) are treated unfairly in sentencing and 40% report the same about Hispanics. For each group considered, the larger portion of the balance report that these groups are treated the same as others and very few assert the groups are treated better. (See Table 4)

TABLE 4: SENTENCING FAIRNESS

When sentenced, is this group generally treated better, worse or the same as others convicted of similar crimes?

	Better	Worse	Same	Don't know
	%	%	%	%
Low income people	1	60	34	5
African-Americans	3	46	43	8
Non-English speaking people	7	43	39	11
Hispanics	4	40	46	10
Wealthy people	81	1	13	4

In contrast, a large majority of Americans (81%) say they think wealthy people are treated *better* than others in sentencing. And this opinion that the rich are treated better is virtually unanimous, with more than nine in 10 adults across major demographic groups and other key subgroups expressing this point of view.

Several factors, however, distinguish opinions about sentencing fairness for the other groups listed in the survey. Race and ethnicity are strongly related to attitudes about sentencing fairness, with minorities especially likely to identify bias. For example, African-Americans are more likely than white Americans and Hispanics to say low income people (77% vs. 57% and 58%) and African-American people (70% vs. 43% and 41%) are treated worse in sentencing. And while a majority of Hispanics (62%) say non-English speaking people are treated unfairly, only 47% of African-Americans and 40% of whites perceive this bias in sentencing. Both Hispanics and African-Americans are more likely than whites to say Hispanic people are treated worse in terms of the sentences they receive. (See Table 5)

	Percent who say the group treated worse		
	White	African- American	Hispanic
Low income people	57	77	58
African-Americans	43	70	41
Non-English speaking people	40	47	62
Hispanics	35	57	55

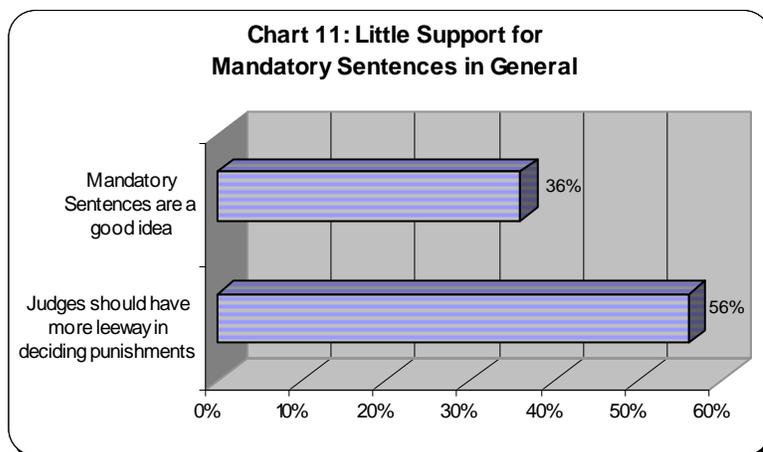
Other important background characteristics include party identification and education.

- Democrats are especially likely to perceive bias against certain groups in sentencing and Republicans are least likely to do so. For example, a larger share of Democrats than Independents and Republicans say low-income people (74% vs. 63% vs. 44%) are treated worse in sentencing.
- Both Democrats and Independents are more likely than Republicans to say African-Americans (60% and 51% vs. 30%), non-English speakers (51% and 50% vs. 30%), and Hispanics (49% and 47% vs. 26%) receive unfair treatment when sentenced.
- College-educated adults are more likely than those who haven't attended college to say African-Americans (54% vs. 40%), people who don't speak English (49% vs. 38%), and Hispanics (47% vs. 34%) are treated worse in sentencing.

Mandatory Sentencing Laws

A majority of Americans (64%) say they were at least somewhat familiar with mandatory sentencing laws and how they work, even before participating in the NCSC poll. Still, about one-third say they are not too familiar (23%) or not at all familiar (11%) with these laws requiring offenders convicted of certain crimes to serve minimum prison sentences with few or no exceptions. In the end, people's own estimates of their knowledge is unimportant as awareness of the laws has little influence on opinions about the use of mandatory sentencing in general or for specific types of crimes.

As mentioned above, mandatory sentencing laws were widely adopted in the 1990s when crime rates were rising nationwide and fear about domestic crime was widespread. That context has changed in recent years and mandatory sentencing laws appear to have lost their appeal among Americans. **About one-third say they think these laws requiring a prison sentence for all who are convicted of certain crimes are a good idea, but a majority of Americans (56%) take the position that judges should have more leeway in deciding what punishments should be given.**



When people are asked about specific types of crimes, however, endorsement of mandatory sentences reappears, but only concerning sentencing for violent crimes. **Majorities think judges should have more leeway in sentencing offenders convicted of non-violent drug crimes (57%) and non-violent property crimes (54%). But the public takes a decidedly hard-line on violent crimes: three in four adults say mandatory sentences are a good idea for violent crimes such as armed robbery or rape. (See Table 6)**

TABLE 6: MANDATORY SENTENCING FOR SPECIFIC TYPES OF CRIMES

	Mandatory sentences are a good idea	Judges should have more leeway	Don't know
	%	%	%
Violent crimes, like armed robbery or rape	73	24	3
Non-violent property crimes, like burglary or auto theft	42	54	4
Non-violent drug crimes, like possession or sale of illegal drugs	40	57	3

Solid majorities support mandatory sentences for those convicted of violent crimes across major demographic groups and among key subgroups, including those who have had a family member charged with a crime and those who think sentencing is generally too harsh.

There are, however, significant differences in who is more likely to support or oppose mandatory sentencing for *non-violent crimes*, with education, race/ethnicity and party identification being key factors.

- College-educated adults are more likely than those without any college education to support judges having more leeway in deciding sentences for non-violent drug crimes (62% vs. 51%) and non-violent property crimes (59% vs. 49%).
- Whites and African-Americans are more likely than Hispanics to say judges should have more leeway for non-violent drug crimes (56% and 51% vs. 39) and non-violent property crimes (58% and 59% vs. 46%).
- Republicans are more likely than Democrats and Independents to say mandatory sentences are a good idea for both types of non-violent crime.

Looking at other key characteristics, Americans who are informed about the current crime situation are more likely than their misinformed counterparts to support judges having more control over deciding punishments for non-violent drug crimes (71% vs. 53%) and non-violent property crimes (62% vs. 49%). And as might be expected, majorities of those who believe that the top priorities for dealing with crime should be prevention and rehabilitation are more likely to support judges having more leeway in deciding sentences for non-violent crimes, while majorities of those who prefer to put the emphasis on enforcement and punishment are more likely to want to support mandatory minimums, even for non-violent offenses.

IV. RESPONSE TO ALTERNATIVE SENTENCING

Section Overview

The American public is ready to try alternatives to prison sentences for punishing convicted criminals, as long as their crimes don't involve violence. The NCSC survey finds a two-thirds majority saying alternatives to a prison sentence should rarely if ever be used for convictions of violent crimes, but it also finds that more than three in four Americans think alternative sentencing is appropriate for non-violent drug or property offenses. Support increases for regularly using alternative sentences instead of prison terms to punish non-violent crimes when specific types of alternatives are described for people. Alternative sentences that require non-violent offenders to compensate their victims for their loss and those that place mentally ill offenders in treatment and counseling programs are examples of the kinds of alternatives that a majority of the public support using on a regular basis instead of prison terms.

Problem-solving courts provide another vehicle for innovative sentencing practices. Most Americans are not familiar with problem-solving courts, but after hearing them described respond positively to the concept. In broad terms, these courts focus on particular types of crimes and involve collaboration between judges and social service professionals to address the underlying issues that bring offenders to court as a part of deciding the punishment for their crimes. Mental health courts and drug courts in particular are seen by the public as a better way to sentence convicted offenders than going through the regular court system.

Alternative Sentencing for Violent and Non-Violent Crimes

When asked how frequently alternative sentencing should be used for those convicted of violent crimes such as armed robbery or rape, fully half of the public says "never" and another 14% says "hardly ever." But attitudes about alternative sentencing for *non-violent* crimes are dramatically different. **Three in four Americans say that alternative options for punishing offenders convicted of non-violent drug crimes should be used at least sometimes, including 38% who say they should be used "often."** Likewise, three-quarters of the public supports frequent use of alternative sentencing for non-violent property crimes, though somewhat fewer (29%) suggest alternatives be used "often" for property crimes. *(See Table 7)*

TABLE 7: USE OF ALTERNATIVE SENTENCING FOR SPECIFIC CRIMES

	<i>Should alternatives to prison be used...</i>				
	<u>Often</u>	<u>Sometimes</u>	<u>Hardly ever</u>	<u>Never</u>	<u>Don't know</u>
	%	%	%	%	%
Non-violent drug crimes, like possession or sale of illegal drugs	38	39	8	10	3
Non-violent property crimes, like burglary or auto theft	29	48	10	10	3
Violent crimes, like armed robbery or rape	24	8	14	51	3

Strong opposition to using alternative sentencing for violent offenders is consistent across demographic and other key subgroups, with majorities saying it should rarely or never be used. One striking exception is seen among African-Americans, with 50% saying alternatives to prison *should be* used at least sometimes in sentencing offenders convicted of violent crimes.

- A detailed analysis of African-American opinion on this issue reveals a schism within the group by education that is not observed for most issues addressed in the survey. Specifically, 63% of African-Americans who have not attended college support using alternative sentences for offenders convicted of violent crimes. That percentage drops by half to 32% among college-educated African-Americans.

The pattern of opinion regarding alternative sentencing for non-violent crimes is opposite that for violent crimes. Large majorities – 75% and higher – across demographic and other key subgroups *support* using alternative sentencing for those convicted of non-violent drugs crimes on a regular basis, i.e., “often” or “sometimes.” Similarly, majorities of 70% and higher across all major subgroups of the population say that alternative sentencing should be used regularly for offenders convicted of non-violent property crimes.

- African-Americans again show remarkable support for use of alternative sentences: 86% of African-Americans endorse using alternative sentences for non-violent drug crimes and 85% support using them in sentencing non-violent property crimes. And there is consensus among African-Americans, regardless of education, that using alternative sentencing for non-violent crimes is a good idea.

A notable exception to this level of support for alternative sentencing for non-violent crimes is seen among people who don’t believe offenders can change. While 69% of those with this pessimistic view of offenders support using alternative sentencing for non-violent drug crimes, 81% of those who believe that, given the right conditions, many offenders can turn their lives around support using alternatives for such crimes. The same pattern is seen concerning non-violent property crimes with 66% of those who don’t believe offenders can change supporting the use of alternative sentences, compared with 80% of those who believe they can.

Specific Applications of Alternative Sentencing

The NCSC survey also asked people how frequently specific types of alternatives should be used in place of prison for those convicted of non-violent crimes. **When given specifics about how alternative sentencing might be applied in such cases, the level of public support for doing this “often” increases considerably. Majorities say each of the six types of alternatives described in the survey should be used “often” instead of giving a prison term.** (See *Table 8*) Requiring offenders to compensate victims for their losses and treatment and counseling programs for mentally ill offenders rank at the top of the list of alternatives, with two-thirds of the public recommending they be used often. Somewhat smaller majorities give the same recommendation for requiring mandatory education and job

training, and treatment and counseling programs for young adult offenders or drug offenders. The alternative that ranks last on the list is the least specific about the nature of the offender – *placing offenders in treatment and counseling programs* – and only about half the public says it should be used “often” instead of a prison term. But the lack of specificity doesn’t seem to affect the public’s preference overall (another 37% say should be used sometimes), just the frequency with which this alternative should be used.

TABLE 8: USE OF SPECIFIC TYPES OF ALTERNATIVE SENTENCING FOR NON-VIOLENT CRIMES

	<i>Should this type of alternative sentencing be used...</i>			
	<u>Often</u>	<u>Sometimes</u>	Hardly ever/ <u>Never</u>	Don't <u>know</u>
	%	%	%	%
Requiring offenders to compensate victims for their loss	66	23	9	2
Placing mentally ill offenders in treatment and counseling programs	65	25	8	3
Requiring mandatory education and job training	63	25	10	1
Placing young adult offenders age 18 to 25 in treatment and counseling programs	61	29	7	2
Placing drug offenders in treatment and counseling programs	56	32	10	2
Placing offenders in treatment and counseling programs	51	37	10	2

Not many factors distinguish opinion about the frequent use of the alternative sentences described in the survey. Compensation for victims in particular is something subgroups are in broad agreement should be done often. Looking at the remaining options by demographics, there are some differences by race/ethnicity and party identification.

- African-Americans and Hispanics are more likely than white Americans to say mandatory education and jobs training and each kind of treatment and counseling program should be used often in place of prison.
- There is a similar pattern by political identification, with significantly larger numbers of Democrats and Independents than Republicans recommending frequent use of these alternative sentences.

Not surprisingly, beliefs about how best to deal with crime and about the nature of offenders significantly impact opinions about the specific applications of alternative sentencing. Those who believe that prevention and rehabilitation should be the top priorities for dealing with crime are more likely than those who support an approach that emphasizes punishment and enforcement to say all six alternatives described in the survey should be used often. Likewise, people who believe that offenders can change and become law-abiding citizens are more likely than those who think once a criminal always a criminal to endorse each of the specific applications of alternative sentencing. In light of these strong relationships it is interesting to

note that knowing the facts about crime and incarcerations rates doesn't have a meaningful impact on whether people recommend any specific forms of alternative sentencing.

Familiarity with Alternative Sentencing

A majority of Americans say they are very (12%) or somewhat (51%) familiar with alternative sentencing after being questioned about specific forms of it. Still, more than a third of the public admits that they are not too (25%) or not at all (12%) aware of these options for sentencing convicted offenders. While it is a good gauge of how relevant the sentencing reform debate might be to the general public, people's level of awareness of alternative sentencing has virtually no influence on their opinions about how often alternative sentencing should be used for those convicted of violent or non-violent crimes. In fact, not many factors distinguish opinions on this issue.

By demographics, race/ethnicity is the only characteristic significantly related to awareness of alternative sentencing.

Familiarity among whites (65%

very/somewhat familiar) and African-Americans (70%) is similar, but both groups are more likely than Hispanics (51%) to indicate they are aware of alternative sentencing.

As shown in Table 9, any form of personal involvement with the criminal justice system increases the likelihood that people are aware of options for punishment other than prison terms for convicted offenders. Nearly eight in 10 Americans who report that a close family member is a recent violent crime victim (79%) say they are at least somewhat familiar with alternative sentencing, compared with six in 10 who do not have a crime victim in their family. Likewise, those who report that a close family member has been charged with a crime or who report some type of personal contact with a correctional facility are also more likely than others to say they are familiar with alternative sentencing.

	Total Familiar	Total Not Familiar	(N)
	%	%	
TOTAL	63	37	1,502
Personally/immediate family member been a victim of a violent crime in the last five years?			
Yes	79	21	139
No	62	38	1359
Personally/immediate family member charged with a crime, excluding traffic violations?			
Yes	71	28	297
No	61	38	1199
Personally/know someone spent time in prison or jail, or worked in correctional facility?			
Yes	68	32	817
No	57	42	675

Problem-Solving Courts

The majority of Americans (64%) admit they are not familiar with problem-solving courts, even after being read an example of how such courts work. This lack of awareness is prevalent across subgroups of the population, but doesn't significantly affect opinions about the use of problem-solving courts in place of the regular court system.

In anticipation of most people being unfamiliar with problem-solving courts, respondents were read extensive descriptions of three types and asked whether each would be a better way to sentence offenders than through the regular court system. **Four in five adults say using mental health courts and drug courts is preferable to regular court. And three in five endorse the use of domestic violence courts instead of the regular court system.** (See Table 10)

TABLE 10: USE OF SPECIFIC TYPES OF PROBLEM COURTS	
<i>Is this a better way to sentence offenders than through the regular court system?</i>	
	<u>% Yes</u>
Mental health courts , where non-violent offenders with mental illness are not sentenced to jail or prison IF they remain in treatment ordered and monitored by the judge.	82
Drug courts , where a jail or prison sentence is not given to non-violent offenders charged with possession of illegal drugs IF they complete a program providing drug treatment, random drug tests, and close monitoring by a judge.	78
Domestic violence courts , where judges closely monitor offenders who must complete abuse prevention programs and obey the judge's orders regarding contact with the victim.	60

There is broad support for use of all three types of problem-solving courts across demographic and other key subgroups in the population, with majorities indicating these courts are a better way to sentence offenders than through the regular court system. The strongest advocates for problem solving courts are the same groups that support frequent use of alternative sentencing: people who believe that prevention and rehabilitation should be the top priorities for dealing with crime and those who believe that offenders can change and become law-abiding citizens. These groups are more likely than others to support all three types of problem-solving courts in large numbers.

V. PUBLIC PRIORITIES FOR SENTENCING REFORM

Section Overview

The perception that sentencing policies at the state level need to be reformed is widespread. Three-quarters of Americans think at least some changes in sentencing are needed in their state, and roughly one-quarter think major changes are in order. High levels of support for sentencing reform are found across all subgroups of the population, and there are many things about the current system that people would like to see changed. At the very top of the public's sentencing reform agenda is doing more to "make sure the punishment fits the crime," a common goal that brings together people of diverse backgrounds, crime victims and those charged with crimes, and those who think prevention and rehabilitation is the best approach to dealing with crime and those who take the opposite view and stress enforcement and punishment. Other reform priorities shared by large majorities of Americans include keeping violent offenders locked up longer, better ensuring equality and fairness in sentencing, and putting more non-violent offenders into treatment programs instead of prison.

As far as who should lead sentencing reform efforts, people are most likely to think state legislators should play that role. But it is also clear that Americans do not want judges to recuse themselves from the reform process. Judges rank second only to state legislators as the preferred group to take the lead role and, in total, two-thirds of Americans want judges to play a big role rather than a limited role or no role at all.

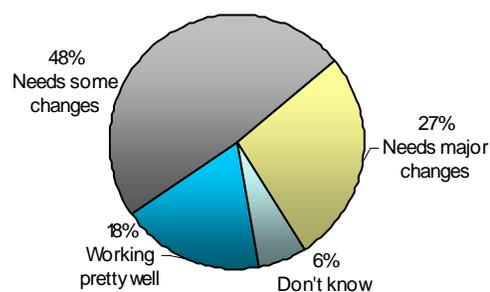
Perceived Need for Sentencing Reform

Only about one in five (18%) Americans is satisfied that sentencing in their state is "working pretty well." A substantial majority (75%) think their state's sentencing policies are not working well and need to be changed. This group subdivides into about half (48%) of Americans who think some changes are needed and roughly a quarter (27%) with stronger opinions who say *major* changes are needed.

This survey sample was divided so that half the respondents were asked this question early in the interview, and the other half were asked it much later, after being exposed to issues that could potentially boost support for sentencing reform, such as mandatory sentencing laws, fairness in sentencing, alternatives to prison and problem-solving courts. This experiment found no significant difference in response between those asked this question earlier versus later in the interview. This finding is consistent with respondents' claims to be generally familiar with mandatory sentencing and alternative sentencing; and it suggests that most Americans know

Chart 12: Overall Attitudes Toward Need for Sentencing Reform

Do you think sentencing in your state is now working pretty well, or needs changes?



enough about issues surrounding sentencing to have reasonably stable attitudes about sentencing policies.

Majorities of all major population subgroups are supportive of sentencing reform, but certain subgroups emerge as the strongest advocates, who call for major changes. By demographics, the proportion calling for major changes is highest among African-Americans (37%) and those age 50 to 64 (36%). No significant differences in support for sentencing reform are found by education level or between those classified as informed versus misinformed about the crime situation using the survey's crime knowledge index.

Differences are found, however, based on personal exposure to crime and the criminal justice system.

- Americans whose family has been recently victimized by violent crime are more likely than those unaffected to call for major sentencing reform (42% vs. 25%).
- But it's not just crime *victims* who are more likely to be strong advocates for change. Those who report that they themselves or an immediate family member has been *charged* with a crime are more likely to think major changes are needed than those who say no one in their family has ever been charged with a crime (41% vs. 24%).
- And those who say they are very or somewhat familiar with the way their state courts operate are more likely than those unfamiliar to want their state to make major changes in sentencing (31% vs. 20%).

Surprisingly, attitudes toward sentencing reform do not vary much depending on the actual rate of incarceration in one's state. Americans living in states with a low rate of incarceration are somewhat more likely than those in other states to believe sentencing is working well (24% vs. 17%). But that still leaves 71% in states with low incarceration rates calling for at least some changes in their state's sentencing policies.

To some extent, strong support for sentencing reform is associated with a preference for "get tough" policies to deal with crime. Thirty-two percent of those who think enforcement and punishment should be given priority call for major changes in their state's sentencing policies, compared with 24% of those who want to put more emphasis on prevention and rehabilitation. But it is important to note that this pattern does not always hold. The desire for change is even greater for the relatively small subgroup of Americans who think sentencing today is too harsh (44% want major changes) than it is among the larger group who think sentencing today is too lenient (32%).

The Public's Sentencing Reform Agenda

The public's sentencing reform agenda does not reflect one particular approach to dealing with those convicted of crimes. It includes a mix of longer sentences for certain crimes with greater use of alternative sentencing for other kinds of offenses. Nothing rates higher with the public than the fundamental issue of doing more to ensure that the punishment fits the crime.

Overall, 81% of Americans think it is very important for their state to do more to make sure the punishment fits the crime. Statistically tied as the public's second highest reform priority are keeping violent offenders in prison longer (72% very important) and doing more to ensure fairness and equality in sentencing (69%). Also considered a very important reform priority by a majority of Americans (61%) is putting non-violent offenders in treatment programs instead of sending them to prison. Of lower importance to the public is reducing the size of the prison population (38% very important), although this reform objective is considered at least somewhat important by over two-thirds of Americans (71%).

Making sure the punishment fits the crime ranks first with the public (with 29%) when asked to choose just one top priority from the list of five potential reform objectives described above. In the competition for second place, the prevention/rehabilitation option vies with tougher punishment. About as many think the top priority should be putting more non-violent offenders in treatment programs instead of prison (21%) as think keeping violent criminals in prison longer should be most important (23%).

The strongest advocates of sentencing reform have essentially the same agenda for sentencing reform as the public at large. As seen in the following table, those who think major changes are needed differ most from those who think only some changes are required in the priority that they give to reducing the size of the prison population. Fifty-one percent of those calling for major changes think doing more to deal with prison overcrowding is very important, compared with 32% of those who think some changes are needed. It also should be noted that even those who say their state's sentencing policies are working pretty well tend to share the views of reformers that change is very important in four of the five areas tested.

**TABLE 11: DIFFERENCES IN SENTENCING REFORM PRIORITIES
BY PERCEIVED NEED FOR CHANGE**

	Total	Major Changes Needed	Some Changes Needed	Works Well As Is
<i>Percent who think it is 'very important' to do more in each area</i>	%	%	%	%
Make sure the punishments fit the crime	81	89	80	73
Keep violent offenders in prison longer	72	77	72	66
Ensure fairness & equality in sentencing	69	77	67	68
Put non-violent offenders in treatment/job/education programs	61	64	59	58
Reduce size of prison population	38	51	32	37
	(1,502)	(445)	(694)	(265)

By demographics, the most dramatic differences in sentencing reform priorities are seen by race.

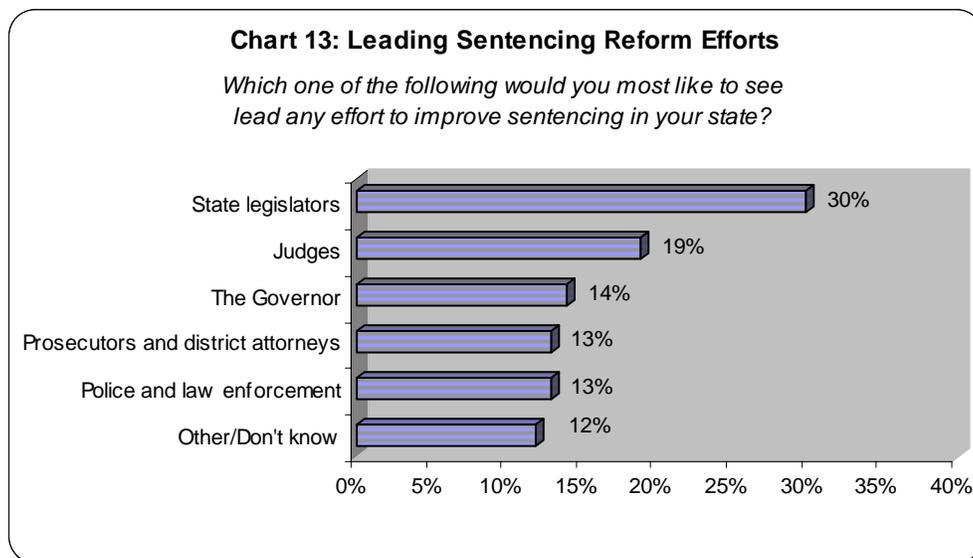
- Perhaps reflecting the high incarceration rates for African-Americans males, African-Americans are more likely than whites and Hispanics to say it is very important to reduce the size of the prison population (62% vs. 32% and 45%).
- African-Americans are also more likely than whites and Hispanics to say it is very important to do more to ensure fairness and equality in sentencing (86% vs. 66% and 64%), to put more non-violent offenders into treatment programs instead of prison (75% vs. 58% and 65%), and to make sure the punishment fits the crime (87% vs. 80% and 74%).
- The survey finds no significant differences in the reform priorities of college-educated and African-Americans who have not attended college.

Diverting more non-violent offenders into treatment programs and reducing the size of the prison population rank higher as reform priorities with those who have had more personal exposure to crime and the criminal justice system. Using treatment programs more often as an alternative to prison is more likely to be considered very important by those whose family has recently been victimized by violent crime (71% vs. 60% of non-victims) and by those who say they themselves or an immediate family member has been charged with a crime (70% vs. 58% no family member ever charged). Similarly, reducing the size of the prison population is more likely to be considered very important by those in crime victim families (54% vs. 37% of non-victims) and by those in families where someone has been charged with a crime (49% vs. 36% who have not been charged).⁶

Who Should Lead the Reform Effort?

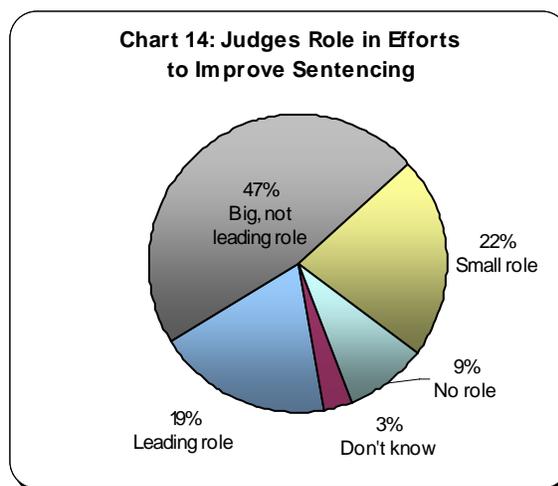
A public that is generally supportive of sentencing reform is divided on who they would most like to see lead the reform effort. **The largest number of Americans – 30% – would like to see state legislators play the leading role.** Sentiment for state legislators taking the lead is strongest among those who are best educated and informed about the crime situation. Forty-four percent of those classified as informed on the survey crime knowledge index pick state legislators to take the lead, as do 40% of college graduates.

⁶ The higher levels of support for alternative sentencing and decreasing the size of the prison population found among those whose family has been *victimized* by crime are not explained by the fact that this group shares some demographic tendencies with those more likely to be *charged* with crimes. These relationships hold when controlling for race and whether someone charged with a crime is a member of a respondent's immediate family. Exposure to the system would seem to make the difference, not whether one is a crime victim or a crime suspect.



Judges rank second on the public's list (19%), followed by the Governor (14%), prosecutors (13%), and police and law enforcement (13%). No specific demographic tendencies are strongly associated with a desire for judges to play a leading role.

The results of a follow-up question to those who did not say judges should play the leading role in sentencing reform efforts make it clear that Americans do not want judges standing on the sidelines, but instead actively involved in the reform process. **Overall, two-thirds of Americans (66%) indicate that judges should play a major role, including the 19% who say they should play a leading role and the additional 47% who say a big role, but not the leading role.** Another 22% think judges should play a small role in sentencing reform efforts, and about one in 10 Americans (9%) want judges to play no role whatsoever. Solid majorities of all subgroups of the population by demographics, exposure to crime and the criminal justice system, and specific sentencing attitudes want judges to play a major role. The largest difference by subgroups is found by party identification, with Democrats and Independents significantly more supportive of a major role for judges than Republicans (72% and 68% vs. 57%).



SOME FINAL OBSERVATIONS

The public's sentencing reform priorities reflect their general sentencing attitudes enumerated previously in this report. Their number one goal of doing more to make sure the punishment fits the crime speaks to Americans' propensity to favor one approach for dealing with non-violent offenders and another approach for violent offenders. The majority support for giving violent offenders longer sentences and diverting more non-violent offenders into treatment and education programs squares with their impressions of the types of crimes where sentencing needs to be tougher and other cases where the courts should have more flexibility. Majority sentiment for doing more to make sure all groups of offenders are treated fairly in sentencing is consistent with the widely held view that less privileged groups face discrimination while the privileged get preferential treatment.

The desire for judges to be a key player in the reform process also reflects basic attitudes. While the public is prone to criticize judges, most people seem to have respect for them. The public tends to feel less than positive about all the players in the criminal justice system with the exception of the police. Considering that judges are regarded more positively than elected officials, prosecutors, and prison officials, people tend to look to them as a group within the system that should be part of the sentencing process rather than a non-participant.

TECHNICAL APPENDIX

SURVEY METHODOLOGY

Summary

The Sentencing Attitudes Survey, sponsored by the National Center for State Courts, obtained telephone interviews with a nationally representative sample of 1,502 adults living in continental United States telephone households. The survey was conducted by Princeton Survey Research International. Interviews were done in English and Spanish by Princeton Data Source, LLC from March 6 to April 9, 2006. Statistical results are weighted to correct known demographic discrepancies. The margin of sampling error for the complete set of weighted data is $\pm 3.1\%$.

Details on the design, execution and analysis of the survey are discussed below.

Design And Data Collection Procedures

Sample Design

The sample was designed to generalize to the U.S. adult population in telephone households and to allow separate analysis of African-American and Hispanic respondents. This design uses random-digit dialing (RDD) methods, where telephone numbers are drawn disproportionately from area code-exchange combinations with higher than average densities of African-American and Hispanic households. While this method increases the proportion of respondents in this target groups, special weighting adjustments restore the overall representativeness of the sample.

The telephone sample was provided by Survey Sampling International, LLC (SSI) according to PSRAI specifications. The sample was drawn using standard list-assisted random digit dialing (RDD) methodology. Active blocks of telephone numbers (area code + exchange + two-digit block number) that contained three or more residential directory listings were included in the sampling frame; after selection two more digits were added randomly to complete the phone numbers. This method guarantees coverage of every assigned phone number regardless of whether that number is directory listed, purposely unlisted, or too new to be listed. After selection, the numbers were compared against business directories and matching numbers purged.

Questionnaire Development and Testing

The questionnaire was developed by PSRAI in collaboration with the National Center for State Courts staff. In order to improve the quality of the data, the questionnaire was pretested with a small number of respondents using listed telephone numbers. The monitored pretest interviews were conducted using experienced interviewers who could best judge the quality of the answers given and the degree to which respondents understood the questions. Some final changes were made to the questionnaire based on the monitored pretest interviews.

Contact Procedures

Interviews were conducted from March 6 to April 9, 2006. As many as 10 attempts were made to contact every sampled telephone number. Sample was released for interviewing in replicates, which are representative subsamples of the larger sample. Using replicates to control the release of sample ensures that complete call procedures are followed for the entire sample.

Calls were staggered over times of day and days of the week to maximize the chance of making contact with potential respondents. Each household received at least one daytime call in an attempt to find someone at home. In each contacted household, interviewers asked to speak with the youngest male currently at home. If no male was available, interviewers asked to speak with the youngest female at home. This systematic respondent selection technique has been shown to produce samples that closely mirror the population in terms of age and gender.

Weighting and Analysis

Weighting is generally used in survey analysis to adjust for effects of the sample design and to compensate for patterns of nonresponse that might bias results. The weighting was accomplished in two stages: a first stage sampling weight to adjust for the designed oversampling in minority areas, and a second stage adjustment to account for demographic distortions due to non-response.

First Stage -- Sample Design Weight

All completed interviews were given a first-stage sample weight based on the level of disproportionality imposed by the sample design. Telephone exchanges were divided into *strata* defined by African American and Hispanic household densities associated with each exchange. The first stage weight for each stratum is the approximate proportion of active blocks in each stratum divided by the proportion in our original telephone sample. The weighted distribution of cases contacted across strata will no longer show effects of the designed oversampling. Table 1 documents design parameters and sample allocation across strata.

Table 1: First-Stage Weight Calculation

Strata	Active Block Dist.	Sample Dist.	First-Stage Weight
1	53.4%	28%	1.93
2	25.0%	17%	1.45
3	5.2%	10%	0.53
4	5.5%	15%	0.36
5	5.1%	14%	0.36
6	4.3%	12%	0.36
7	1.4%	4%	0.36

Second Stage -- Demographic Adjustment

In the second weighting stage, the demographic composition of final sample was weighted to match national parameters for sex, age, education, race/ethnicity, region (U.S. Census definitions) and population density. These parameters came from a special analysis of the Census Bureau's 2005 Annual Social and Economic Supplement (ASEC) that included all households in continental United States telephone households. Complete interviews were weighted by form to the distributions of age by sex, education by sex, age by education, race/ethnicity, region, and density.

This stage of weighting, which incorporated each respondent's first stage weight, was accomplished using Sample Balancing, a special iterative sample weighting program that simultaneously balances the distributions of all variables using a statistical technique called the *Deming Algorithm*. The second stage weight adjusts for nonresponse that is related to particular demographic characteristics of the sample. This weight ensures that the demographic characteristics of the sample closely approximate the demographic characteristics of the national population. Finally, weights from this stage were *trimmed* to prevent individual interviews from having too much influence on the final results. Table 2 compares weighted and unweighted sample distributions to population parameters.

Table 2: Total Sample Demographics

	Parameter	Unweighted	Weighted
<u>Gender</u>			
	Male	48.1	46.5
	Female	51.9	53.5
<u>Age</u>			
	18-24	12.6	10.6
	25-34	17.7	14.9
	35-44	19.9	19.0
	45-54	19.5	19.7
	55-64	13.8	16.2
	65+	16.5	18.6
<u>Education</u>			
	Less than HS		
	Graduate	15.0	13.4
	HS Graduate	36.1	33.7
	Some College	23.1	23.4
	College Graduate	25.8	28.8
<u>Race/Ethnicity</u>			
	White/not Hispanic	71.2	59.6
	Black/not Hispanic	10.9	16.9
	Hispanic	12.1	17.8
	Other/not Hispanic	5.8	4.3
<u>Region</u>			
	Northeast	19.0	15.3
	Midwest	23.1	18.2
	South	35.9	38.0
	West	22.0	28.4
<u>County Pop. Density</u>			
	1 - Lowest	20.1	22.2
	2	20.0	17.6
	3	20.1	17.4
	4	20.2	18.4
	5 - Highest	19.6	24.5

Effects of Sample Design on Statistical Inference

Post-data collection statistical adjustments require analysis procedures that reflect departures from simple random sampling. PSRAI calculates the effects of these design features so that an appropriate adjustment can be incorporated into tests of statistical significance when using these data. The so-called "design effect" or *deff* represents the loss in statistical efficiency that results from a disproportionate sample design and systematic nonresponse. The total sample design effect for this survey is 1.48.

PSRA calculates the composite design effect for a sample of size n , with each case having a weight, w_i as:

$$deff = \frac{n \sum_{i=1}^n w_i^2}{\left(\sum_{i=1}^n w_i \right)^2} \quad \text{formula 1}$$

In a wide range of situations, the adjusted *standard error* of a statistic should be calculated by multiplying the usual formula by the square root of the design effect (\sqrt{deff}). Thus, the formula for computing the 95% confidence interval around a percentage is:

$$\hat{p} \pm \left(\sqrt{deff} \times 1.96 \sqrt{\frac{\hat{p}(1-\hat{p})}{n}} \right) \quad \text{formula 2}$$

where \hat{p} is the sample estimate and n is the unweighted number of sample cases in the group being considered.

The survey's *margin of error* is the largest 95% confidence interval for any estimated proportion based on the total sample— the one around 50%. For example, the margin of error for the entire sample is $\pm 3.1\%$. This means that in 95 out every 100 samples drawn using the same methodology, estimated proportions based on the entire sample will be no more than 3.1 percentage points away from their true values in the population. It is important to remember that sampling fluctuations are only one possible source of error in a survey estimate. Other sources, such as respondent selection bias, questionnaire wording and reporting inaccuracy, may contribute additional error of greater or lesser magnitude. The margin of error for results based on Form 1 or Form 2 respondents is $\pm 4.4\%$.

Response Rate

Table 3 reports the disposition of all sampled telephone numbers ever dialed from the original telephone number sample. The response rate estimates the fraction of all eligible households in the sample that were ultimately interviewed. At PSRAI it is calculated by taking the product of three component rates:⁷

- Contact rate – the proportion of working numbers where a request for interview was made – of 82 percent⁸
- Cooperation rate – the proportion of contacted numbers where a consent for interview was at least initially obtained, versus those refused – of 40 percent
- Completion rate – the proportion of initially cooperating and eligible interviews that were completed – of 85 percent

Thus the response rate for this survey was 28 percent.

⁷ PSRAI's disposition codes and reporting are consistent with the American Association for Public Opinion Research standards.

⁸ PSRAI assumes that 75 percent of cases that result in a constant disposition of "No answer" or "Busy" are actually not working numbers. Only a portion of cases where no screener was completed was assumed to be eligible households.

Table 3: Sample Disposition

	<u>Final</u>
Total Numbers dialed	11,235
Business	1,129
Computer/Fax	719
Cell phone	20
Other Not-Working	2,853
Additional projected NW	744
Working numbers	5,770
Working Rate	51.4%
No Answer	160
Busy	67
Answering Machine	694
Callbacks	59
Other Non-Contacts	85
Contacted numbers	4,705
Contact Rate	81.5%
Initial Refusals	2,008
Second Refusals	816
Cooperating numbers	1,881
Cooperation Rate	40.0%
No Adult in household	15
Language Barrier	98
Eligible numbers	1,768
Eligibility Rate	94.0%
Interrupted	266
Completes	1,502
Completion Rate	85.0%
Response Rate	27.7%

SENTENCING ATTITUDES SURVEY TOPLINE RESULTS

May 22, 2006

Total Sample: 1,502 adults age 18 and older
Margin of error: Plus or minus 3 percentage points
Form 1: 757 adults age 18 and older
Margin of error: Plus or minus 4 percentage points
Form 2: 745 adults age 18 and older
Margin of error: Plus or minus 4 percentage points

Dates of interviewing: March 6 – April 9, 2006
Job #25085

Note: Because percentages are rounded they may not total 100%.

INTRODUCTION: Hello, my name is _____ and I am calling for Princeton Survey Research. We are conducting an important national survey to find out what Americans think about some important issues today. May I please speak with the YOUNGEST MALE, age 18 or older, who is now at home? (IF NO MALE AT HOME NOW, ASK: May I please speak with the YOUNGEST FEMALE, age 18 or older, who is now at home?) REPEAT INTRODUCTION IF RESPONDENT DID NOT ANSWER THE TELEPHONE. WHEN RESPONDENT ON THE PHONE ADD: Your answers to this survey will be kept completely confidential and we will not try to sell you anything.

- 1a. Here's my first question...Are you satisfied or dissatisfied with the way things are going in THIS COUNTRY today?

Based on Form 1 (n=757)

29 Satisfied
65 Dissatisfied
7 Don't know/Refused

- 1b. Here's my first question...Are you satisfied or dissatisfied with the way things are going in your STATE today?

Based on Form 2 (n=745)

45 Satisfied
48 Dissatisfied
7 Don't know/Refused

- 2a. What do you think is the MOST important problem facing THIS COUNTRY today?
OPEN-END QUESTION - RECORD UP TO THREE RESPONSES.

Based on Form 1 (n=757)

- 21 Economic problems (NET)
 - 8 Economy (general)
 - 4 Unemployment/Lack of jobs
 - 4 Energy crisis/Rising gas/heating prices
- 18 War/War in Iraq
- 15 Dissatisfaction with government/politics
- 6 Healthcare (costs/accessibility)
- 6 Morality/Ethics/Family values

Note: "Don't know" and responses mentioned by less than 5 percent are not shown.

MENTIONS OF "CRIME/GANGS/JUSTICE SYSTEM" AND "DRUGS/ALCOHOL" AS MOST IMPORTANT PROBLEM: 1987-2006		
	Crime	Drugs
	%	%
Current	2	2
1/05	2	1
1/04	1	1
2/03	1	2
3/02	4	4
2/01	8	6
8/99	12	6
5/98	13	7
7/96	19	8
3/94	31	10
12/93	25	8
1/92	3	4
5/90	7	37
2/89	8	23
4/87	3	6

Note: Selected trends from the Pew Research Center.

- 2b. What do you think is the MOST important problem facing your STATE today?
OPEN-END QUESTION - RECORD UP TO THREE RESPONSES.

Based on Form 2 (n=745)

- 29 Economic problems (NET)
 - 11 Jobs
 - 9 Taxes
 - 4 The economy
- 17 Education
- 7 Crime, drugs, legal system (NET)
- 7 Health care (NET)
- 7 Immigration
- 6 Government/Leadership/Politicians

Note: "Don't know" and responses mentioned by less than 5 percent are not shown.

3. Now I'm going to read you some different areas where your state spends tax dollars. As I read each one, tell me if you would like to see state spending in this area increased, decreased, or kept about the same. (First,) what about spending for... (READ AND RANDOMIZE)?

READ AS NECESSARY: Should this be increased, decreased, or kept about the same?

	<u>Increased</u>	<u>Decreased</u>	<u>Kept same</u>	<u>DK/Ref.</u>
a. Education	75	5	18	2
b. Health care	70	6	20	4
c. Prisons	23	22	46	9
d. Roads, bridges, and mass transit	50	7	40	3

Next I have some questions about crime...

4. In the last five years, would you say the amount of crime in this country OVERALL has increased, decreased, or stayed about the same?

- 59 Increased
- 13 Decreased
- 25 Stayed about the same
- 4 Don't know/Refused

5. What about the amount of VIOLENT crime? Would you say it has increased, decreased, or stayed about the same in this country in the last five years?

- 61 Increased
- 12 Decreased
- 24 Stayed about the same
- 3 Don't know/Refused

6. Thinking about the causes of crime, which of the following do you feel is MOST responsible for problems with crime in this country these days? Would you say (READ AND RANDOMIZE 1-5)?

<u>Current</u>		<u>5/94⁹</u>
33	Drugs (or)	20
26	Breakdown of the family (or)	30
10	Unemployment (or)	8
8	Lenient sentencing (or)	13
7	Availability of handguns (or)	7
8	All equally (VOL)	13
8	Combination (VOL)	9
1	Don't know/Refused	0

7. I'd like your opinion of the job some different groups in the criminal justice system are doing serving the public. (First,) what about... (READ AND RANDOMIZE – ASK ITEM E LAST)?

READ FOR FIRST ITEM, THEN REPEAT AS NECESSARY: are they doing an excellent job, a good job, only a fair job, or a poor job (serving the public)?

	<u>Exc.</u>	<u>Good</u>	<u>Only fair</u>	<u>Poor</u>	<u>DK/Ref.</u>
a. Elected officials who write the laws	1	14	45	35	6
b. Police and law enforcement	11	47	29	11	2
c. Prosecutors and district attorneys	3	29	40	17	10
d. Prison, probation and parole authorities	2	23	37	23	15
e. Judges	3	34	36	19	8

8. What is the MAIN reason you think judges aren't doing a good job? **OPEN-END**

Based on those who say judges do only a fair or poor job (n=844)

27	Sentencing Criticisms (NET)
17	Too lenient/Sentences too short
6	Sentencing is inconsistent/doesn't always fit crime
18	Justice System Criticisms (NET)
8	Biased/Unfair (NET)
8	Politics/Cronyism (NET)
6	Corruption/Money Influence (NET)

Note: "Don't know" and responses mentioned by less than 5 percent are not shown.

⁹ May 1994 trend from NBC News/Wall Street Journal. Question wording read "Thinking about the cause of crime in the country, which of the following do you feel is the one factor most responsible for the recent problems with crime in the country?"

9. Please tell me which of the following four options you think should be the top priority for dealing with crime. Would you say (READ AND RANDOMIZE)?

<u>Current</u>		<u>9/01</u> ¹⁰
36	Prevention, such as youth education programs	37
22	Rehabilitation, such as job training and education for offenders	17
19	Punishment, such as longer sentences and more prisons	20
20	Enforcement, such as putting more police officers on the streets	19
3	Don't know/Refused	7

10. Which of the following two options would you most want your tax dollars spent on: (ROTATE STATEMENTS)...1) Building more prisons so that more criminals can be locked up for longer periods of time (OR)
2) Funding programs that try to prevent crime by helping offenders find jobs or get treatment for their problems?

19	Building more prisons
76	Funding for prevention programs
6	Don't know/Refused

11. Please tell me how successful you think prisons are in doing each of the following. (First) what about... (READ IN ORDER)? Would you say prisons are very successful, somewhat successful, not too successful, or not at all successful in doing this?

	<u>Very successful</u>	<u>Somewhat successful</u>	<u>Not too successful</u>	<u>Not at all successful</u>	<u>DK/ Ref.</u>
a. Punishing offenders and keeping them off the streets	10	46	26	12	7
b. Rehabilitating offenders so they don't commit crimes again when they leave prison	4	29	32	27	8

12. Which of the following two statements best describes your own views about efforts to rehabilitate offenders: 1) Once someone turns to crime, very little can be done to turn them into productive, law-abiding citizens; OR 2) Given the right conditions, many offenders can turn their lives around and become law-abiding citizens.

16	Little can be done
79	Many can turn their lives around
5	Don't know/Refused

¹⁰ September 2001 trend from Peter Hart Associates for The Open Society Institute.

13. Do you think the percentages of Americans in prison today is generally higher, lower, or about the same as in other countries around the world?
- 55 Higher
 - 9 Lower
 - 20 About the same
 - 15 Don't know/Refused
14. Thinking about the amount of prison time and other punishments now given to people convicted of crimes, in general, do you think sentences are too harsh, too lenient, or about right?
- 8 Too harsh
 - 48 Too lenient
 - 35 About right
 - 9 Don't know/Refused
15. Who do you think is MOST responsible for sentences being (If Q14=1: too harsh/If Q14=2: too lenient) (READ AND RANDOMIZE 1-4)?

Based on those who say sentences are too harsh or too lenient (n=824)

<u>Total</u>		<u>Too harsh</u>	<u>Too lenient</u>
38	Elected officials who write the laws	52	36
35	Judges	15	38
17	Prosecutors and district attorneys	21	16
1	Police and law enforcement	4	1
3	Other (VOL)	1	3
6	Don't know/Refused	6	6
		(n=144)	(n=680)

16. Overall, do you think sentencing in your state is now working pretty well, needs some changes, or needs major changes?

Based on Form 1 (n=757)

- 19 Working pretty well
- 74 Total needs changes
 - 46 Some changes
 - 28 Major changes
- 7 Don't know/Refused

17. Next I'd like your opinion about the sentences now given for CERTAIN TYPES OF CRIMES. (First,) what about...(READ AND RANDOMIZE)?

READ FOR FIRST ITEM, THEN REPEAT AS NECESSARY: Do you think sentences for this type of crime are too harsh, too lenient, or about right?

	<u>Too harsh</u>	<u>Too lenient</u>	<u>About right</u>	<u>DK/Ref.</u>
a. Violent crimes, like armed robbery or rape	2	65	28	5
b. Non-violent drug crimes, like possession or sale of illegal drugs	23	39	31	7
c. Non-violent property crimes, like burglary or auto theft	6	39	45	10

18. We're interested in how you think different groups of offenders are now treated in terms of the sentences they receive. (First,) what about... (READ AND RANDOMIZE)?

READ FOR FIRST ITEM, THEN REPEAT AS NECESSARY: When sentenced, do you think this group is generally treated better, worse, or the same as others convicted of similar crimes?

	<u>Better</u>	<u>Worse</u>	<u>Same</u>	<u>DK/Ref.</u>
a. African Americans	3	46	43	8
b. Hispanics	4	40	46	10
c. Low-income people	1	60	34	5
d. Non-English speaking people	7	43	39	11
e. Wealthy people	81	1	13	4

19. Some states have laws REQUIRING a prison sentence for all who are convicted of certain crimes. In general, do you think these mandatory sentences are a good idea, or that judges should have more leeway in deciding what the punishment should be?

36 Mandatory sentences are good idea
56 Judges should have more leeway
7 Don't know/Refused

20. Now thinking again about PARTICULAR TYPES OF CRIMES, please tell me if you think mandatory prison sentences are a good idea or if judges should have more leeway in deciding the punishment. (First,) what about... (READ AND RANDOMIZE)?

REPEAT AS NECESSARY: Do you think mandatory prison sentences are a good idea for this type of crime, or that judges should have more leeway?

	<u>Good idea</u>	<u>More leeway</u>	<u>DK/Ref.</u>
a. Violent crimes, like armed robbery or rape	73	24	3
b. Non-violent drug crimes, like possession or sale of illegal drugs	40	57	3
c. Non-violent property crimes, like burglary or auto theft	42	54	4

21. Before this interview, how familiar were you with mandatory sentencing laws and how they work – very familiar, somewhat familiar, not too familiar, or not at all familiar?

10 Very familiar
 54 Somewhat familiar
 23 Not too familiar
 11 Not at all familiar
 1 Don't know/Refused

22. Some people feel current sentencing policies need to be changed. Please tell me how important you think it is for your state to make each of the following changes. (First/Next) how important is it to change sentencing to (READ AND RANDOMIZE) - very important, somewhat important, not too important, or not at all important?

PROMPT: Is this very, somewhat, not too, or not at all important?

	<u>Very</u>	<u>Somewhat</u>	<u>Not too</u>	<u>Not at all</u>	<u>DK/Ref.</u>
a. Keep those convicted of VIOLENT crimes in prison longer	72	20	4	1	3
b. Put more NON-VIOLENT offenders into treatment and job and education programs instead of prison	61	29	4	4	2
c. Reduce the size of the overall prison population	38	33	9	14	6
d. Do more to make sure the punishment fits the crime	81	15	1	1	2
e. Do more to ensure fairness and equality in sentencing for all groups of offenders	69	23	3	3	3

23. Of those changes you think are very important, which ONE would you say is the MOST important change for your state to make? ACCEPT ONLY ONE RESPONSE.

29 Make sure the punishment fits the crime
 23 Keep those convicted of VIOLENT crimes in prison longer
 21 Put more NON-VIOLENT offenders into treatment and programs instead of prison
 17 Ensure fairness and equality in sentencing
 2 Reduce the prison population size
 1 Other change (**VOL**)
 4 None rated very important
 3 Don't know/Refused

24. If changes were being made to improve sentencing in your state, which ONE of the following would you most like to see lead this effort? (READ AND RANDOMIZE CATEGORIES 1-5)?

- 30 State legislators
- 19 Judges
- 14 The Governor
- 13 Prosecutors and district attorneys
- 13 Police and law enforcement
- 2 Other (**VOL**)
- 10 Don't know/Refused

25. Would you like to see JUDGES play a big role, a small role, or no role at all in efforts to improve sentencing?

- 66 Total major role
 - 19 Leading role
 - 47 Big role, not leading role
- 22 Small role
- 9 No role
- 3 Don't know/Refused

26. Now I have a few questions about ALTERNATIVE SENTENCING for those convicted of certain types of crimes. For example, instead of being sentenced to prison, an offender might be required to regularly report to a judge or probation officer and also complete a treatment or counseling program.

Please tell me how frequently, if ever, you think alternatives to prison should be used in sentencing those convicted of the following. (First/Next) what about... (READ AND RANDOMIZE)? READ FOR FIRST ITEM THEN REPEAT AS NECESSARY: Should alternatives be used often, sometimes, hardly ever, or never (for this type of crime)?

	<u>Often</u>	<u>Sometimes</u>	<u>Hardly ever</u>	<u>Never</u>	<u>DK/ Ref.</u>
a. Violent crimes, like armed robbery or rape	24	8	14	51	3
b. Non-violent drug crimes, like possession or sale of illegal drugs	38	39	8	10	3
c. Non-Violent property crimes, like burglary or auto theft	29	48	10	10	3

27. I'm going to describe some different types of alternative sentencing that might be used for those convicted of NON-VIOLENT crimes. As I read each one, please tell me how frequently you think this type of alternative sentencing should be used instead of a prison term. (First/Next) what about... (READ AND RANDOMIZE)? READ FOR FIRST ITEM THEN REPEAT AS NECESSARY: Should this be used often, sometimes, hardly ever, or never (instead of prison)?

	<u>Often</u>	<u>Sometimes</u>	<u>Hardly ever</u>	<u>Never</u>	<u>DK/ Ref.</u>
a. Requiring offenders to compensate their victims for their loss	66	23	3	6	2
b. Requiring mandatory education and job training	63	25	4	6	1
c. Placing offenders in treatment and counseling programs	51	37	5	5	2
d. Placing mentally ill offenders in treatment and counseling programs	65	25	4	4	3
e. Placing drug offenders in treatment and counseling programs	56	32	3	7	2
f. Placing young adult offenders aged 18 to 25 in treatment and counseling programs	61	29	3	4	2

28. Before this interview, how familiar were you with the kinds of alternative sentencing that I just described? Would you say very familiar, somewhat familiar, not too familiar, or not at all familiar?

12 Very familiar
 51 Somewhat familiar
 25 Not too familiar
 12 Not at all familiar
 1 Don't know/Refused

29. Some communities have what are called "problem-solving courts" in addition to the regular court system. For example, some of these courts focus on drug crimes, and instead of jail or prison time, non-violent drug offenders must complete drug treatment programs, take random drug tests, and be closely monitored by a judge. Have you seen or heard anything about problem-solving courts like this?

35 Yes
 64 No
 1 Don't know/Refused

30. Next, I am going to describe a few types of problem-solving courts. For each one, please tell me whether you think it would be a better way to sentence offenders than through the regular court system. (First/Next) what about... (READ AND RANDOMIZE)? (Is this a better way to sentence offenders than through the regular court system, or not?)

	<u>Yes</u>	<u>No</u>	<u>DK/Ref.</u>
a. DRUG COURTS, where a jail or prison sentence is not given to non-violent offenders charged with possession of illegal drugs IF they complete a program providing drug treatment, random drug tests, and close monitoring by a judge.	78	18	4
b. DOMESTIC VIOLENCE COURTS, where judges closely monitor offenders who must complete abuse prevention programs and obey the judge's orders regarding contact with the victim.	60	32	8
c. MENTAL HEALTH COURTS, where non-violent offenders with mental illness are not sentenced to jail or prison IF they remain in treatment ordered and monitored by the judge.	82	14	5

31. Overall, do you think sentencing in your state is now working pretty well, needs some changes, or needs major changes?

Based on Form 2 (n=745)

- 17 Working pretty well
- 77 Total needs changes
 - 51 Some changes
 - 26 Major changes
- 6 Don't know/Refused

Pre-Measure (Q16) *(Based on Form 1, n=757)*

- 19 Working pretty well
- 74 Total needs changes
 - 46 Some changes
 - 28 Major changes
- 7 Don't know/Refused

Summary of Q16/Q31 *(Based on Total Sample)*

- 18 Working pretty well
- 75 Total needs changes
 - 48 Some changes
 - 27 Major changes
- 6 Don't know/Refused

READ TO ALL:

Now I have some questions about the health and safety conditions in this country's jails and prisons. By this I mean the degree to which inmates are protected from bodily harm and infectious disease, and can rely on decent medical and mental health care.

32. In general, how much would you say you know about the health and safety conditions in U.S. jails and prisons? Would you say you know (READ)

8 A lot
 26 Some
 34 Not too much OR
 32 Nothing at all?
 * Don't know/Refused

33. If someone you know was arrested and kept in your local jail or in one of your state's prisons, how concerned would you be about each of the following? (First,) how concerned would you be about... (READ AND ROTATE)?

READ FOR FIRST ITEM, THEN REPEAT AS NECESSARY: very concerned, somewhat concerned, not too concerned, or not at all concerned?

	<u>Very</u>	<u>Somewhat</u>	<u>Not too</u>	<u>Not at all</u>	<u>DK/Ref.</u>
a. Their physical safety	54	30	9	5	2
b. Their health	43	33	14	7	2

Now I have a few questions about your own experiences with the criminal justice system...

34. How familiar would you say you are with the courts in your state and how they operate? Would you say very familiar, somewhat familiar, not too familiar, or not at all familiar?

10 Very familiar
 51 Somewhat familiar
 23 Not too familiar
 15 Not at all familiar
 * Don't know/Refused

35. In the LAST FIVE YEARS, have you or an immediate family member, been a victim of a violent crime involving force or a weapon?

9 Yes
 91 No
 * Don't know/Refused

36. Have you, or an immediate family member, ever been charged with any type of crime, excluding traffic violations?

18 Yes
 81 No
 * Don't know/Refused

37. Have you or anyone you know spent time in prison or jail, or worked in a correctional facility?

- 55 Yes
- 44 No
- 1 Don't know/Refused

38. Did having this experience or knowing someone else who did change your impressions of life behind bars?

Based on those who spent time in prison/jail or worked in correctional facility (n=817)

- 57 Yes
- 41 No
- 2 Don't know/Refused

Finally, I have just a few questions so we can describe the people who took part in our survey.

D1. RECORD RESPONDENT'S SEX:

- 48 Male
- 52 Female

D2. What is your age?

- 19 18-29
- 39 30-49
- 25 50-64
- 17 65 or older
- 1 Refused

D3. How often do you go to church, synagogue, or some other place of worship? Would you say... (READ)

- 6 Daily
- 38 About once week
- 13 About once a month
- 20 Several times a year, OR
- 23 Don't you go to worship services?
- 1 Don't know/Refused

D4. In politics TODAY, do you consider yourself a Republican, Democrat, or Independent?

- 28 Republican
- 32 Democrat
- 31 Independent
- 6 No preference (VOL)
- * Other party (VOL)
- 3 Don't know/Refused

- D5. What is the last grade or class you completed in school? (DO NOT READ)
- 4 None, or grade 1 to 8
 - 9 High school incomplete (grades 9-11)
 - 32 High school graduate (grade 12 or GED certificate)
 - 4 Technical, trade, or vocational school AFTER high school
 - 24 Some college or university work, but no four-year degree (includes associates degree)
 - 16 College or university graduate (BA, BS or other four-year degree)
 - 11 Post graduate or professional schooling after college (including work towards an MA, MS, Ph.D., JD, DDS, or MD degree)
 - * Refused
- D6. Are you of Hispanic or Latino background, such as Mexican, Puerto Rican, Cuban or other Spanish background?
- D7. What is your race? Are you white, black, Asian, or some other race? IF R SAYS HISPANIC OR LATINO, PROBE: Do you consider yourself a WHITE (Hispanic/Latino) or a BLACK (Hispanic/Latino)?
- 71 Non-Hispanic White
 - 28 Total Non-White
 - 11 Black or African-American
 - 12 Hispanic
 - 2 Asian or Pacific Islander
 - 1 American Indian or Alaska Native
 - 2 Other/Mixed-race
 - 1 Undesignated
- D8. Last year, that is in 2005, what was your TOTAL household income from all sources, BEFORE taxes. Just stop me when I get to the right category. (READ)
- 8 Less than \$10,000
 - 11 \$10,000 to under \$20,000
 - 11 \$20,000 to under \$30,000
 - 10 \$30,000 to under \$40,000
 - 10 \$40,000 to under \$50,000
 - 15 \$50,000 to under \$75,000
 - 11 \$75,000 to under \$100,000
 - 12 \$100,000 or more
 - 5 Don't know
 - 8 Refused

THANK RESPONDENT: That completes the interview. Thank you very much for your time and cooperation. Have a nice day/evening.

The NCSC Sentencing Attitudes Survey

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