

Final Frequencies (n=1,200)
NATIONAL SENTENCING SURVEY
The Mellman Group, Inc. & Public Opinion Strategies
January 20, 2016

Hello. My name is [FIRST NAME ONLY]. I'm calling long distance from _____. We are conducting a public opinion survey and I would like to ask you some questions. We are not selling anything, and I will not ask you for a contribution or donation. Could I please speak with **[ASK FOR NAME ON LIST. IF NOT AVAILABLE, SCHEDULE TIME FOR A CALLBACK.]** First, are you registered to vote at this address? **[IF NO, TERMINATE AND MARK TQ1 ON SAMPLE SHEET]**

[RECORD, BUT DO NOT ASK, GENDER:]

male..... 47
female..... 53

1. Generally speaking, would you say that things in the country are going in the right direction or have they pretty seriously gotten off on the wrong track?

| | <u>1/16</u> | <u>6/14</u> | <u>1/12</u> |
|------------------------------|-------------|-------------|-------------|
| Right direction..... | 37 | 30 | 27 |
| Wrong track..... | 53 | 58 | 63 |
| [VOL] DK/refused..... | 11 | 11 | 10 |

2. On a day-to-day basis, using a scale from ZERO to TEN where zero means you do NOT FEEL SAFE AT ALL and ten means you feel COMPLETELY SAFE, how safe do you personally feel in your community? Of course you can choose any number between zero and ten. **[RECORD ACTUAL NUMBER. DK/REFUSED=99]** _____

| | <u>1/16</u> | <u>12/15</u> | <u>6/14</u> | <u>1/12</u> | <u>3/10</u> |
|--------------------------------|-------------|--------------|-------------|-------------|-------------|
| Zero..... | 1 | 1 | 1 | 2 | 1 |
| One | 0 | 1 | 1 | 0 | 1 |
| Two..... | 1 | 1 | 1 | 1 | 1 |
| Three..... | 2 | 1 | 1 | 1 | 1 |
| Four..... | 2 | 1 | 1 | 2 | 2 |
| Five..... | 7 | 6 | 7 | 6 | 7 |
| Six..... | 6 | 4 | 5 | 5 | 6 |
| Seven | 12 | 12 | 10 | 12 | 15 |
| Eight | 24 | 25 | 24 | 24 | 25 |
| Nine | 17 | 17 | 20 | 19 | 22 |
| Ten..... | 27 | 31 | 30 | 28 | 19 |
| Not sure/DK [VOL] | 0 | 0 | 0 | 1 | 0 |
| MEAN | 7.9 | 8.1 | 8.1 | 8.0 | 7.8 |

[SPLIT SAMPLE X]

3. In your opinion, what should be the main purpose of sending a person to prison? **[ALLOW ONLY ONE RESPONSE]** **[IF RESPONSE GIVEN, ASK]** What is the second most important purpose? **[ALLOW ONLY ONE RESPONSE]**

| [READ AND RANDOMIZE] | <u>1st</u> | <u>2nd</u> |
|--|-----------------------|-----------------------|
| __To punish the individual..... | 18 | 17 |
| __To rehabilitate the individual so he might become a productive citizen..... | 25 | 20 |
| __To keep him locked up in order to protect society from future crimes he might commit | 30 | 19 |
| __To deter others who might commit crimes..... | 7 | 15 |
| __To provide justice for victims | 16 | 20 |
| [VOL][DO NOT READ] DK/refused | 5 | 9 |

[SPLIT SAMPLE Y]

I am going to read you some purposes people have given to send a person to prison. After each, please tell me how important that is as a purpose for sending a person to prison – is it one of the most important purposes, very important, somewhat important, not too important, or not at all important?

| [RANDOMIZE Q.4-Q.8] | One of most | Very impt | Smwt impt | Not too | Not at all | [VOL] DK/ref |
|--|----------------|--------------|--------------|------------|---------------|------------------------|
| 4. __To punish the individual | 23 | 45 | 22 | 4 | 3 | 3 |
| 5. __To rehabilitate the individual so he might become a productive citizen | 23 | 40 | 21 | 8 | 6 | 1 |
| 6. __To keep him locked up in order to protect society from future crimes he might commit..... | 23 | 44 | 22 | 4 | 2 | 5 |
| 7. __To deter others who might commit crimes..... | 15 | 43 | 27 | 8 | 5 | 2 |
| 8. __To provide justice for victims..... | 28 | 51 | 17 | 1 | 2 | 1 |

[RESUME ASKING EVERYONE]

9. Over the past year, do you think crime in the United States has increased, stayed the same, or decreased?
- | | |
|------------------------------|----|
| Increased | 58 |
| Stayed the same..... | 26 |
| Decreased | 11 |
| [VOL] DK/refused..... | 4 |

[SPLIT SAMPLE X]

10. Generally speaking, would you say that people who are found guilty of federal drug crimes serve sentences that are **[ROTATE]** __too harsh, __too lenient, or about right?
- | | |
|------------------------------|----|
| Too harsh..... | 32 |
| About right | 33 |
| Too lenient | 22 |
| [VOL] DK/refused..... | 13 |

[SPLIT SAMPLE Y]

11. Generally speaking, would you say that people who are found guilty of non-violent federal drug crimes serve sentences that are **[ROTATE]** __too harsh, __too lenient, or about right?
- | | |
|------------------------------|----|
| Too harsh..... | 40 |
| About right | 34 |
| Too lenient | 17 |
| [VOL] DK/refused..... | 9 |

[RESUME ASKING EVERYONE]

12. Do you think there are more offenders in federal prison for **[ROTATE]**

__Violent crimes like murder, sex crimes, or terrorism

OR

__Non-violent drug crimes

| | |
|----------------------------------|----|
| Violent crimes | 23 |
| Non-violent drug crimes | 56 |
| [VOL] Evenly divided..... | 8 |
| [VOL] DK/refused..... | 14 |

13. Statistics show that nearly half the people in federal prison are there for drug crimes like dealing drugs on the street or illegally transporting drugs. Which comes closer to your point of view about these people? **[ROTATE]**

__**Statement A:** That is too many drug criminals taking up too much space in our federal prison system. More of that space should be used for people who have committed acts of violence or terrorism.

OR

__**Statement B:** If that's the number of people committing federal drug crimes, that's the number we need to have in federal prisons.

[IF A OR B, ASK:] Do you feel that way strongly or not so strongly?

| | | |
|--------------------------------|----|-----------|
| Statement A, strongly..... | 50 | 61 |
| Statement A, not strongly..... | 11 | |
| Statement B, not strongly..... | 10 | |
| Statement B, strongly..... | 25 | 35 |
| [VOL] DK/refused..... | 4 | |

14. Offenders convicted of federal offenses can be sentenced to federal prison or to community supervision programs such as probation, or a combination of both. It has been proposed that offenders who commit non-violent drug crimes be sent to community supervision where they would be monitored and required to participate in mental health and substance abuse programs. Would you find this proposal generally acceptable or generally unacceptable? **[IF ACCEPTABLE/ UNACCEPTABLE, ASK:]** And do you feel that it is **STRONGLY** (acceptable/ unacceptable) or **NOT SO STRONGLY** (acceptable/ unacceptable)?

| | | |
|-------------------------------------|----|-----------|
| Acceptable, strongly..... | 64 | 81 |
| Acceptable, not so strongly..... | 17 | |
| Unacceptable, not so strongly | 6 | |
| Unacceptable, strongly..... | 10 | 15 |
| [VOL] DK/refused..... | 3 | |

[SPLIT SAMPLE X]

15. As you may know, mandatory minimum sentences require those convicted of certain crimes to serve at least a certain length of time in prison. Some people have proposed that instead of mandatory minimums in drug cases, judges have the flexibility to determine sentences based on the facts of each case. Would you find this proposal generally acceptable or generally unacceptable? **[IF ACCEPTABLE/ UNACCEPTABLE, ASK:]** And do you feel that it is STRONGLY (acceptable/ unacceptable) or NOT SO STRONGLY (acceptable/ unacceptable)?

| | | |
|-------------------------------------|----|-----------|
| Acceptable, strongly..... | 64 | 79 |
| Acceptable, not so strongly | 14 | |
| Unacceptable, not so strongly | 7 | |
| Unacceptable, strongly..... | 11 | 18 |
| [VOL] DK/refused..... | 3 | |

[SPLIT SAMPLE Y]

16. As you may know, mandatory minimum sentences require those convicted of certain crimes to serve at least a certain length of time in prison. Some people have proposed that instead of mandatory minimums, judges have the flexibility to determine sentences based on the facts of each case. Would you find this proposal generally acceptable or generally unacceptable? **[IF ACCEPTABLE/ UNACCEPTABLE, ASK:]** And do you feel that it is STRONGLY (acceptable/ unacceptable) or NOT SO STRONGLY (acceptable/ unacceptable)?

| | | |
|-------------------------------------|----|-----------|
| Acceptable, strongly..... | 59 | 77 |
| Acceptable, not so strongly | 18 | |
| Unacceptable, not so strongly | 7 | |
| Unacceptable, strongly..... | 13 | 19 |
| [VOL] DK/refused..... | 3 | |

[RESUME ASKING EVERYONE]

I am going to read you some things that could be done to reduce the size and cost of the federal prison population. After I read each one, please tell me if you find that proposal generally acceptable or generally unacceptable. **[IF ACCEPTABLE/UNACCEPTABLE, ASK:]** And, do you feel that it is STRONGLY (acceptable/unacceptable) or NOT SO STRONGLY (acceptable/unacceptable)?

| [RANDOMIZE Q.17-Q.21/22] | ACC | UN-ACC | Accept Strg | Accept NSS | Unacc NSS | Unacc Strg | [VOL] DK/ref |
|--|-----------|-----------|-------------|------------|-----------|------------|---------------------|
| 17. __ Allow the courts to review the cases of non-violent offenders who are at least 60 years old to determine whether to release them from prison and place them on community supervision..... | 83 | 15 | 64 | 19 | 5 | 10 | 2 |
| 18. __ Allow the courts to review the cases of non-violent offenders who are terminally ill to determine whether to release them from prison and place them on community supervision | 84 | 14 | 64 | 20 | 5 | 9 | 2 |
| 19. __ Maintain mandatory minimums for leaders of drug organizations but eliminate mandatory sentences for drug mules, couriers, and street-level dealers | 62 | 33 | 43 | 19 | 10 | 23 | 4 |
| 20. __ Retain mandatory minimum prison sentences for drug offenses but cut them from 10 years to 5 years..... | 58 | 35 | 36 | 22 | 12 | 23 | 7 |

Continued from previous page

| | ACC | UN-ACC | Accept Strg | Accept NSS | Unacc NSS | Unacc Strg | [VOL] DK/ref |
|---|-----|--------|-------------|------------|-----------|------------|--------------|
| [SPLIT SAMPLE X] | | | | | | | |
| 21. __Allow people in federal prison to earn <u>up to an additional 15%</u> off their prison term by participating in programs proven to reduce re-offending such as drug treatment and job training..... | 86 | 13 | 69 | 16 | 5 | 8 | 2 |
| [SPLIT SAMPLE Y] | | | | | | | |
| 22. __Allow people in federal prison to earn <u>up to an additional 30%</u> off their prison term by participating in programs proven to reduce re-offending such as drug treatment and job training..... | 85 | 13 | 62 | 23 | 3 | 10 | 2 |

[RESUME ASKING EVERYONE]

23. Currently, mandatory minimum sentences for drug crimes are based on the amount of drugs seized. Some people have proposed changing the law to base sentences on an offender's rank in a drug trafficking organization. Mandatory minimum penalties would apply to leaders of drug organizations, but judges would be allowed to impose lesser sentences on lower-level offenders. Would you find this proposal generally acceptable or generally unacceptable? **[IF ACCEPTABLE/UNACCEPTABLE, ASK:]** And do you feel that it is **STRONGLY** (acceptable/ unacceptable) or **NOT SO STRONGLY** (acceptable/ unacceptable)?

| | | |
|-------------------------------------|----|----|
| Acceptable, strongly | 55 | 73 |
| Acceptable, not so strongly..... | 18 | |
| Unacceptable, not so strongly | 8 | |
| Unacceptable, strongly..... | 16 | 24 |
| Not sure/DK [VOL]..... | 3 | |

I am going to read you some criminal offenses and after I read each one, please tell me whether you think everyone convicted of that offense should get a mandatory minimum sentence of 10 years in prison, a mandatory minimum sentence of 5 years in prison, or should a judge determine the sentence based on the facts of each case, with no mandatory minimum?

| | Ten years | Five years | Judge | [VOL] DK/ref |
|--|-----------|------------|-------|--------------|
| [RANDOMIZE Q.24-Q.29] | | | | |
| 24. __A drug kingpin, that is, the top leader of an illegal drug organization | 68 | 5 | 26 | 1 |
| 25. __A drug organization manager or supervisor who is not the top leader but someone in charge of managing illegal drug operations .. | 47 | 18 | 33 | 2 |
| 26. __A drug courier or mule, who is paid to carry drugs from one location to another | 20 | 24 | 54 | 2 |
| 27. __A drug dealer, someone who sells illegal drugs on the street..... | 25 | 22 | 51 | 2 |
| 28. __A distributor who supplies relatively large amounts of drugs to dealers who then sell in smaller quantities to individual users..... | 49 | 16 | 33 | 2 |
| 29. __A drug grower or producer | 37 | 16 | 44 | 3 |

30. Now I'm going to describe what supporters and opponents say about changing federal mandatory minimum sentences to account for an offender's rank in a drug trafficking organization. I will ask which you agree with more at the end. **[ROTATE PARAGRAPHS]**

__ **Supporters of the plan** say mandatory minimum sentences designed for top level criminals have resulted in lengthy imprisonment for street level dealers and people paid to carry drugs. Long sentences don't stop the crime because trafficking groups just pay someone else to carry or sell the drugs, and data shows that eliminating mandatory prison sentences has no impact on whether a defendant will cooperate in an investigation. Serious sentences should be targeted at the most serious players in the drug trade.

OR

__ **Opponents of the plan** say that lower-level defendants will be less likely to cooperate with prosecutors and share information about serious drug traffickers if mandatory minimum sentences are changed. Besides, all drug crimes are inherently serious and violent crimes, leading to thousands of deaths and destroying families and communities. Anyone caught with a large quantity of illegal drugs should face a stiff, mandatory minimum sentence

Do you agree more with the supporters or opponents of this plan? **[IF SUPPORTERS/ OPPONENTS:]** Do you feel that way strongly or not so strongly?

| | | |
|-----------------------------------|----|-----------|
| Supporters, strongly | 47 | 62 |
| Supporters, not so strongly | 16 | |
| Opponents, not so strongly | 10 | |
| Opponents, strongly | 22 | 31 |
| [VOL] DK/refused..... | 6 | |

31. Which of the following comes closer to your point of view: **[ROTATE STATEMENTS]**

__ **Statement A:** Instead of spending billions of dollars to incarcerate drug offenders, we should strengthen probation and substance abuse programs, ensuring offenders face swift and certain consequences if they use drugs or violate other rules of supervision.

OR

__ **Statement B:** Community corrections programs like probation are just a slap on the wrist and not a substitute for prison.

[IF A OR B, ASK:] Do you feel that way strongly or not so strongly?

| | | |
|--------------------------------|----|-----------|
| Statement A, strongly..... | 56 | 71 |
| Statement A, not strongly..... | 15 | |
| Statement B, not strongly..... | 8 | |
| Statement B, strongly..... | 17 | 25 |
| [VOL] DK/refused..... | 4 | |

32. Which of the following comes closer to your point of view: **[ROTATE STATEMENTS]**

__Statement A: The federal prison population has increased dramatically in size and cost. Drug offenders now spend an average of three more years behind bars and we spend almost 600 percent more on prisons than in the 1980's. That's too many people in prison, costing too much. There are more effective, less expensive alternatives to prison for drug offenders. Expanding the use of these alternatives is the best way to reduce this kind of crime.

OR

__Statement B: Drug crimes are serious felonies and these offenders belong behind bars. Our first priority must be to keep our communities safe, whatever the cost. Federal prisons house the worst of the worst. It may cost a lot of money to run federal prisons, but giving these criminals shorter prison sentences would end up costing our society a lot more.

[IF A OR B, ASK:] Do you feel that way strongly or not so strongly?

| | | |
|--------------------------------|----|-----------|
| Statement A, strongly..... | 48 | 62 |
| Statement A, not strongly..... | 14 | |
| Statement B, not strongly..... | 10 | |
| Statement B, strongly..... | 24 | 34 |
| [VOL] DK/refused..... | 4 | |

33. Which of the following comes closer to your point of view: **[ROTATE STATEMENTS]**

__Statement A: The federal prison population has grown in part because Congress has tied the hands of judges with tough mandatory minimum sentences for drug offenders. Congress should allow judges to consider the individual circumstances in each case when sentencing these offenders.

OR

__Statement B: The federal prison population has grown because mandatory minimum sentences established by Congress work. They take dangerous criminals off the street and ensure every serious criminal is treated the same. Congress should not make changes to mandatory minimum sentences.

[IF A OR B, ASK:] Do you feel that way strongly or not so strongly?

| | | |
|--------------------------------|----|-----------|
| Statement A, strongly..... | 55 | 69 |
| Statement A, not strongly..... | 14 | |
| Statement B, not strongly..... | 9 | |
| Statement B, strongly..... | 19 | 27 |
| [VOL] DK/refused..... | 4 | |

34. Which of the following comes closer to your point of view: **[ROTATE STATEMENTS]**

__Statement A: We have too many people in prison for too long, without a good enough reason.

OR

__Statement B: Criminals generally get off too easily and too often crime is not punished severely enough.

[IF A OR B, ASK:] Do you feel that way strongly or not so strongly?

| | | |
|--------------------------------|----|-----------|
| Statement A, strongly..... | 45 | 59 |
| Statement A, not strongly..... | 13 | |
| Statement B, not strongly..... | 10 | |
| Statement B, strongly..... | 25 | 35 |
| [VOL] DK/refused..... | 7 | |

[SPLIT SAMPLE X]

35. Which of the following comes closer to your point of view: **[ROTATE STATEMENTS]**

__Statement A: We need to significantly reform the U.S. criminal justice system. The U.S. prison population has more than tripled over the past 30 years. The U.S. is home to 5 percent of the world's population, but has nearly 25 percent of the world's prisoners. This bloated and ineffective system costs Americans \$80 billion dollars per year, and we need to shift some of that money to strategies that are more effective at stopping crime.

OR

__Statement B: Like everything else, the U.S. criminal justice system can be improved, but those calling for major reform really mean putting more criminals back on the street more quickly. We should have learned that big changes create more problems than they solve. We should not allow liberal activists to weaken punishments and put law abiding citizens at risk.

[IF A OR B, ASK:] Do you feel that way strongly or not so strongly?

| | | |
|--------------------------------|----|-----------|
| Statement A, strongly..... | 57 | 69 |
| Statement A, not strongly..... | 12 | |
| Statement B, not strongly..... | 10 | |
| Statement B, strongly..... | 17 | 27 |
| [VOL] DK/refused..... | 3 | |

[SPLIT SAMPLE Y]

36. Which of the following comes closer to your point of view: **[ROTATE STATEMENTS]**

__Statement A: We need to significantly reform the U.S. criminal justice system. Texas reformed their system and now its imprisonment rate and crime rate are dropping at the same time. In fact, over the past five years, 30 states have successfully cut both their crime and imprisonment rates. More states should adopt these reforms to their sentencing policies.

OR

__Statement B: Like everything else, the U.S. criminal justice system can be improved, but those calling for major reform really mean putting more criminals back on the street more quickly. We should have learned that big changes create more problems than they solve. We should not allow liberal activists to weaken punishments and put law abiding citizens at risk.

[IF A OR B, ASK:] Do you feel that way strongly or not so strongly?

| | | |
|--------------------------------|----|-----------|
| Statement A, strongly..... | 57 | 72 |
| Statement A, not strongly..... | 16 | |
| Statement B, not strongly..... | 8 | |
| Statement B, strongly..... | 16 | 24 |
| [VOL] DK/refused..... | 3 | |

[RESUME ASKING EVERYONE]**THANK YOU. THE FEW REMAINING QUESTIONS ARE FOR STATISTICAL PURPOSES ONLY.**

37. Have you or a member of your immediate family been a victim of a violent crime?
[IF YES, ASK:] And does that apply to you, to someone else in your household or both?
- | | | |
|---|----|-----------|
| Yes, You | 5 | 16 |
| Yes, Someone else in your household | 8 | |
| Yes, Both | 3 | |
| No | 83 | |
| dk/na/other | 1 | |
38. Have you or a member of your immediate family been a victim of a non-violent crime?
[IF YES, ASK:] And does that apply to you, to someone else in your household or both?
- | | | |
|---|----|-----------|
| Yes, You | 14 | 40 |
| Yes, Someone else in your household | 13 | |
| Yes, Both | 13 | |
| No | 58 | |
| dk/na/other | 2 | |
39. Have you or someone in your immediate family ever been in prison or on probation or parole?
[IF YES, ASK:] And does that apply to you, to someone else in your household or both?
- | | | |
|---|----|-----------|
| Yes, You | 5 | 18 |
| Yes, Someone else in your household | 11 | |
| Yes, Both | 2 | |
| No | 80 | |
| dk/na/other | 2 | |
40. Are you or someone in your immediate family active in law enforcement?
[IF YES, ASK:] And does that apply to you, to someone else in your household or both?
- | | | |
|---|----|-----------|
| Yes, You | 3 | 12 |
| Yes, Someone else in your household | 8 | |
| Yes, Both | 1 | |
| No | 86 | |
| dk/na/other | 1 | |
41. What is your age? **[CODE ACTUAL AGE. REFUSED=99]** _____
- | | |
|--------------|----|
| 18-29 | 14 |
| 30-39 | 15 |
| 40-49 | 19 |
| 50-59 | 21 |
| 60+ | 32 |
| na/ref | 0 |

42. What was the last level of schooling you completed?
- | | |
|--------------------------------------|----|
| less than high school graduate | 3 |
| high school graduate | 20 |
| some college | 27 |
| college graduate | 31 |
| post-graduate | 17 |
| na | 2 |
43. Generally speaking, do you think of yourself as a Republican, a Democrat, an independent, or something else? **[IF REPUBLICAN OR DEMOCRAT ASK:]** Do you consider yourself a strong (Republican/Democrat) or a not so strong (Republican/Democrat)? **[IF INDEPENDENT ASK:]** Would you say that you lean more toward the Republicans or more toward the Democrats?
- | | | |
|------------------------------------|----|-----------|
| strong Republican | 18 | 30 |
| not so strong Republican | 6 | |
| independent leans Republican | 6 | |
| independent..... | 29 | |
| independent leans Democratic..... | 5 | |
| not so strong Democrat..... | 6 | |
| strong Democrat | 23 | 34 |
| dk/na/other..... | 7 | |
44. Do you consider yourself very liberal, somewhat liberal, moderate, somewhat conservative or very conservative? **[IF MODERATE, ASK:]** Do you tend to lean toward the liberal or conservative side?
- | | | |
|----------------------------------|----|-----------|
| very liberal..... | 11 | 29 |
| somewhat liberal..... | 14 | |
| moderate leans liberal..... | 4 | |
| moderate | 31 | |
| moderate leans conservative..... | 4 | |
| somewhat conservative..... | 16 | |
| very conservative..... | 15 | 36 |
| DK/ref..... | 5 | |
45. Are you Latino, Hispanic, or of Spanish or Mexican descent?
- | | |
|----------|----|
| yes..... | 7 |
| no | 92 |
| dk | 1 |
46. Are you black, white, Asian, Native American or some other race?
- | | |
|----------------------|----|
| black | 13 |
| white | 75 |
| Asian..... | 2 |
| Native American..... | 1 |
| other | 6 |
| ref..... | 3 |

47. In which of the following ranges does your family income fall? **[READ LIST]**

| | |
|--|----|
| below \$12,000 | 3 |
| above 12 but less than 20 thousand | 4 |
| above 20 but less than 30 thousand | 9 |
| above 30 but less than 40 thousand | 9 |
| above 40 but less than 50 thousand | 9 |
| above 50 but less than 60 thousand | 9 |
| above 60 but less than 80 thousand | 10 |
| above 80 but less than 100 thousand | 7 |
| above 100 but less than 150 thousand | 7 |
| above 150 thousand | 5 |
| [VOL] refused | 26 |

48. What is your zip code? _____

Thank you for answering these questions.