

Public Opinion of Mass Incarceration in the United States: Non-violent and Drug-related Crimes

Executive Summary

Findings

- Many opinion polls suggest broad public support for:
 - Reducing the number of incarcerated individuals
 - Reforming punishment related to drug and nonviolent crime
- Public opinion poll data is available from 1951 onward, and appears to have been influenced by political messaging
- Groups most likely to support criminal justice reform:
 - Unmarried
 - African American
 - Lower income (>\$50,000/year)
- Targeting low-level crimes (drug-related, nonviolent) will not significantly reduce the overall prison population at any given time, though it will reduce the number of people who enter the prison system
- The most effective frame used in assessing public support for criminal justice reform appeals to self-interest by emphasizing the cost to taxpayers of greater incarceration
- The degree of public support varies between states, and there is a slight positive correlation between high number of incarcerated individuals and high level of support for criminal justice reform
- Peer organizations appear more interested in state public opinion polling

Recommendations

- Focus on criminal justice policy at the state level in order to have an optimal impact on reform
- Frame policy reform material in terms of financial benefit to the public

Introduction

The U.S. incarcerates a higher percentage of its population than any other country in the world; in 2016, 670 people for every 100,000 were incarcerated in the U.S. (The Sentencing Project, 2017). The second highest country for incarceration was El Salvador with a rate of 579 people for every 100,000 -- nowhere near the U.S.'s staggering 670 (World Prison Brief, 2016). Opinion polls suggests there is broad public support for both reducing the level of incarceration and reforming how the United States punishes drug-related and nonviolent crimes (Benenson

Strategy Group, 2015; e.g. The Mellman Group, 2012). This holds true when looking at individual states; interestingly, residents in states with higher-than-average incarceration rates exhibit even greater support for criminal justice reform.

The literature on mass incarceration in the U.S. dates back to the 1980s, but scholars have only recently started to pay attention to public opinion polling on the issue. These scholars have incorporated opinion polling from the 1950s through today into their analyses, and have found the evidence compelling enough to debate whether public opinion is influencing policymakers, who in turn adjust the incarceration rate accordingly (e.g. Ramirez, 2013; Enns, 2014). This is important as policymakers have historically been credited as the sole driver of the incarceration rate (e.g. Enns, 2014). Studies show that messaging is particularly effective when both pollsters and would-be reformers frame a policy of reducing incarceration for drug and nonviolent offenses in terms of “financial benefit to citizens” (e.g., budgetary savings and/or lower taxes) (e.g. Gottlieb, 2017).

This report begins with a review of the scholarly literature and polling findings on public attitudes towards criminal justice reform in the US. Then, we examine public opinion toward drug and nonviolent offenses, contextualize this information with reference to the US prison system, and discusses effective ways of framing prison reform to the general public. Next, we explore public opinion at the state level; briefly review the use of polling data by peer organizations; and conclude with some thoughts on how Human Rights Watch might use this report to inform its work.

US public sentiment towards criminal justice issues: An Overview

Opinion polling suggests there is broad public support for reducing the number of people incarcerated in the U.S. This holds true when looking at incarcerations specifically for nonviolent and drug offenses. The public has also expressed a high level of interest in alternatives to incarceration and rehabilitation for criminals (e.g. Public Opinion Strategies, 2018). In this section we will discuss the specifics of these findings; Table 1 offers a snapshot of the polls we draw on when discussing national findings. We also use polls that are state-specific, which are not represented in Table 1, but are discussed later in the paper when we address findings that are particular to select states.

Table 1. Polls of U.S. Public Opinion Toward Criminal Justice, 2012-2018.

Pollster	Date	Title of report	General Topics of Poll	Sample Size	Sampling Method
The Mellman Group on behalf of Pew Center on the States	January, 2012	“Public Opinion on Sentencing and Corrections Policy in America”	Government spending; number of people in prison; incarceration for nonviolent offenses; reasons to incarcerate; length of imprisonment; policy solutions; probation and parole	1,200 “likely voters”	Telephone
Benenson Strategy Group on behalf of the ACLU	June, 2015	"Nationwide Polling Results"	Government spending; number of people in prison; impact of reducing incarceration; concern about crime	1,050 registered voters	Telephone
The Mellman Group on behalf of Pew Charitable Trusts	January, 2016	“National Survey Key Findings – Federal Sentencing & Prisons”	Length of imprisonment; incarceration for drug offenses; federal mandatory minimums	1,200 registered voters	Cell phones and landlines
David Binder Research on behalf of Alliance for Safety and Justice	April 2016	“Crime Survivors Speak: The First-ever National Survey of Victims' Views on Safety and Justice”	Government spending; length of imprisonment; crime victims; prisoner rehabilitation; incarceration alternatives; role of	3,165 total; 800 crime victims	Cell phone, landline, and online

			prosecutors		
GBA Strategies on behalf of National Center for State Courts	November, 2016	“Annual National Tracking Survey Analysis”	Incarceration for nonviolent offenses; debtor’s prison; court-imposed fines and fees	1,000 registered voters	30% cell phone 70% landlines
Benenson Strategy Group	October, 2017	“Criminal Justice System Survey Results”	Government spending; rehabilitation; policy solutions; federal mandatory minimums; incarceration for violent offenses; racial bias; voting	1,003	41% cell phone and 59% landline
Public Opinion Strategies on behalf of Justice Action Network	January, 2018	“National Poll Results”	Government spending; incarceration for nonviolent offenses; incarceration alternatives; rehabilitation; federal mandatory minimums; bail reform; pregnant prisoners	800 registered voters	40% cell phone 60% landline

Note: All of these polls are nationally representative.

Crime victims

The “traditional approach to victims’ rights” has been harsher punishments and empowering victims in the legal realm (Anderson, 2015). However, a first-of-its-kind national survey of victims’ views on criminal justice found that “few safety and justice policy debates are informed by a comprehensive examination of the experiences and views of the nation’s diverse crime survivors” (David Binder Research, 2016).

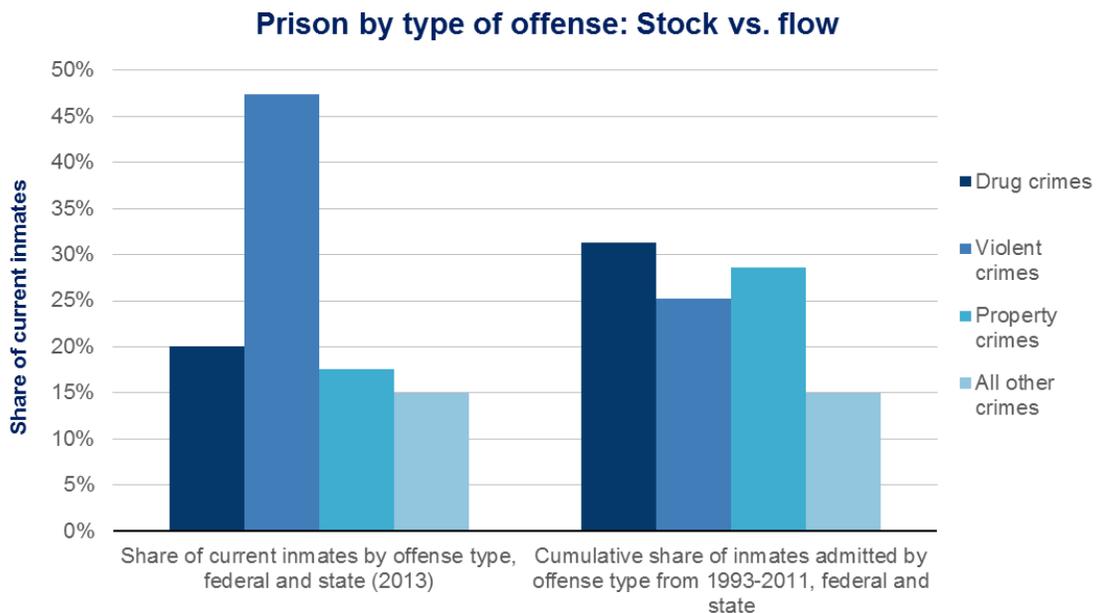
Surveys have shown that a surprising number of victims of crimes tend to hold less punitive views, and significantly outnumber victims of crimes who hold more punitive views. A 2016 survey of victims of both violent and nonviolent crime found that victims tend to be less, rather than more punitive; 38% of victims believed that the U.S. sends too many people to prison,

compared to 29% who felt that the U.S. sends too few people to prison (David Binder Research). This could be because victims do not see prison as useful in reducing crime; when asked “Do you think that prison helps rehabilitate people into better citizens or makes them more likely to commit crimes?” 52% of victims chose the latter and only 19% of victims selected the former (Ingraham, 2016; David Binder Research, 2016). Supporting this, the 2015 Benenson Strategy Group survey found that victims of crimes who were threatened with physical harm were just as likely to support reducing the prison population as regular voters. Similarly, the 2016 Mellman Group found that 72% of households of violent crime victims supported eliminating mandatory minimums in federal cases. The David Binder Research (2016) survey of 800 victims found that violent crime victims (60%) are almost as likely as property crime victims (61%) to prefer rehabilitation over punishment.

Nonviolent and drug offenses

Successful advocacy on this issue is not likely to significantly reduce the *overall* prison population at any given point in time, however. Instead, a Brookings Institution report found it will reduce the number of people who enter the prison system (Rothwell, 2015). Brookings investigated what it called the “stock and flow” of the U.S. prison population. Stock is defined as the number of people who experienced incarceration for a drug offense; flow is the proportion of the prison population imprisoned at any particular moment in time for a drug offense. Figure 1 shows the difference in these two categories. Analyzing state and federal prison admissions, the report found that non-violent drug offenses were the primary reason for *new admissions* into the prison system but were not the primary reason for the existing prison population. As of 2009, the median length of incarceration for non-violent drug offenses in state facilities was 14 months,

half the length of time as the average for violent offenses. The criminal justice system “churn” non-violent drug offenders through prisons at a higher rate but imprisons violent offenders for much longer periods of time. As a result, the number of people incarcerated for non-violent drug offenses at any given moment accounts for roughly 20% of the total U.S. prison population, compared to the 50% accounted for by violent offenders. The Brookings study thus offers a clearer picture of why scholars warn against the limitations of focusing on the reduction of incarceration for low-level offenses; by itself, this will not significantly reduce the overall U.S. prison population (Pfaff, 2017; Gottlieb, 2017; Wozniak, 2016; Gottschalk, 2015).



Note: Federal admissions data not included prior to 1998 in cumulative share. 2010 data omitted because not provided by sources. 16% of "all other crime" includes federal admissions for immigration offenses. Author analyzed various sources from the Bureau of Justice Statistics to make these calculations. Sources for current inmates share: "Prisoners in 2014" Tables 11 and 12 (state data is 2013; federal data is 2014). Sources for cumulative figure: 1993-2009 state admissions data from National Corrections Reporting Program and "National Corrections Reporting Program: Most serious offense of state prisoners, by offense, admission type, age, sex, race, and Hispanic origin"; 2011 state admissions data from "Prisoners in 2012: Trends in Admissions and Releases, 1991-2012"; 1998-2011 federal admissions data from Federal Criminal Case Processing Statistics; total excluded unknown offense types.

BROOKINGS

Figure 1. Stock and Flow of U.S. Prison Population, Including State and Federal Prisoners

Public opinion on incarceration for drugs and nonviolent crimes

Scholarly research finds broad public support for criminal justice reform for low-level drug-related and nonviolent crimes. For example, in a 2016 national survey for the National Center for State Courts, 87% of respondents agreed (65% “strongly agreed,” 22% “agreed”) with the statement, “For defendants accused of non-violent misdemeanors like shoplifting or traffic-related offenses, judges should always consider alternatives to imprisonment” (GBA Strategies). Additionally, when the 2016 Mellman Group survey primed respondents with the (false) information that nearly half of the people in prison are incarcerated for drug offenses, 61% of respondents said this number was “too high.”

When demographically disaggregated, this survey found that the opposition to high incarceration rates for non-violent, low-level drug offenses transcends partisan lines; 51% of Republicans thought the number of people incarcerated was too high, as did 61% of Independents and 70% of Democrats (The Mellman Group, 2016). Table 2 shows bipartisan support for criminal justice reform across polls, including support for rehabilitation and incarceration alternatives.

Table 2. Support for criminal justice reform by political party

Poll name and question	Democrats	Republicans	Independents
Mellman Group (2012). “It does not matter whether a non-violent offender is in prison for 18 or 24 or 30 months. What really matters is that the system does a better job of making sure that when an offender does get out, he is less likely to commit another crime”:	90%	85%	85%
Benenson Strategy Group (2015). Percent that said it is important for the U.S. to reduce the prison population:	81%	54%	71%
Mellman Group (2016). Percent that the proposal to allow judges to substitute mandatory minimums in drug cases based on the facts of each case generally acceptable:	78%	73%	83%
David Binder Research (2016). Percent that said we should be more focused on rehabilitating people who commit crimes than punishing them:	69%	52%	60%

Public Opinion Strategies (2018). Percent that support replacing mandatory minimums for nonviolent offenders with sentencing ranges so that judges have the ability to make decisions on a case-by-case basis:	89%	83%	88%
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Further support for this finding on bipartisan support for criminal justice reform comes from 2016 presidential election results in Oklahoma, where Trump received 65% of the vote, but the state also passed referendums downgrading drug possession and property offenses¹ from felonies to misdemeanors. These referendums further obliged state authorities to spend the savings from reduced incarceration on mental health and drug treatment programs (Pfaff, 2017).

The Mellman Group (2016) found that the majority of women (62%); men (60%); voters under 40 (67%); voters ages 40-59 (62%); voters ages 60+ (54%); Blacks (70%); Latinos (66%); Whites (57%); violent crime victim households (66%); and law enforcement households (57%) were likely to believe that the number of people in federal prison for drug offenses was too high. Similarly, in the 2015 Benenson Strategy Group survey, 87% of respondents “agree[d] that drug addicts and those with mental illness should not be in prison, they belong in treatment facilities.” In addition, 77% of respondents believed that incarcerated, non-violent criminals were likely to reoffend because prison is not rehabilitative (Benenson Strategy Group, 2015). Table 3 shows distribution of demographic groups by support of criminal justice reform based on both scholarly studies and opinion polls.

Table 3. Which demographic groups are more likely to support criminal justice reform?

	Gottlieb (2017)	David Binder Research (2016)	Public Opinion Strategies (2018)	Ramirez (2013)
Marital	Singles	Didn't investigate	Didn't investigate	Didn't investigate

¹ The Bureau of Justice Statistics defines property offenses as including burglary, motor vehicle theft, and theft.

status				
Race	African Americans > Asian Americans	African Americans > Latinos > Whites	Didn't investigate	African Americans > Whites
Gender	Didn't investigate	Women	Women	Women
Income	Income less than \$50,000	Didn't investigate	Didn't investigate	Didn't investigate

The ">" symbol indicates a descending order of likelihood to support criminal justice reform. i.e. African Americans have a greater likelihood than Asian Americans; Whites are the least likely to support reform.

When asked about mandatory minimums for drug crimes, survey respondents were most in favor of these sentencing guidelines when they applied to leaders of an illegal organization (68%); moderately for drug distributors (49%) and drug organization managers (47%); and least for street drug dealers (25%) and drug mules² (20%) (The Mellman Group, 2016). Next, respondents heard an argument 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” (The Mellman Group, 2016). Even after hearing this side of the debate, the majority of Democrats (66%), Independents (67%) and Republicans (53%) still did not support 10-year mandatory sentences for street level drug dealers and drug mules (The Mellman Group, 2016).

As with mandatory minimum drug sentencing, the public also disagreed with how the law defines a felony property crime. In a 2012 Mellman Group survey, when respondents were asked the question,

Many states have a law that stealing property valued over \$500 is a felony crime, and thus the offenders face at least one year in prison. Some states have raised this felony threshold from \$500 to \$1,000 [or] \$1,500. Do you favor or oppose a proposal to raise the threshold to \$1,000 [or] \$1,500 in your state?

² Defined by Oxford Living Dictionaries as, “A person who transports illegal drugs by swallowing them or concealing them in a body cavity.”

67% and 66% favored raising the threshold to \$1,000 and \$1,500, respectively. The majority in favor held up across party affiliations; geographic regions; and household type (violent crime victim; non-violent crime victim; law enforcement member) (The Mellman Group, 2012).

Messaging that works

The way in which scholars frame, or ask, their questions about public opinion usually changes the nature of the response. Researchers often manipulate the wording of questions to find which frame is most effective. Ultimately, framing the issue in a way that emphasizes incarceration as a cost to the taxpayer has proven to be the most effective in garnering public support for reform.

In 2017, researcher Aaron Gottlieb examined six different frames portraying potential policies aimed at eliminating incarceration for three types of nonviolent offense: nonviolent drug offenses, nonviolent property offenses, and technical parole violations. Each frame addressed one of the following criminal justice issues:

- The financial costs of incarceration
- High rates of recidivism among individuals released from prison
- Large racial disparities in the criminal justice system
- The massive growth in incarceration
- Harm done to children by parental incarceration
- The personal histories of offenders in terms of difficult childhoods and mental health and substance abuse issues

The study found that the most effective frame appealed to the respondent's financial self-interest by emphasizing the cost to taxpayers of greater incarceration. This finding is supported by the 2015 Benenson poll, which found that "When asked about the impact that reducing the prison population would have[,] 58% said that it would 'Help communities by saving taxpayer dollars that can be reinvested into preventing crime and rehabilitating prisoners.'" Frames emphasizing

recidivism rates and the increase in the number of people incarcerated in the U.S. in recent years as a result of disproportionate punishment for those convicted of lesser offenses were also effective, but less so than the financial cost argument. On the other hand, Gottlieb (2017) found that frames addressing racial disparities in incarceration, the prior criminal histories of offenders, and the negative impacts of parental incarceration were unsuccessful in boosting the public's support for reduced incarceration.

What drives the US incarceration rate: Public or elite opinion?

Scholars are divided as to whether elite political opinion drives political sentiment, or the reverse. This debate is important for our study as it presents challenges for organizations trying to develop advocacy and messaging for incarceration reform, such as Human Rights Watch. As this will affect how advocacy campaigns are designed and targeted, it is important to understand the perspective of each side of the debate.

To better understand this debate, we started with one of the more comprehensive, over-time reviews of U.S. public opinion towards incarceration, published by Mark Ramirez in 2013. He created a measure of “public punitive sentiment” from 1951 to 2006, based on his analysis of responses to 24 different survey items asked two or more times during this period. Figure 2 depicts these findings on punitive sentiment over time, and

shows a dynamic public sentiment. [...] Support begins relatively high in 1951 and shows a steady decline thereafter. [...] The large upturn in punitive sentiment occurs during the 1970s, after the tumultuous events of the 1960s and prior to the war on drugs in the 1980s. Punitive sentiment remains at a high equilibrium during the 1980s until 1997

when it experiences a decline back to similar levels as the 1950s. (Ramirez 2013, p. 340-41).

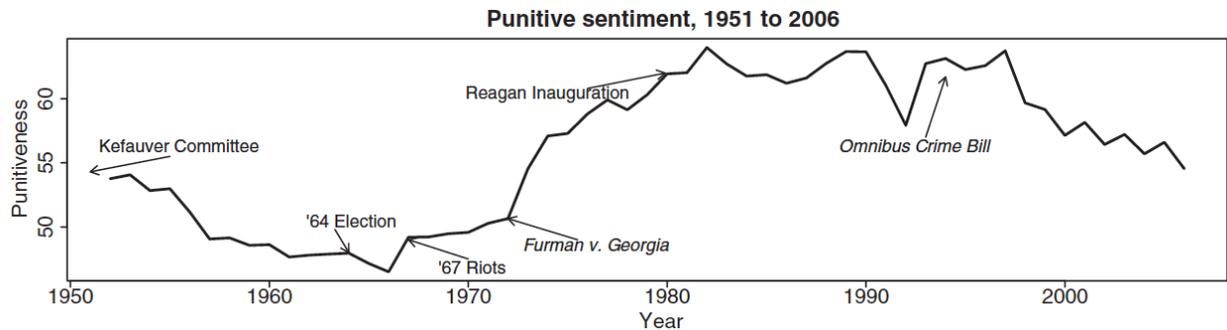


Figure 2. Adapted from "Punitive Sentiment," by Mark Ramirez, 2013, *Criminology*.

Ramirez (2013) argued that these changes in public sentiment stemmed from elite political influences, including "presidential messaging." In support of this argument, he coded U.S. presidential statements on criminal justice, subtracting the number of "pro-rehabilitative" statements from the number of "pro-punitive" statements. This, he argues, is the "net presidential punitive tone" in any given year. Figure 2 represents these findings, showing that "Nixon and Reagan took a pro-punitive tone, whereas Johnson and Carter focused on treating the social origins of crime. Clinton, however, deviated from partisan expectations by taking a pro-punitive tone" (Ramirez, 2013, p. 343). The more punitive stances are indicated by higher values on the y-axis.

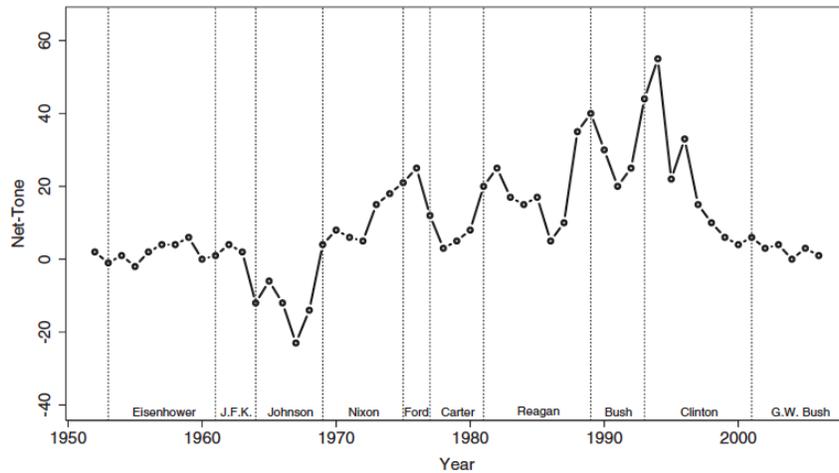


Figure 2. Net Punitive Tone of Presidential Statements on Punishment, Adapted from “Punitive Sentiment,” by Mark Ramirez, 2013, *Criminology*.

This data and analysis suggested that elite messaging drove U.S. public opinion on incarceration, rather than the reverse. Drawing on these and other findings, Pfaff (2017) urges prison reform advocates to target key political actors rather than the public, including politicians and prison guard unions; they typically play a larger role in supporting punitive policies and driving incarceration trends, most especially state and county politicians and unions.

Drawing on different data and indicators, however, researcher Peter Enns (2014) disputes the claim that political messaging drives public opinion. Figure 3 depicts his analysis of the public’s “punitive sentiment,” based responses to 33 items on support for the death penalty, prisons, and law enforcement spending. These questions were cumulatively asked roughly 400 times from 1953 to 2010 and differ from the questions that Ramirez (2013) used to construct his own indicator of “public punitive sentiment.” Figure 3 goes a step further, overlaying Enns’ (2014) annual public sentiment data with a line tracing the average annual U.S. incarceration rate from 1953 to 2010. The figure clearly suggests that increases in punitive sentiment *precede* increases in actual rates of imprisonment.

Public Punitiveness and Changes in U.S. Incarceration, 1953 to 2010



Figure 3. Adapted from “The Importance of Shifting Public Opinion about Criminal Justice and America’s Prison Boom,” by Peter Enns, 2017, *Scholars Strategy Network*.

Enns (2014) next created a measure of elite political messaging on incarceration, based on his coding of the content of US congressional debates from 1953-2010. His statistical analysis suggests that public sentiment drives congressional opinion, directly contradicting Ramirez’s (2013) claim.

Interestingly, Enns’ (2014) statistical analysis also finds that the actual crime rate may drive U.S. public punitive sentiment, which in turn drives the incarceration rate, as suggested in Figure 3 above. This argument is supported by Barkan and Cohn’s (2005) review of the scholarly literature, as well as by Ramirez’s (2013) finding of a positive and statistically significant relationship between the public’s “concern about crime” and its “punitive sentiment.” This is important, as 40% of respondents to a 2017 nationally representative survey of 1,003 persons said they worry about crime “some” or a “great deal” (Benenson Strategy Group). These findings

together suggest that when crime rates are high, or when the public perceives them to be so, there will likely be less support for incarceration reform.

Public Opinion at the State Level

Broad support for criminal justice reform is apparent at the state as well as the national level, although there is slight variation from state to state. In states with lower incarceration rates, the majority of the public tends to favor shorter sentences for non-violent drug offenses. In Utah, for example, the incarceration rate is 215 per 100,000, well below the national average of 458 (The Sentencing Project, 2018). In a poll conducted by the Libertas Institute, a slight majority of polled Utah residents (53%) believed that people convicted of drug possession should not be imprisoned (Boyack, 2013). The incarceration rate in Vermont is 206 per 100,000 (The Sentencing Project, 2018). In a 2000 study, 75% of Vermont residents favored “totally reviewing and changing the way Vermont deals with convicted criminals” (Greene & Doble). New Hampshire is another state with an average incarceration rate far below the national one, at 217 per 100,000 (The Sentencing Project, 2018). In a 2016 poll, 66% percent of New Hampshire residents believe that state drug possession laws are too harsh. 61% also thought that people should not be incarcerated for drug use (Public Policy polling, 2016). Maine is yet another state with a low incarceration rate, at 132 per 100,000 (The Sentencing Project, 2018). When given international incarceration rates and told that the US has the highest by far, the majority (40%) of Mainers in a 2016 poll believed that substantially reducing the number of Americans in prison is very important (Public Policy Polling). These polls in states with the lowest incarceration rates indicates that the majority of residents in those states generally favor criminal justice reform.

In states with incarceration rates significantly higher than the national average, an even larger percent of the public tends to support criminal justice reform. Louisiana has the highest national incarceration rate, at 776 per 100,000 (The Sentencing Project, 2018). In a 2015 survey of voters, a staggering 91% of Louisianians favor additional rehabilitation programs for low-level offenders (Red Oak Strategic, 2015). 82.6% favor a reform of the criminal justice system, with a majority of total participants favoring a complete overhaul of the system or a major reform (Red Oak Strategic, 2015). The same is true for Oklahoma, which has an incarceration rate of 715 per 100,000 (The Sentencing Project, 2018). In a 2017 survey of voters, 84% support shorter prison sentences and more extensive treatment options for offenders. These numbers are significantly higher than similar poll numbers from states with the lowest number of incarcerated individuals.

State-level public opinion is important because the vast majority, 85%, of incarcerations occur at the state level (Wagner & Sawyer, 2018). Incarceration is also more of an issue in certain states than others. The states where there is the greatest need for reducing the incarceration rate are also the states where there is likely to be the greatest support for criminal justice reform.

Peer Organizations

Amnesty International does not commission or include public opinion polling in its reporting on criminal justice issues in the United States. In fact, mass incarceration in the U.S. was not even mentioned in its 2017/2018 USA country report (Amnesty International, 2018). In contrast, the American Civil Liberties Union (ACLU) has commissioned polls on public opinion with regard to mass incarceration in two ways. First, ACLU has commissioned polling under the header of its Campaign for Smart Justice, such as the above-cited 2015 and 2017 polls from the Benenson

Strategy Group (see Table 1 above). The ACLU is also a member of the Justice Action Network,³ a bipartisan coalition of organizations working on criminal justice reform that frequently commissions polling of public opinion in individual state and also, occasionally, on national sentiment. The Drug Policy Alliance, a nonprofit organization that promotes policies and attitudes that best reduce the harms of both drug use and drug prohibition, also commissions relevant, state-specific opinion polls, often using the services of the Public Policy Polling agency.

Pew Charitable Trusts has commissioned polls through their Public Safety Performance Project, such as the previously cited 2016 Mellman Group poll. The project's stated goals are to "diagnose the factors driving prison growth in those states and provide policy audits to identify options for reform, drawing on solid research, promising approaches, and best practices in other states" (The Pew Charitable Trusts, 2018). The National Center for State Courts has commissioned an annual public opinion survey since 2014, of which the 2016 results are represented in this report (GBA Strategies, 2016). Lastly, Prison Policy Initiative (2018) does not commission its own public opinion polls, but clearly values the information that can be produced from such polls as it keeps a curated collection of public opinion data relating to mass incarceration.

³ Other partners as listed on their website include the Veterans Defense Project; Catholic Conference of Kentucky; Action Now Initiative; Pretrial Justice Institute; Mackinac Center for Public Policy; Right on Crime; Oklahoma Council of Public Affairs; American Civil Liberties Union of Michigan; Ohio Justice & Policy Center; The Leadership Conference; Brennan Center for Justice; American Friends Service Committee; Kentucky Center for Economic Policy; American Civil Liberties Union of Arizona; Pelican Institute for Public Policy; Rubicon; Louisiana Family Forum; Minnesota Second Chance Coalition; Oklahoma Public Policy Institute; Kentucky Chamber; Anti-Defamation League; Bluegrass Institute; Center for American Progress; Coalition for Sensible Justice; Freedom Works; American Civil Liberties Union of Kentucky; Beacon Center of Tennessee; Kentucky League of Cities; and The Buckeye Institute.

Relevance to Human Rights Watch

- Because there is general broad and bipartisan support for reducing incarceration in general and for nonviolent and drug offenses, Human Rights Watch has the opportunity to work with both parties on this issue.
- Public opinion polling at the state level appears to be more useful, as the rate of incarceration varies significantly by state, and the vast majority of incarcerations take place at the state level. States where there is the greatest need for reducing the incarceration rate are also the states where there is likely to be the greatest support for incarceration reform.
- Framing messaging in terms of cost to the taxpayer has proven to be the most effective in garnering public support for reform.

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