

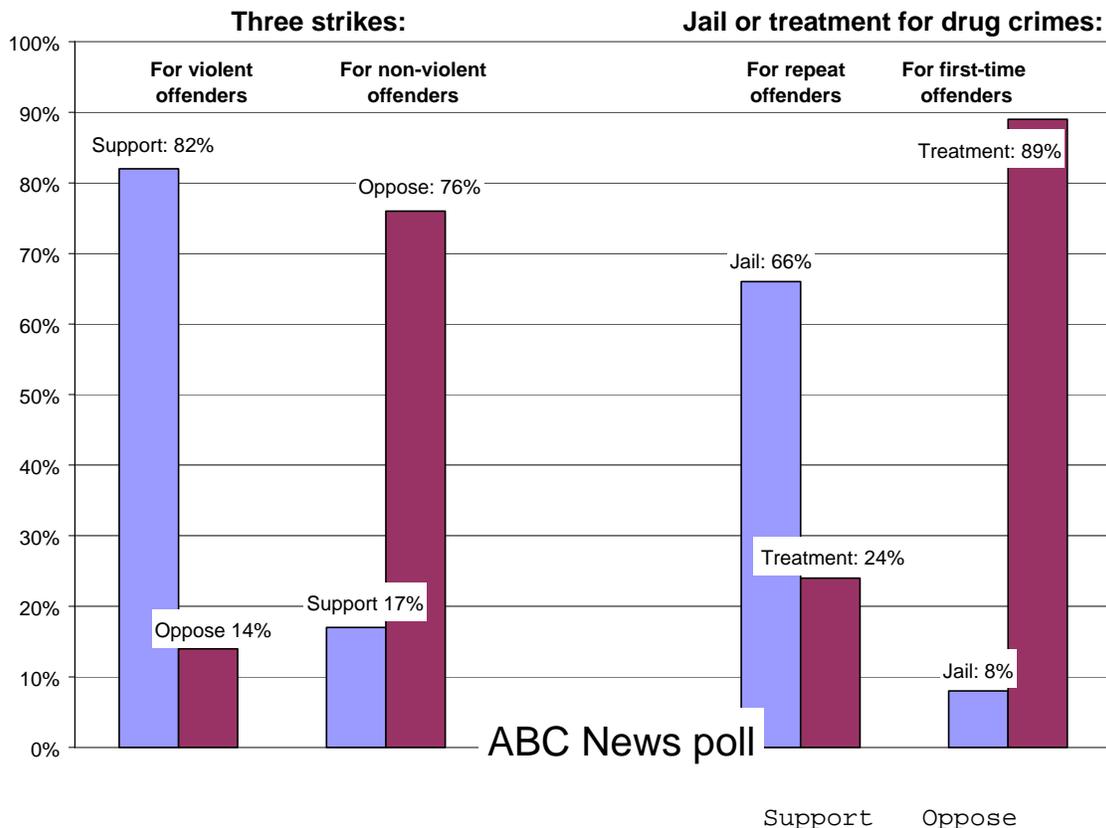
## Most Favor Lesser Criminal Penalties for Non-Violent & First-Time Offenders

Public attitudes on crime are less ferocious than is often assumed: While Americans broadly favor tough punishment for violent felons or repeat drug abusers, they're vastly less apt to favor throwing the book at nonviolent criminals or first-time drug offenders.

Those views are in line with a movement in several states this year to reverse some of their toughest sentencing laws, including long mandatory terms for nonviolent crimes. The trend comes as those states grapple with overflowing prison populations.

Americans do favor tough penalties for the worst crimes: More than eight in 10 adults in this ABC News poll support so-called "three-strikes" laws requiring mandatory life in prison for third-time violent offenders. But for third-time *non-violent* offenders, the numbers are reversed, with three-quarters opposing mandatory life terms.

Similarly, two-thirds of Americans favor jail time, rather than treatment programs, for repeat drug offenders. But for *first-time* drug offenders, the numbers again are reversed: Nearly nine in 10 prefer treatment, not jail.



Three strikes for <i>violent</i> offenders	82%	14
Three strikes for <i>non-violent</i> offenders	17	76
	Jail	Treatment
Jail or treatment for repeat drug offenders	66%	24
Jail or treatment for first-time drug offenders	8	89

These numbers don't appear to reflect a change in opinion; public support for get-tough laws long has been focused on violent crimes and recidivist criminals. For example, the same questions on jail or treatment for drug offenders received similar answers when they first were asked back in 1989. (There's been an eight-point increase in support for treatment for repeat drug offenders, but this still remains a distinct minority – 16 percent then, 24 percent now.) And a 1982 poll found broad preference for rehabilitation and restitution, rather than jail, for nonviolent offenses.

Some policy makers appear to be coming to similar conclusions: Strict mandatory sentencing laws have been eased recently in states including Connecticut, Indiana, Iowa, Louisiana, Mississippi and North Dakota. And a voter initiative in California calls for treatment rather than prison for many drug offenders.

Indeed, this poll finds that 36 percent in the West (mainly California) support treatment rather than jail even for people convicted of drug use several times – still well short of a majority, but 15 points higher than it is in the rest of the country. Westerners (again, Californians account for most of this population) also are 10 points less apt to support three-strikes laws for violent offenders.

There are some differences by political affiliation, most prominently in support for treatment, rather than jail, for repeat drug offenders. Thirty-four percent of Democrats support this, compared to 18 percent of Republicans (again, though, it's a minority in each case).

**METHODOLOGY** - This ABC News.com survey was conducted by telephone Feb. 27-March 3, 2002, among a random national sample of 1,025 adults. The results have a three-point error margin. Sampling, data collection and tabulation by TNS Intersearch of Horsham, Pa.

Analysis by Gary Langer.

ABC News polls can be found at ABCNEWS.com on the Internet at:  
<http://www.abcnews.com/sections/us/PollVault/PollVault.html>

Media Contact: Lauren Kapp, (212) 456-2478, [lauren.kapp@abc.com](mailto:lauren.kapp@abc.com)

Here are the full results:

138. (and 139) Would you favor or oppose a law requiring mandatory life imprisonment for anyone convicted of a violent felony for the third time?

Would you favor or oppose a law requiring mandatory life imprisonment for anyone convicted of a non-violent felony for the third time?

		Favor	Oppose	No opin.
3/3/02	Violent	82	14	4
3/3/02	Nonviolent	17	76	8
11/16/94	Violent	90	8	2
2/27/94	Violent	86	12	2

140. (and 141) When a person is convicted for using drugs there can be a choice between sending them to jail or having them go to a drug treatment program instead. What do you think is the best way to deal with a drug user convicted for the first time - jail or treatment?

What do you think is the best way to deal with a drug user convicted several times - jail or treatment?

		Jail	Treatment	Depends (vol.)	No opin.
3/3/02	Once	8	89	2	1
3/3/02	Several times	66	24	9	1
9/8/89*	Once	8	84	5	3
9/8/89	Several times	70	16	10	4

\*CBS/NYT poll

\*\*\*END\*\*\*