



To: Interested Parties
From: Danny Franklin; Jessica Reis; Bully Pulpit Interactive
Date: August 2020
Re: Poll results

Majority of Voters in the United States Support Clemency

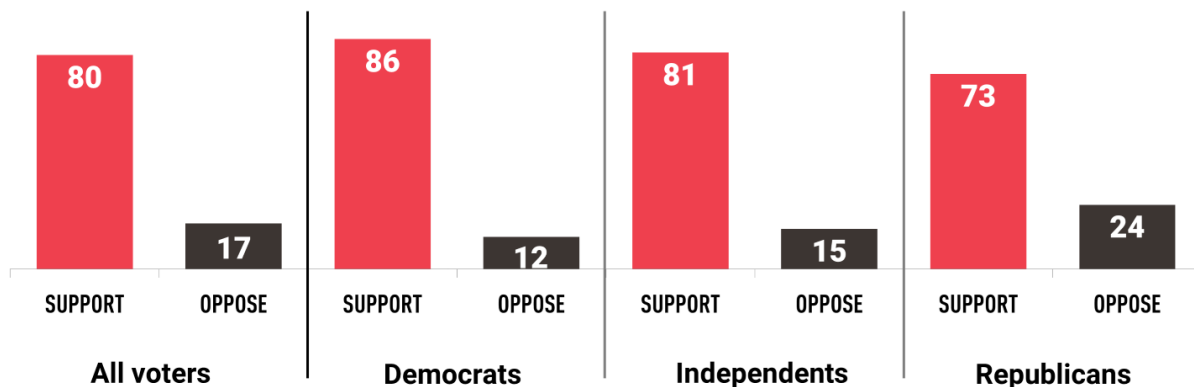
Methodology: As commissioned by the ACLU, Bully Pulpit Interactive conducted a poll of 1,310 registered voters from March 14 to 18, 2020. The survey was mixed mode, with 709 interviews collected online and 601 over the phone, weighted proportionally and all matched to the voter file. The margin of error on the overall weighted sample of 1200 is +/- 2.8 points at the 95% confidence interval. Margin of error on subgroups is slightly higher.

Voters across the United States recognize deep problems in the criminal justice system and feel an urgent need for the country to address them. Even before the coronavirus pandemic crested, and before George Floyd's murder, most voters saw the criminal justice system as having problems in need of fixing, most think it is important to reduce the prison population, and most see communities as safer and stronger if there are reforms to reduce the prison population.

As a result, there is broad support for shortening or ending prison sentences for some individuals. Results from our March poll show that 80% of voters – with majorities across the political spectrum – support ending or shortening the prison sentences of certain people in prison if they meet particular criteria and are determined not to pose a threat to public safety.

MAJORITY BELIEVES CERTAIN INCARCERATED PEOPLE SHOULD BE RELEASED

Some people have suggested reducing the prison population by ending or shortening the prison sentences of certain individuals in prison if they were to meet certain selected criteria and determined not to pose a danger to public safety. Would you support or oppose considering releasing these people from prison?



This support spans partisanship: 86% of Democrats, 81% of Independents and 73% of Republicans support this type of clemency.

This has electoral implications. Fully 69% of voters say they would be *more likely* to vote for an elected leader who supports a plan to consider the release of certain individuals from prison.



Support for clemency crosses a range of demographic traits and personal experiences. Eighty percent of white voters and 81% of voters of color support considering clemency for certain individuals.

Support is high among families directly impacted by incarceration (that is, among people who have themselves been incarcerated, and those who have a close family member who has been). But support is not just concentrated among this group. Those who have personally been a victim of a crime support this proposal, and among law enforcement workers and their families, 80% support this type of clemency.

HIGH SUPPORT FOR CLEMENCY AMONG FAMILIES IMPACTED BY INCARCERATION, BUT ALSO VICTIMS OF CRIME, LAW ENFORCEMENT FAMILIES

% support releasing people from prison



Support for a Wide Range of Considerations

Across a range of criteria, large majorities of voters support certain categories of incarcerated individuals who should be offered clemency:

- 90% support the release of those who committed a crime in self-defense;
- 84% support the release of those who were incarcerated under a statute that has since changed, making the underlying conduct legal or modifying the sentence associated with that conduct; and
- 68% support the release of those who are in prison due to a technical parole violation.

There is also strong support for releasing those who are incarcerated for drug crimes:

- 77% support the release of those incarcerated for drug sentences who have served more than 20 years;
- 74% support the release of those incarcerated for minor drug distribution and have served more than 5 years; and
- 66% support the release of those incarcerated for drug possession.

Voters also support clemency for older people, including those who have served long sentences:

- 72% support the release of those who are elderly;
- 72% support the release of those over 65 years old who have served more than 10 years; and
- 65% support the release of those over 55 who have served more than 10 years.

Driving the Demand for Clemency

The March poll reveals four primary currents driving this high support for clemency.

First, many voters feel that there have been sentencing policies and decisions in the past that failed and have put people in prisons for longer than is merited or necessary. For a majority of voters, 59%, one of the most compelling reasons to support clemency is “to correct for sentences that are too long and do not fit the crime.”

As part of this, many also understand that there is racial disparity in the criminal justice system. Fifty-seven percent of voters believe that the system treats minorities unfairly. We suspect this number has increased since March, and public polling suggests it has grown among Independents and Republicans.

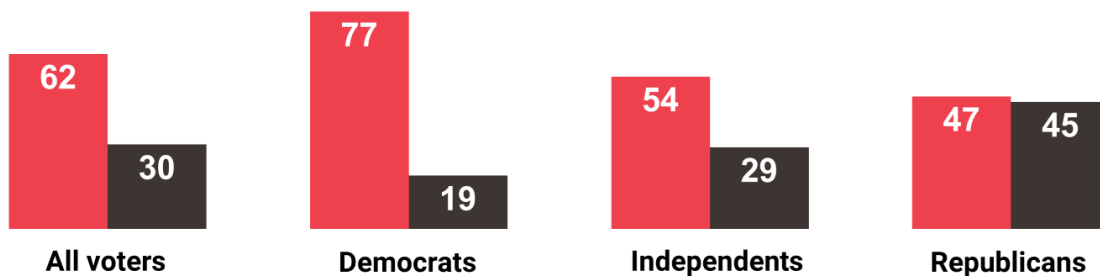
Second, most voters feel that communities are better served by releasing people who are not a threat to safety – rather than keeping them incarcerated. By a 62-30% spread, most voters agree that making reforms to reduce the prison population would “help communities by reuniting families and saving taxpayer dollars that can be reinvested into preventing crimes and rehabilitating people convicted of a crime” over the share that believe making reforms would “hurt communities because people who belong behind bars will be let out.” This includes a majority of Independents and even a slight plurality of Republicans.

VOTERS SEE REDUCING THE PRISON POPULATION AS HELPING COMMUNITIES

In your view, would making reforms that reduce the prison population...

Help communities by reuniting families and saving taxpayer dollars that can be reinvested into preventing crimes and rehabilitating people convicted of crimes.

Harm communities because people who belong behind bars will be let out.

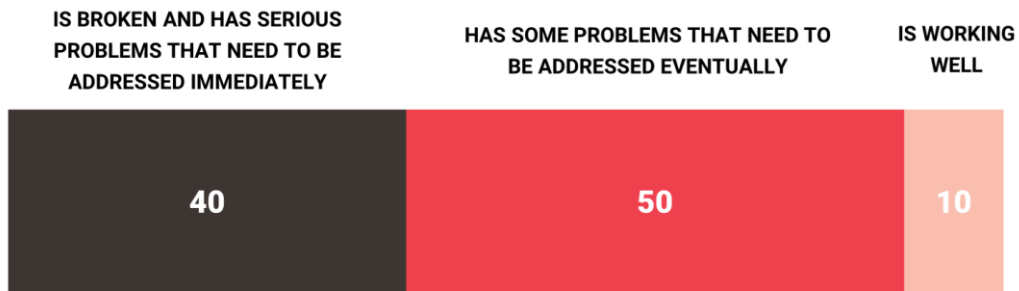


Third, there is a near-national consensus that the current criminal justice system requires change. Nearly all Americans, 90%, see the system with problems that need to be addressed.



NEARLY ALL BELIEVE THE SYSTEM REQUIRES CHANGE

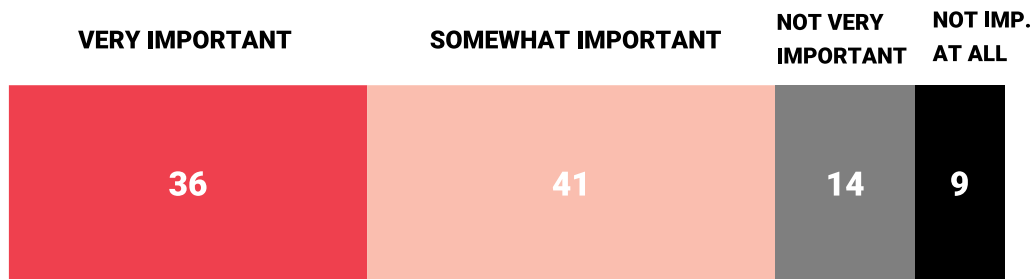
% saying the criminal justice system...



As part of this, voters see the need to reduce the prison population. A majority, 77%, believe that it is important to reduce the number of people in prison, with over a third saying it is “very important” to reduce the prison population.

REDUCING THE PRISON POPULATION IS A KEY PROBLEM TO ADDRESS

% saying it is ___ to reduce the number of people who are in prison today



Finally, the coronavirus pandemic adds new urgency for release. In early March, at the beginning of the crisis when the risk within prisons was just becoming clear, 63% of voters supported releasing certain people from jails, like pre-trial detainees and the elderly, to reduce the coronavirus risk in prisons. In more recent May focus groups among registered voters, one participant said of people in prisons: “They were imprisoned; they weren’t given a death sentence. Right now, Covid-19 is possibly giving them a death sentence.” Another stated: “It’s more suffering and risk than they expected or deserve.”

This March poll – again, before the height of the pandemic and before the national outrage over the death of George Floyd – underscores that voters, including Republicans and Independents, are looking for new solutions to the problems in our prison system. An 80%-majority of voters believe that



redeeming incarcerated people through clemency is a policy that can help undo some of the system's wrongs.