

FOCUS

Views from the National Council on Crime and Delinquency

Attitudes of US Voters toward Nonserious Offenders and Alternatives to Incarceration

Christopher Hartney

Susan Marchionna

Findings in Brief

- A majority of US adults believe that some crimes, for which offenders are currently incarcerated, do not demand time behind bars.
- Eight in ten (77%) adults believe the most appropriate sentence for nonviolent, nonserious offenders* is supervised probation, restitution, community service, and/or rehabilitative services; if an offender fails in these alternatives, then prison or jail may be appropriate.
- Over three-quarters (77%) believe alternatives to incarceration do not decrease public safety.
- More than half (55%) believe alternatives to prison or jail decrease costs to state and local governments.
- US adults more often think alternatives to incarceration are more effective than prison or jail time at reducing recidivism (45% vs. 38%).
- Respondents cited a variety of reasons they believe justify sending fewer people to prison or jail, including expense, overcrowding (danger to guards, danger to inmates), the ability of proven alternatives to reduce crime, and the fairness of the punishment relative to the crime.

*For the purposes of the poll and this Focus, we define “nonviolent, nonserious offenders” as those convicted of nonviolent, nonsexual crimes in which the value of lost property did not exceed \$400.

Introduction

In April, 2009, NCCD commissioned Zogby International to conduct a national public opinion poll about American voter attitudes toward our nation's response to nonviolent, nonserious crime. The results of this poll showed that striking majorities favor using methods other than incarceration to respond to nonserious crime.

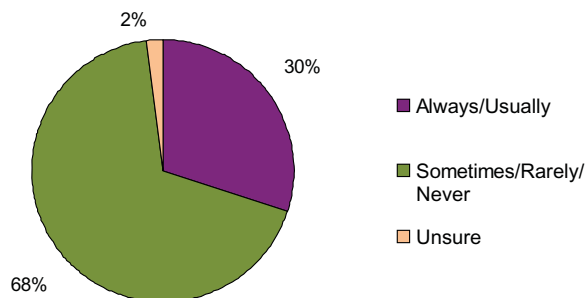
Method

This survey of likely voters was conducted by telephone according to a methodology approved by the American Association for Public Opinion Research. Zogby uses validated weighting and sampling procedures. The sample size was 1,049 interviews drawn at random, with approximately 34 questions asked. As many as six calls were made to reach a sampled telephone number. The margin of error is +/- 3.1 percentage points. (Margins of error are slightly higher in sub-groups.) Weighting by region, party, age, race, religion, and gender is used to adjust for non-response. The sample was drawn from an extremely varied group of voters with respect to age, geography, political persuasion, gender, income, religious affiliation, marital status, and ethnicity.

Survey Questions

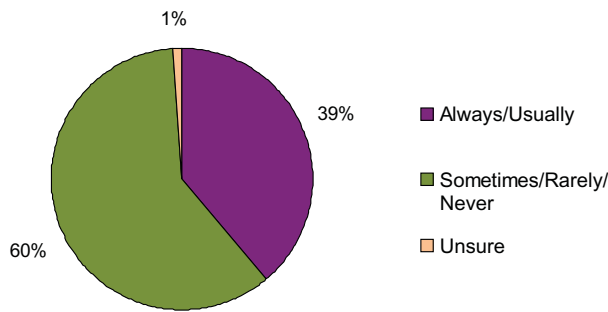
1. Please tell me if you think it is always, usually, sometimes, rarely, or never necessary to incarcerate a person in prison or jail who has been convicted of the following types of offenses:

A. Possession or use of illegal drugs, with no intention to sell and not while driving.



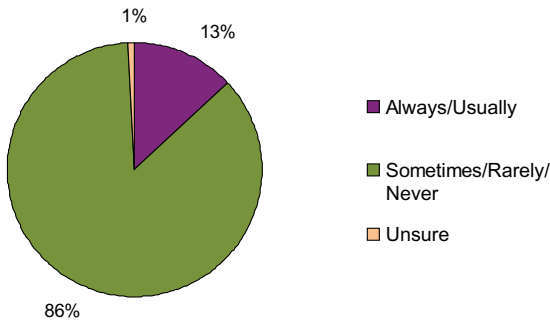
Four in ten (41%) agree it is only sometimes necessary to incarcerate a person who has been convicted of possession or use of illegal drugs (with no intention to sell and not while driving) and an additional 27% feel that incarceration is never necessary in such instances. Relatively small portions feel that incarceration is always (15%) or usually (15%) necessary. Independents (52%) are more likely than Republicans (39%) and Democrats (35%) to feel it is only sometimes necessary to incarcerate in such instances.

B. Petty property crimes or theft of property worth less than \$400.



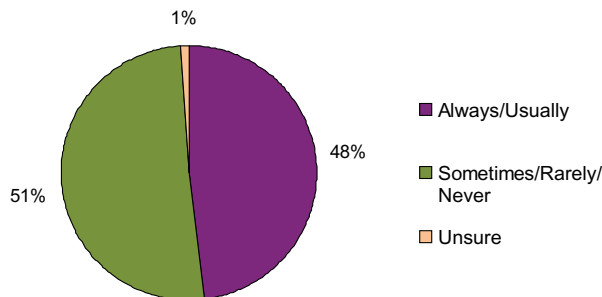
For petty property crimes, about two-fifths (37%) think incarceration is only sometimes necessary, and an additional quarter (23%) think incarceration is never necessary. Approximately two-fifths feel that incarceration is always (21%) or usually (18%) necessary for a person convicted of such a crime. Respondents living in the southern (46%), western (42%), and central/Great Lakes (40%) regions of the country are more likely than those living in the eastern (26%) region to indicate incarceration as always or usually necessary in such instances.

C. Disturbing the peace or loitering.



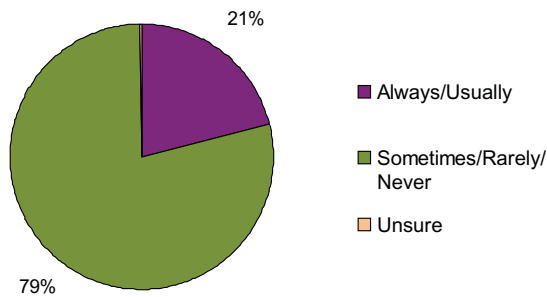
Over half (52%) of respondents think it is never necessary to incarcerate a person convicted of disturbing the peace or loitering, and an additional third (34%) think incarceration is only sometimes necessary. Thirteen percent feel it is always (5%) or usually (8%) necessary to incarcerate a person convicted of disturbing the peace or loitering.

D. Solicitation of prostitution.



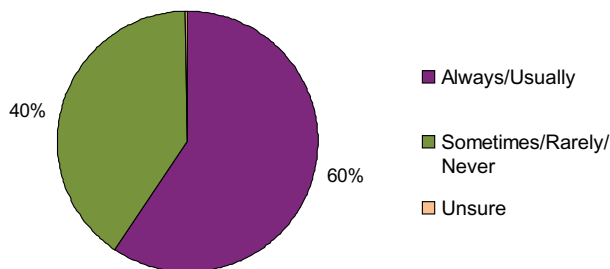
Almost half of respondents feel it is always (35%) or usually (13%) necessary to incarcerate a person convicted of solicitation of prostitution. The other half thinks incarceration is either sometimes (27%), rarely (13%), or never (11%) necessary. Republicans (56%) are more likely than Democrats (45%) and independents (43%) to think incarceration is necessary. Young people aged 18–29 are the most likely (63%) out of all age groups to think similarly.

E. Public drunkenness (not while driving).



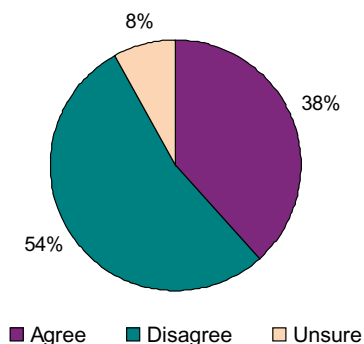
Regarding public drunkenness, 4 out of 5 respondents think incarceration is only sometimes (41%), rarely (24%), or never (14%) necessary. One in five thinks public drunkenness should usually (10%) or always (11%) result in incarceration.

F. Violations of the conditions of probation or parole, such as failing to attend counseling or probation officer meetings, or failing a routine drug test, *without* committing any new crimes.



Six in ten respondents think it is always (34%) or usually (26%) necessary to incarcerate a person who has violated the conditions of probation or parole. Three in ten (31%) think it is only sometimes necessary to incarcerate a person guilty of such a violation. Overall, 9% feels it is never necessary to incarcerate in such instances. Republicans (70%) and men (65%) are more likely than independents (60%), women (55%), and Democrats (51%) to think incarceration is necessary.

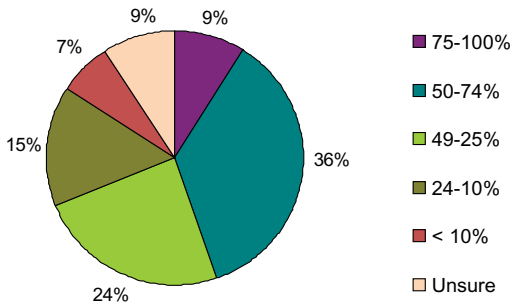
2. Would you agree or disagree that serving time in prison or jail reduces the likelihood a person will commit more crime in the future?



More than half (54%) do not think that serving time in prison or jail reduces the likelihood that a person will commit more crime in the future, while about two-fifths (38%) hold the opposite view.

Serving time in prison or jail does not reduce the likelihood of future crime, according to the majority of Democrats (57%) and independents (55%). Republicans are split, with 49% feeling that serving time in prison or jail does not reduce the likelihood of future crime, and 44% thinking the opposite.

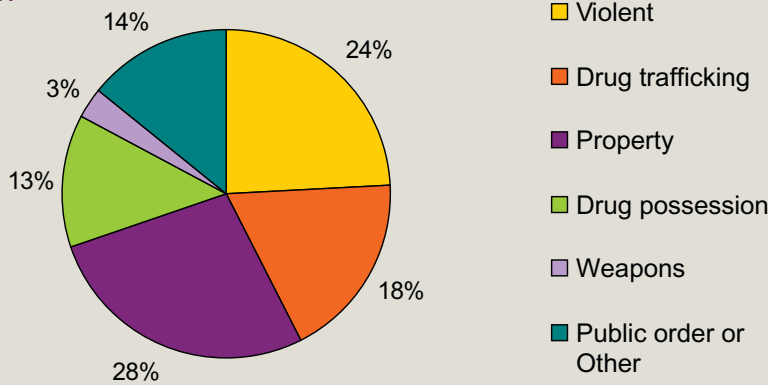
3. Which of the following best describes the percentage of people in prison or jail in the US whose most serious offense was nonviolent, nonsexual, and did not involve significant property loss?



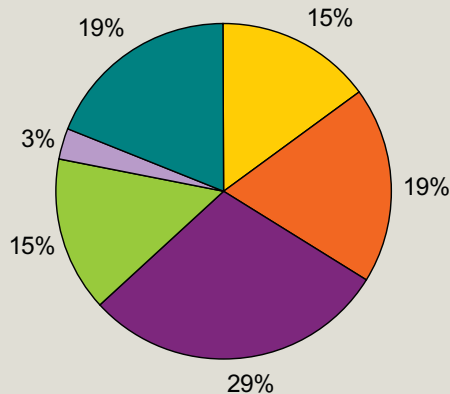
More than a third (36%) of respondents think 50–74 percent of the prison and jail population is made up of people whose most serious offense was nonviolent, nonsexual, and did not involve significant property loss, while a quarter (24%) think between 25 and 49 percent of the incarcerated population is made up of such offenders. Fifteen percent think it is 10–24 percent. Fifteen percent think it is 10–24 percent.

Felons Sentenced to Prison or Jail by Offense Type, 2003

Prison



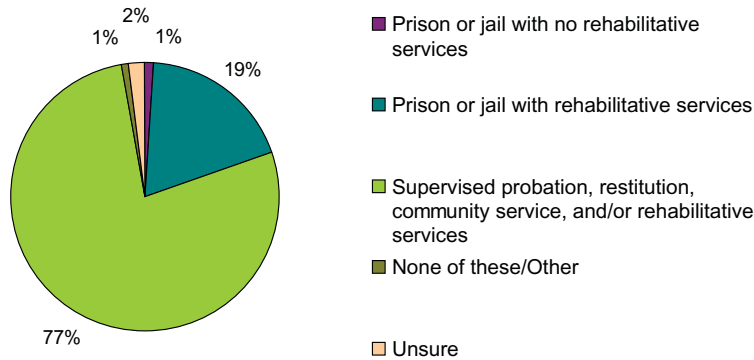
Jail



These figures do not include parole and probation revocations. Revocations account for approximately 37% of admissions to state prison; jail data are not available.

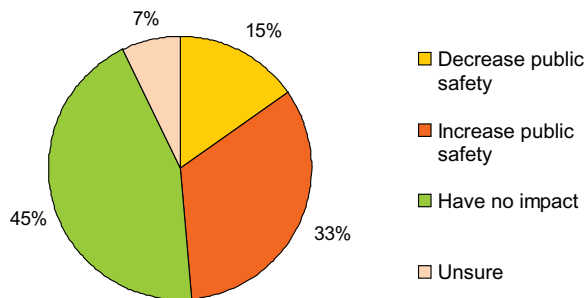
Source: National Judicial Reporting Program, 2004.

4. Which of the following do you think is the most appropriate sentence for a nonviolent, nonsexual offender whose crime did not involve significant property loss?



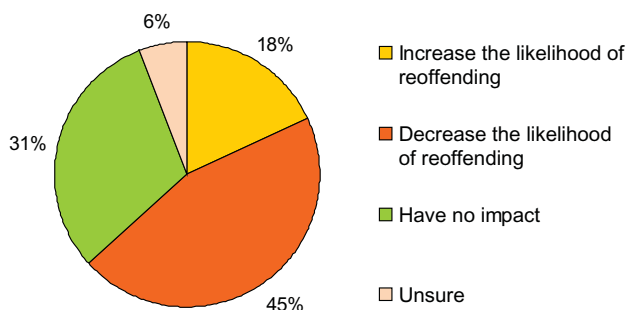
According to almost 8 in 10 (77.5%) respondents, the most appropriate sentence for a nonserious offender is supervised probation, restitution, community services, and/or rehabilitative services, with no prison or jail unless these alternatives fail. Two in ten (19%) think prison or jail with rehabilitative services is the most appropriate response. Only 1 in 100 feels that prison with no rehabilitative services is called for in such cases.

5. Do you believe sentencing nonviolent, nonsexual offenders, whose crimes did not involve significant property loss, to supervised probation and rehabilitative services rather than prison or jail time would **increase or decrease public safety**, or would it have no impact?



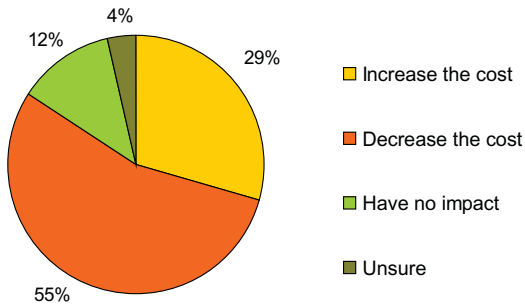
More than two-fifths (45%) believe sentencing nonserious offenders to supervised probation and rehabilitative services rather than prison or jail time would have no impact on public safety. A third (33%) believe it will increase public safety, while 15% believe it will decrease public safety.

6. Do you believe sentencing nonviolent, nonsexual offenders, whose crimes did not involve significant property loss, to supervised probation and rehabilitative services rather than prison or jail time would **increase or decrease the offender's likelihood of reoffending**, or would it have no impact?



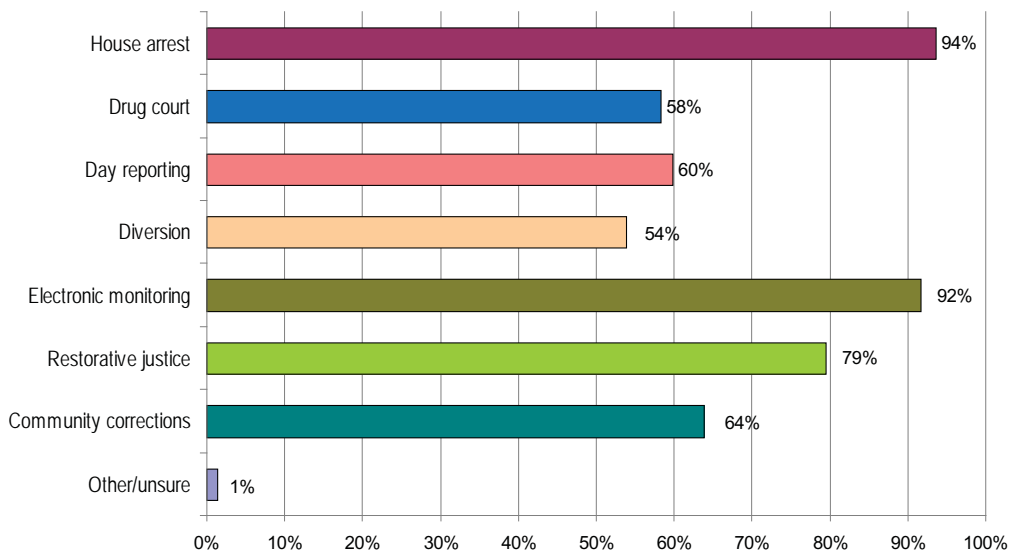
More than two-fifths (45%) believe sentencing nonserious offenders to supervised probation and rehabilitative services rather than prison or jail time would decrease the offender's likelihood of reoffending. About a third (31%) think it would have no impact on the likelihood of reoffending. Eighteen percent believe such a sentence would increase the likelihood of reoffending.

7. Do you believe sentencing nonviolent, nonsexual offenders, whose crimes did not involve significant property loss, to supervised probation and rehabilitative services rather than prison or jail time would **increase or decrease the cost to state or local government**, or would it have no impact?



More than half (55%) believe sentencing nonviolent, nonsexual offenders to supervised probation and rehabilitative services rather than prison or jail time will decrease the cost to state or local governments, while three in ten (29%) believe it will increase the cost. Twelve percent believe such a sentence will have no impact on the cost to state or local government.

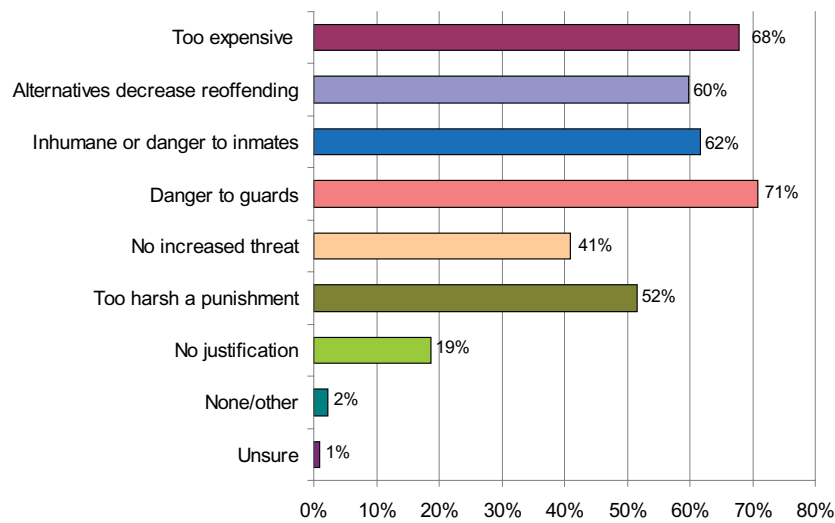
8. Which of the following alternatives to incarceration in prison or jail are you aware of?



A majority of respondents are aware of all the listed alternatives to incarceration in prison or jail, with house arrest (94%), electronic monitoring (92%), and restorative justice (79%), such as restitution and fines,

among the alternatives of which respondents are the most aware. Respondents are least aware of diversion (54%), or an opportunity to avoid conviction through successful completion of supervision and services, as the alternative to incarceration.

9. In your opinion, which of the following reasons may justify sending fewer people to prison or jail when they commit nonviolent, nonsexual crimes that do not involve significant property loss?



Overcrowding as a danger to guards (71%); housing offenders in prison or jail is too expensive (68%); overcrowding being inhumane or a danger to inmates (62%); proven alternatives to incarceration decrease an offender’s chance of reoffending better than prison

or jail time (60%); and prison or jail being too harsh a punishment for these non-serious offenders (52%) are the reasons that justify sending fewer people to prison or jail, according to a majority of respondents. This holds true in most demographic subgroups.

Cost Savings of Alternatives to Incarceration

Nationwide, each year over a quarter (27%) of those sentenced to prison or jail were convicted for nonviolent, nonserious offenses. While incarcerated, they receive little or no rehabilitative services. If 80% of these nonviolent, nonserious offenders were sentenced to effective programming as an alternative to prison, NCCD estimates that states and localities could save at least \$7.2 billion.

The table at right shows the costs per offender for operating intensive and enriched services. Many offenders need less than fully intensive services, so total costs would likely be less.

	Type of Offender	Average Duration	Average Cost*
Probation ¹	All	Variable	\$3.42/day
Intensive supervision ²	All	5 months	\$3,122
Day/evening reporting ³	All	20 weeks	\$3,050
Electronic monitoring/House arrest ⁴	All	Variable	\$15/day
Drug court ⁵	Drug	Variable	\$4,060**
Short-term residential drug treatment ⁶	Drug	3 weeks	\$3,287
Outpatient drug treatment ⁶	Drug	17 weeks	\$3,557
Long-term residential drug treatment ⁶	Drug	20 weeks	\$16,448

*Unless “per day” is indicated, average cost of one person to complete the program.
 **Figure indicates the cost of operation and does not include programming costs.

Savings Estimate Calculation

	Prison	Local Jail
Total sentenced inmates ⁷	1,221,501	270,000
Total expenditures ⁸	\$39.2 billion	\$18.7 billion
Number sentenced for nonviolent, nonserious offenses ⁹	317,590 (26%)	86,400 (32%)
Assume 80% sentenced to alternatives	254,072	69,120
Average per capita cost of incarceration*	\$37,750	\$13,500
Average per capita cost of common alternatives ^{10, 11}	\$10,740	\$8,138
Savings per alternative sentence	\$27,010	\$5,362
SAVINGS	\$6.86 billion	\$371 million

*Based on average 20-month prison stay or 6-month jail stay.

It is difficult to precisely assess the number of nonviolent, nonserious offenders, mainly due to the lack of detailed offense information in the federal data. For these estimates, NCCD used the offense categories of “drug possession” and “other nonviolent” from the 2004 National Judicial Reporting Program, which is nationally representative of felons sentenced to prison or jail. There are several types of supervision and rehabilitative programming that these offenders could receive as alternatives to incarceration. In practice, the supervision and programming each offender received would depend on the offense history and would include the appropriate level of supervision to ensure public safety and the successful completion of all court mandated requirements, and would be targeted to maximize the likelihood that the offender would avoid future system involvement. Fairly rigorous and therefore expensive supervision and programming were used to estimate the potential savings from sentencing alternatives; actual costs for many offenders will be less. A drug sentence was used as the model: We assume all those who would have been

sentenced to incarceration will be processed through a drug court (estimated cost \$4,060 per offender) and participate in an outpatient program (\$3,557⁶). Additionally, alternatives to prison would include 5 months of intensive supervision (\$3,122²); alternatives to jail, five months of regular probation (\$520¹).

A more precise estimate of the number of candidates for alternatives and the associated cost savings would require more detailed data than the federal data used here. However, cost savings would likely increase substantially if the following were included in the estimates:

- Parole and probation violators with no new offenses whose original conviction was for a nonviolent and nonserious offense. (Approximately 1/3 of commitments to prison are for revocations.)
- Nonviolent misdemeanors sentenced to jail or prison.
- Nonviolent, nonserious offenders awaiting trial in jail. (Approximately 60% of jail inmates have not been sentenced.)

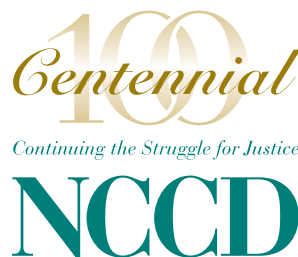
Conclusion

The NCCD poll shows the US public is open to nonviolent, nonserious offenders being sentenced to alternatives to prison or jail, assuming the alternatives provide appropriate supervision and effective programming. The public recognizes the potential benefits of such alternatives with regard to cost savings, increased safety

of corrections officers, more appropriate and humane treatment of minor offenders, and decreased recidivism. Further, NCCD estimates that over \$7 billion can be saved if a portion (80%) of nonviolent, nonserious offenders were sentenced to alternatives instead of incarceration.

Notes

- 1 Probation: Pew Center on the States. (2009). *One in 31: The long reach of American corrections*. Washington, DC: The Pew Charitable Trusts.
- 2 Intensive Supervision: Aos, S., Miller, M., & Drake, E. (2006). *Evidence-based public policy options to reduce future prison construction, criminal justice costs, and crime rates*. Washington State Institute for Public Policy.
- 3 Day/evening reporting: Parent, D., Byrne, J., Tsarfaty, V., Valade, L., & Esselman, L. (1995). *Day reporting centers: Issues and practices in criminal justice*, Vol 1. Washington, D.C.: National Institute of Justice,
- 4 Electronic monitoring/house arrest: Jones, R.K., et al. (1996, October). *Evaluation of alternative programs for repeat DWI offenders*. DOT 808 493, 39-66.
- 5 Drug court: Bhati, A., Roman, J., & Chalfin, A. (2008). *To treat or not to treat: Evidence on the prospects of expanding treatment to drug-involved offenders*. The Urban Institute.
- 6 Drug treatment: Roebuck, M.C., French, M.T., & McLellan, A.T. (2003). DATStats: Summary results from 85 completed drug abuse treatment cost analysis programs (DATCAPs). *Journal of Substance Abuse Treatment*, 25(1), 51-57.
- 7 Harrison, P.M., & Karberg, J.C. (2004). *Prison and jail inmates at midyear, 2003*. Bureau of Justice Statistics, NCJ203947.
- 8 Hughes, K.A. (2006). *Justice expenditures and employment in the United States, 2003*. Bureau of Justice Statistics Bulletin.
- 9 NCCD analysis of US Department of Justice, Bureau of Justice Statistics. *National Judicial Reporting Program, 2004*. CPSR20760-v1. Ann Arbor, MI: Inter-university Consortium for Political and Social Research [producer and distributor].
- 10 Stephan, J.J. (2004). *State prison expenditures, 2001*. Bureau of Justice Statistics Special Report.
- 11 Roman, J., & Chalfin, A. (2006). *Does it pay to invest in reentry programs for inmates?* Washington, D.C.: The Urban Institute.



National Council on Crime and Delinquency
 1970 Broadway, Suite 500
 Oakland, CA 94612

www.nccd-crc.org
 510-208-0500

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