



PUBLIC OPINION STRATEGIES

TO: INTERESTED PARTIES
FROM: ROBERT BLIZZARD – PUBLIC OPINION STRATEGIES
DATE: FEBRUARY 27, 2019
RE: TENNESSEE STATEWIDE POLL RESULTS

On behalf of the Justice Action Network, ACLU-TN, and Right on Crime, Public Opinion Strategies conducted a state wide survey of 500 registered voters (moe ± 4.4%), February 19-21, 2019.

- **Tennessee voters believe the state’s criminal justice system needs significant reform.**
 - Fully 69% of voters believe the criminal justice system in Tennessee “needs significant improvements” versus just 26% who believe it “is working pretty well as it is.”
 - By a 91%-9% margin, voters agree that “The main goal of Tennessee's criminal justice system should be rehabilitating people to become productive, law-abiding citizens.”
 - By an 84%-14% margin, voters agree that “Tennessee should allow people with low-level criminal records, who have remained crime-free for a period of time, to seal or expunge their records so they have a better shot of finding jobs and supporting their families.”
 - And, by an 83%-16% margin, voters agree that “Some of the money we are spending on locking up nonviolent offenders, especially drug offenders, should be shifted to alternatives like treatment programs, electronic monitoring, community service, and probation.”
- **There’s overwhelming support (across party and racial lines) for replacing mandatory minimum sentencing, providing more cost-effective supervision programs for non-violent offenders, and for allocating funds for stronger mental and behavioral health treatment.**

% Favor - Oppose	Total	GOP	IND	DEM	White Men	White Women	African American
Reduce costly prison time for low-level, non-violent offenders in Tennessee prisons and reinvest some of those savings to create stronger, more cost-effective community based supervision programs that hold offenders accountable for their crimes.	90%- 9%	87%- 11%	90%- 10%	94%- 5%	88%- 10%	91%- 8%	95%- 4%
Replace mandatory minimum sentences with sentencing ranges so that judges can weigh the individual circumstances of each case, such as seriousness of the offense and the offender’s criminal history, when determining the penalty.	89%- 10%	89%- 11%	87%- 11%	92%- 7%	86%- 13%	90%- 10%	94%- 4%
The state should allocate funding for stronger mental and behavioral health treatment, along with drug treatment for individuals who commit crimes as a result of an addiction or mental health issue.	88%- 10%	84%- 14%	89%- 10%	94%- 4%	84%- 14%	90%- 7%	93%- 6%

▪ **On the issue of bail reform, voters support a shift from the current cash bail-only system.**

- After voters are read information from both sides on bail reform*, fully 85% say they support shifting from the current cash bail-only system to one that allows judges to release some defendants, under the court's supervision, if they are NOT considered a threat to society, while just 13% are opposed:

**Some people say that judges should release certain defendants under the court's supervision without having to pay bail, after the judge has studied their individual case and circumstances. They say the current system in Tennessee lets people who are accused of serious or violent crimes leave jail if they can pay their bail, while low-level, non-violent offenders who can't afford to pay bail are stuck in jail, even when they aren't considered a threat to public safety.*

Other people say that the current system is working well now because bail bondsmen and the bail industry, which can post bail for defendants in exchange for a fee, have years of experience assessing people's risk. They say the current system ensures defendants have skin in the game, and detention is probably the best approach for defendants who can't afford anything.

- By a 94%-4% margin, Tennesseans say a “*person’s risk to public safety*” is most important to consider when deciding to release a defendant before their trial rather than a “*person’s ability to pay cash for bail.*”
- And, by a 79%-19% margin, voters support “*eliminating or significantly reducing the use of cash bail altogether for low-level, non-violent offenders, and shifting to a system where judges focus more on whether the person is considered a threat to public safety or a flight risk.*”

▪ **Once voters become familiar with civil asset forfeiture, they believe it needs reform.**

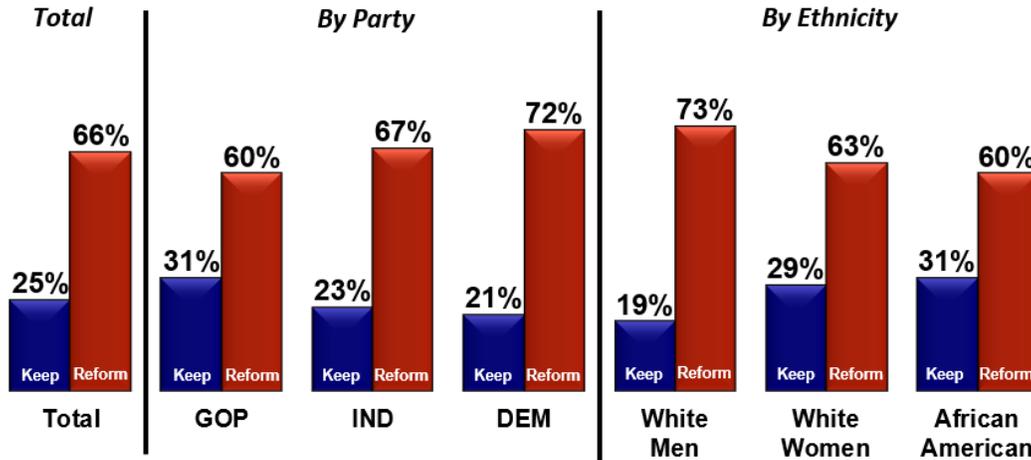
- Just 14% of Tennesseans say they are “*very familiar*” with civil asset forfeiture, that is when law enforcement can seize and sell property from a citizen based only on their suspicion that it has been involved in criminal activity.
- After voters learn more about civil asset forfeiture^, fully 80% of voters believe it is “*in need of reform*” while just 13% say it is “*working well now.*”

^Now, as you may know, through civil asset forfeiture, law enforcement here in Tennessee can seize and sell property from a citizen based only on their suspicion that it has been involved in criminal activity, without having to charge the citizen with a crime. Under this rule, police departments across the state can sell or auction forfeited property to supplement their budgets. Law enforcement officials in Tennessee alone have seized and forfeited over more than \$85.9 million dollars in property between 2009 and 2014, and current laws allow these local police departments to keep almost all of what they seize.

- Fully 89% of voters believe that law enforcement in Tennessee should be able to permanently seize money or other property “*Only from a citizen who was actually charged and convicted*” while just 5% believe law enforcement should be able to seize money or other property “*From a citizen based on the suspicion he or she has been involved in criminal activity.*”

- And, by more than two-to-one, voters across both party and racial lines believe it's important to reform civil asset forfeiture:

And, which one of the following statements about civil asset forfeiture comes closer to your own opinion... it is important to keep civil asset forfeiture as it stands now because our police departments need it as a tool in battling drugs, gangs, and cartels here in Tennessee, or it is important to reform civil asset forfeiture because police departments have a financial incentive to unfairly seize property and abuse the system because they get to keep almost all of the money?



- ***A majority of voters believe that the state's Parole Board should consider parole for juveniles who committed serious or violent crimes after 15 years of incarceration.***

And, in Tennessee, the Parole Board considers parole after a certain amount of time for juveniles who committed serious or violent crimes. When do you believe the Parole Board should first consider parole for these offenders...

<i>Parole Consideration</i>	<i>Total</i>
After 15 years of incarceration	54%
After 20 years	12%
After 25 years	6%
After 30 years	5%
After 51 years	3%
Never	4%
Earlier than 15 years	4%