

# Public Opinion on Criminal Justice Reform in Massachusetts

BY STEVE KOCZELA AND RICH PARR

Massachusetts voters are ready to embrace major reforms to the state's criminal justice system. A new MassINC poll shows most support reforms to both the front and back ends of the system to reduce repeat offending and refocus the system on prevention and rehabilitation. Voters perceive the current system as counterproductive; prisons are seen as making recidivism worse (53 percent) rather than lessening crime (27 percent). A plurality of voters say Massachusetts incarcerates too many residents.

These opinions are little changed since a 2014 MassINC poll covering many of the same issues.<sup>1</sup> Neither the opiate epidemic nor the election of President Donald Trump, whose 2016 campaign frequently focused on law and order issues, has affected support for reform. Voters continue to want the state to prioritize prevention and rehabilitation (Figure 1). Twice as many voters want to treat drug use, including opiates, as a health problem rather than as a crime. Even as the US Department of Justice appears poised to return to tough-on-crime strategies, Massachusetts voters want to move in the other direction, ending mandatory minimum sentences,

Figure 1:

Voters want criminal justice system to prioritize prevention, rehabilitation. Q: Which do you think should be a top priority for dealing with crime?

	2014	2017
Prevention, such as education and youth programs	43%	41%
Rehabilitation, such as education and job training for prisoners	22%	25%
Punishment, such as longer sentences and more prisons	14%	8%
Enforcement, such as putting more police officers on the streets	19%	22%
Don't Know/Refused	2%	4%

enabling those with convictions to seal their records sooner, raising the felony theft threshold, and allowing compassionate release for those with terminal illness.

There is considerable bipartisan consensus on many of these policies, a rarity in these times of sharp polarization on nearly every issue. Of the reforms tested,

## KEY FINDINGS

- Voters think the current system is counterproductive, and say prison increases recidivism rather than preventing crime.
- Very few voters say mandatory minimum sentences are preferable to judicial discretion.
- Majorities support criminal record reforms and think reentry programs would be very effective at reducing crime.
- By 2:1 margins or better, voters think drugs should be treated as a health issue and favor investing in treatment over locking up drug dealers.
- Bipartisan majorities support several other reforms explored in this poll.

Democrats tend to be more enthusiastic, but smaller majorities of independent and Republican voters support most of these policy changes as well.

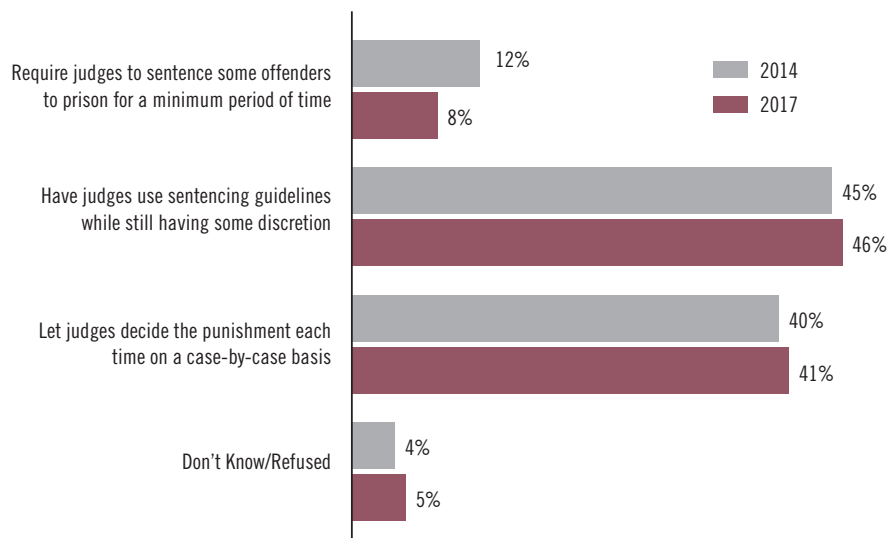
### Mandatory minimum sentences draw little support

Both the 2014 and 2017 MassINC polls found few voters favor continuing the practice of mandatory minimums (Figure 2). Given three options for how to sentence those convicted of crimes, just 8 percent of voters prefer mandatory minimums, while the vast majority are split between having judges refer to sentencing guidelines (46 percent) or giving judges complete discretion in sentencing (41 percent).

The preference for more judicial discretion spans demographic and political groups. Even among other right-leaning groups (registered Republicans, unenrolled voters, Trump voters, and

Figure 2:

Massachusetts voters do not support mandatory minimum sentences. Q: Here are three options. Which is the best way for judges to sentence convicted offenders?



Republican primary voters), preference for mandatory minimums is no higher than 15 percent. More conservative voters express a slight preference for sentencing guidelines over outright judicial discretion, whereas Democrats are split nearly evenly between the two.

This preference echoes national polling, which has shifted against mandatory minimums in recent years. A 2014 Pew national poll found 63 percent think states shifting away from mandatory sentencing for non-violent drug crimes is a good thing (Figure 3). This is a considerable change from 2001, when opinion on the question was roughly split.<sup>2</sup>

### Voters say more focus on education, job training in prison would reduce crime

Research suggests current prison policies in Massachusetts contribute to recidi-

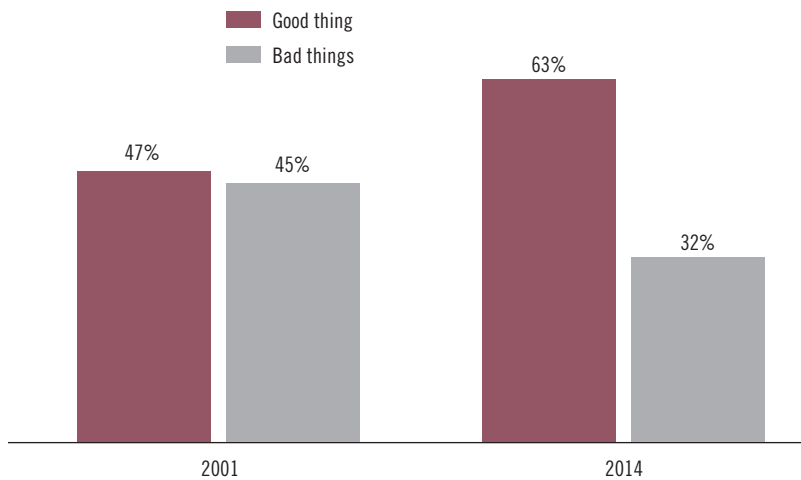
vism, rather than reducing crime. A 2016 MassINC report puts it this way:<sup>3</sup>

*“Approximately two-thirds of the defendants Massachusetts sends to state and county prisons each year have been incarcerated previously. Repeat offending at such elevated levels is a symptom of “tough on crime” era policies, which stripped the corrections system of its ability to “correct” problematic behavior. Too often, prisoners leave hardened and more prone to commit crime than when they entered.”*

Voters perceive this dynamic, and say prison leaves inmates more likely to commit future crimes (53 percent) rather than less likely (27 percent). To change this reality, voters see several rehabilitation-oriented policies as potentially effective (Figure 4). These include connecting inmates near the end of their sentence with community groups for support upon release (93 percent), pro-

**Figure 3:**

**Massachusetts tracks with national shift on mandatory minimums.** *Pew: Some states have moved away from mandatory prison sentences for non-violent drug crimes. Is this a...*



viding job training (91 percent), and offering education so that inmates can earn a degree (89 percent). Notably, large majorities of Republicans also see

ment since 1997 has been sharper. Only 35 percent in the 1997 poll thought work-release and halfway houses would be very effective at reducing crime; 46

## The trend lines on these questions are consistent with a shift in opinion away from a tough-on-crime approach to prevention and rehabilitation.

these policies as potentially effective.

Several of these policies also appeared in the 1997 and 2014 polls, and on each, movement has been toward reform. Compared to 2014, slightly more voters see connecting prisoners with community support and providing them with job training as very effective at reducing crime, and slightly fewer think that requiring inmates to serve their full sentences would be effective. The move-

percent think so now. In 1997, 49 percent thought job training would be very effective; now it is 64 percent. The trend lines on these questions are consistent with a shift in opinion away from a tough-on-crime approach to prevention and rehabilitation.

### Drugs and drug-related crimes

Two-thirds (66 percent) of voters think drug use should be treated as a health

concern first, rather than a crime (24 percent; Figure 5). In response to the opioid crisis, voters support investing more money in treatment programs and facilities (62 percent) rather than trying to round up and incarcerate as many drug dealers as possible (28 percent). This focus on treatment in response to opioids has bipartisan support, although more Democrats (71 percent) than Republicans (59 percent) favor this approach.

Yet, voters want drug users, who commit crimes to support their addiction, to serve a prison sentence in many instances. Half (51 percent) of respondents believe drug addicts who sell drugs to other users should be sent to prison over treatment (37 percent). If the drug user is carrying a knife or gun while making a sale, 71 percent of respondents favor sending the user to prison. Nearly half (48 percent) would send a drug user to prison if they break into a car to commit theft, and 64 percent favor prison if a user breaks into a home.

Voters may favor a criminal justice response for individuals with substance use disorders who violate the law, but they also want to see them go through a criminal justice system very different than what exists today. Voters want judicial discretion in sentencing so that courts can tailor punishment based on the facts of the case. For those who are sent to prison, they want more focus on education, job training, and post-release support. And when offenders are released, voters would like to make reintegration into society less challenging than what formerly incarcerated individuals face today. In other words, voters want less focus

**Figure 4:**

**Voters think reentry programs are effective.** Q: For each of the following, please tell me how effective, if at all, you think that it is or would be in substantially reducing crime—very effective, fairly effective, not too effective, or not really effective at all.



on doling out punishment and more focus on putting offenders on a path to future success.

**Criminal Records**

Currently, former offenders can request that their records be sealed after 5 years for a misdemeanor and 10 years for a felony. Pending legislation would reduce this time to 3 years and 7 years, respectively. Voters favor both changes (Figure 6). Reducing time to seal misdemeanor records draws 62 percent support; for felonies, support is 65 percent. Registered Republicans narrowly oppose the proposed changes, while Democrats and Unenrolled voters favor each by wide margins.

**SUPPORT FOR REFORM EVEN AMONG VICTIMS AND RESIDENTS OF HIGH-RELEASE AREAS**

There are many constituencies with potentially differing interests in criminal justice reform. Two key groups are people who themselves have been victims of crime, and residents of higher crime areas. These people are disproportionately affected by criminal justice policy. This poll examined victims of crime separately. Nearly half the voters we surveyed (48 percent) said that they or a member of their immediate family had been the victim of a crime. These voters were slightly less likely to have “a lot” of confidence in the criminal justice system and to feel “very safe” in their neighborhoods. Still, nearly three-quarters of victims have confidence in the system, and over 90 percent feel safe. And large majorities of victims express satisfaction with their interactions with the criminal justice system in dealing with the crime they experienced.

The 2014 MassINC poll included an oversample of residents of high-release areas. About half of ex-offenders are released into just 10 communities in Massachusetts. These areas will directly experience the impact of any policy change that changes how crimes are prosecuted or how inmates are treated. The same communities are also among the highest crime areas in the Commonwealth. It would be understandable if residents sought tough-on-crime policies. They do not. In fact, opinion is remarkably similar to statewide views, varying only a percentage point or two on a range of questions.

In summary, proximity to crime does not make voters reflexively fearful and anti-reform. They support the same slate of reform policies as everyone else.

	Prefer mandatory minimums	Prison leaves inmates more/less likely to commit more crimes	There are too many people in prison/not enough people in prison
All registered voters	8%	53% / 27%	42% / 10%
Self or family have been victims of a crime	9%	53% / 22%	46% / 10%
Residents of high crime areas (2014 poll)	9%	56% / 32%	45% / 16%

### Support for raising Massachusetts' felony larceny threshold

Change in the law around larceny also has important implications for criminal records. Currently, Massachusetts treats theft of property valued at over \$250 as a felony offense. This value, which has not been raised since 1987, is the third lowest in the nation, meaning crimes count as felonies here in Massachusetts that would be misdemeanors elsewhere. When told that most other states have raised the threshold, 60 percent of Massachusetts voters support raising it to \$1,500, compared to 36 percent who oppose the change. Around one-third (35 percent) strongly support the idea. Strong support is highest with Democrats, both registered (41 percent) and primary voters (43 percent). But as with mandatory minimums, majorities of independents and Republicans support raising the threshold.

### Voters split on solitary confinement

A bare majority of voters favor the use of solitary confinement in Massachusetts prisons. Opponents of the practice cite research showing solitary confinement can cause lasting mental damage, while those in favor say it is necessary to deal with disruptive and dangerous prisoners, and to protect possibly suicidal individuals. When provided with both sides of the argument, 52 percent of Massachusetts voters support the use of solitary confinement, while 43 percent oppose it. It is possible that voters hold different ideas in their minds of what solitary confinement means versus the actual practice. Additional research

Figure 5:

**Two-thirds of voters view drug addiction more as a health problem than a crime.**  
*Q: In your opinion, should using drugs be treated as a crime or as a health problem?*

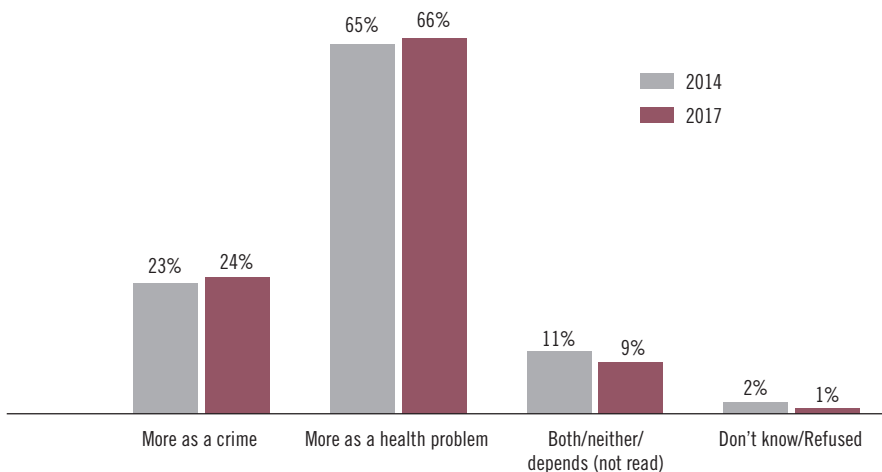
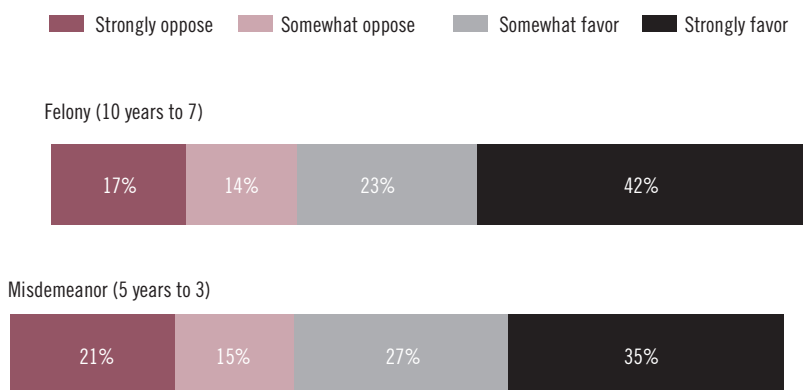


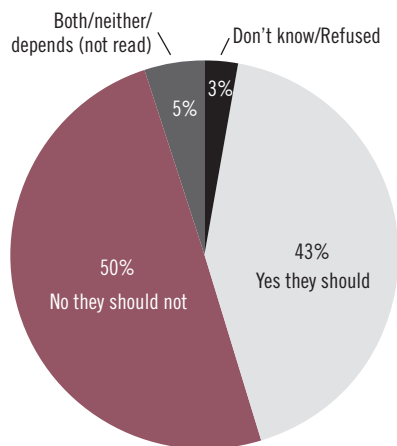
Figure 6:

**Voters support reducing waiting period for sealing criminal records.**  
*Q: Right now, people who commit misdemeanors/felonies complete their sentence, and if they have no new involvement with the criminal justice system, they are allowed to seal their criminal record after 5/10 years. Sealing their record means most employers can't see their record but law enforcement can still access it. One proposal would reduce the waiting period before they can seal their records from 5/10 years to 3/7 years. Would you support or oppose this legislation? And is that strongly (favor/oppose) or just somewhat?*



## Figure 7:

**Voters are split on forgiving criminal justice fees and fines.** *Q: After release from prison, some people are charged supervision fees or court fees related to their case. Some people who have just been released are unable to afford these fees. Should they be responsible for paying these fees if they do not earn enough money to afford the payments, or not?*



into voter understanding and attitudes regarding solitary confinement is warranted.

### Other issues: fees and fines, compassionate release

Some newly-released inmates are charged supervision or court fees. For inmates without the means to pay, these fees and fines represent a major hurdle to reentry. A January 2017 Harvard University report found that imposing these fees contributes to the costly cycling of individuals in and out of prisons, while turning probation and parole officers into de facto debt collectors rather than

professional case managers who focus on providing reentry coaching and support.<sup>4</sup>

Massachusetts voters are split on a proposal to forgive these fees and fines when individuals are unable to afford them—half (50 percent) think offenders should not be responsible for paying fees and fines, while 43 percent say they should have to pay them regardless.

Voters are less split on supervised medical release for terminally ill or incapacitated prisoners (84 percent). Experts have advocated for this policy both as more humane and as a way to reduce health care costs to the state.

## Endnotes

- 1 Results summarized in “Ready for Reform? Public Opinion on Criminal Justice in Massachusetts.” <https://massinc.org/research/ready-for-reform-public-opinion-on-criminal-justice-in-massachusetts/>
- 2 “America’s New Drug Policy Landscape,” Pew Research Center, April 2, 2014.
- 3 “Reducing Recidivism in Massachusetts with a Comprehensive Reentry Strategy,” MassINC 2014.
- 4 “Shackled to Debt: Criminal Justice Financial Obligations and the Barriers to Re-entry They Create.” Karin D. Martin, Sandra Susan Smith, and Wendy Still. Harvard Kennedy School Program in Criminal Justice Policy and Management and the National Institute of Justice. January 2017.

**MassINC Criminal Justice Poll**

Survey of 754 Massachusetts Registered Voters

Field Dates: April 27 – May 1, 2017

How much confidence do you have in the criminal justice system here in Massachusetts, which consists of the police, the courts, probation, parole, and prisons — do you have a lot of confidence, some confidence, a little, or no confidence at all?

	2014	2017
A lot of confidence	23%	32%
Some confidence	47%	43%
A little confidence	20%	15%
No confidence at all	8%	7%
Don't Know / Refused	2%	3%

How safe from crime do you feel in your neighborhood?

Very safe	67%
Somewhat safe	27%
Not too safe	3%
Not at all safe	2%
Don't Know / Refused	<1%

Which do you think should be a top priority for dealing with crime? READ AND ROTATE.

	2014	2017
Prevention, such as education and youth programs	43%	41%
Rehabilitation, such as education and job training for prisoners	22%	25%
Punishment, such as longer sentences and more prisons	14%	8%
Enforcement, such as putting more police officers on the streets	19%	22%
Don't Know / Refused	2%	4%

Here are three options. Which is the best way for judges to sentence convicted offenders? READ AND ROTATE.

	2014	2017
Require judges to sentence some offenders to prison for a minimum period of time	12%	8%
Have judges use sentencing guidelines while still having some discretion	45%	46%
Let judges decide the punishment each time on a case-by-case basis	40%	41%
Don't Know / Refused	4%	5%

In your opinion, should using drugs be treated more as a crime or more as a health problem?

	2014	2017
More as a crime	23%	24%
More as a health problem	65%	66%
Both / neither / depends (not read)	11%	9%
Don't Know / Refused	2%	1%

Do you think there are too many people in prison in Massachusetts, not enough people in prison, or is the number of people in prison about right?

	2014	2017
Too many	40%	42%
Not enough	17%	10%
About the right amount	27%	23%
Don't Know / Refused	15%	25%

What if a person addicted to drugs were to READ FIRST? In this situation, would you favor sending them to prison or to treatment? What if they were to READ NEXT?

<i>Order rotated.</i>	Prison	Treatment	Both/neither/ depends (not read)	Don't Know/ Refused
Sell drugs to other users	51%	37%	10%	2%
Break into a car on the street to commit theft	48%	40%	10%	2%
Break into a home to commit burglary	64%	24%	11%	1%
Sell drugs to other users while carrying a knife or a gun	71%	18%	9%	2%

Next, for each of the following, please tell me how effective, if at all, you think that it is or would be in substantially reducing crime—very effective, fairly effective, not too effective, or not really effective at all. First, READ FIRST? How about READ NEXT? REPEAT QUESTION STEM AND SCALE ONLY AS NEEDED.

<i>Order rotated.</i>		Very effective	Fairly effective	Not too effective	Not really effective at all	Don't Know/Refused
Doing more to prepare inmates for release from prison by gradually moving them to a lower security level in prison, to work-release programs, to halfway houses and the like	1997**	35%	43%	11%	5%	5%
	2014	48%	40%	5%	5%	3%
	2017	46%	40%	6%	5%	3%
Connecting prisoners nearing the end of their sentence with community groups that can offer them services and support after their release	2014*	53%	36%	6%	4%	1%
	2017	58%	35%	3%	2%	2%
Requiring all prisoners to serve out their entire sentence with no chance of early release	2014	20%	24%	22%	29%	5%
	2017	19%	22%	24%	31%	5%
Providing prisoners with job training so they can find work after they are released	1997	49%	39%	8%	3%	2%
	2014	59%	30%	6%	4%	1%
	2017	64%	28%	4%	3%	2%
Providing prisoners with education so they can earn a degree and find work after they are released	2017	59%	30%	4%	6%	2%

\*Wording from 2014 survey: "Require prisoners who are about to be released to connect with community groups that can help them after their release."

\*\*MassINC 1997 survey of 400 registered voters in Massachusetts.



As you may know, deaths from heroin and other opiate drugs have risen sharply in recent years. In response to this, should Massachusetts focus more on READ AND ROTATE?

Sending as many drug dealers as possible to prison	28%
Investing more money in drug treatment programs and facilities	62%
Both / neither / depends (not read)	9%
Don't Know / Refused	1%

In Massachusetts stealing property valued over \$250 is a felony crime, and thus the offender faces time in prison. Most states have raised this felony threshold to a higher amount so fewer crimes are counted as felonies. Do you favor or oppose a proposal to raise the felony threshold in Massachusetts to \$1,500? And is that strongly (favor / oppose) or just somewhat?

Strongly favor	35%
Somewhat favor	25%
Somewhat oppose	13%
Strongly oppose	23%
Don't Know / Refused	4%

After release from prison, some people are charged supervision fees or court fees related to their case. Some people who have just been released are unable to afford these fees. Should they be responsible for paying these fees if they do not earn enough money to afford the payments, or not?

Yes they should	43%
No they should not	50%
Both/neither/depends (not read)	5%
Don't Know/Refused	3%

Asked of half: Right now, people who commit misdemeanors, complete their sentence, and have no new involvement with the criminal justice system are allowed to seal their criminal record after 5 years. Sealing their record means most employers can't see their record but law enforcement can still access it. One proposal would reduce the waiting period before they can seal their records from 5 years to 3 years. Would you support or oppose this legislation? And is that strongly (favor/oppose) or just somewhat?

Strongly favor	35%
Somewhat favor	27%
Somewhat oppose	15%
Strongly oppose	21%
Don't Know/Refused	3%

Asked of half: Right now, people who commit felonies, complete their sentence, and have no new involvement with the criminal justice system are allowed to seal their criminal record after 10 years. Sealing their record means most employers can't see their record but law enforcement can still access it. One proposal would reduce the waiting period before they can seal their records from 10 years to 7 years. Would you favor or oppose this legislation? And is that strongly (favor / oppose) or just somewhat?

Strongly favor	42%
Somewhat favor	23%
Somewhat oppose	14%
Strongly oppose	17%
Don't Know/Refused	3%

Would you favor or oppose providing judges with the ability to grant supervised medical release to a prisoner who is terminally ill or incapacitated, so that they can be moved to a hospital, nursing home, or hospice? And is that strongly (favor/oppose) or just somewhat?

Strongly favor	55%
Somewhat favor	29%
Somewhat oppose	6%
Strongly oppose	8%
Don't Know/Refused	2%

Solitary confinement is the practice where some prisoners are locked in rooms by themselves for 22 to 23 hours per day. ROTATE SUPPORT/OPPOSE EXPLANATIONS. Supporters say it is necessary as a way to separate disruptive or dangerous prisoners apart from the rest of the population and to keep potentially suicidal prisoners safe. Opponents say the practice is cruel, unnecessary, and can cause lasting mental damage to prisoners. Do you favor or oppose the use of solitary confinement in Massachusetts prisons? And is that strongly (favor / oppose) or just somewhat?

Strongly favor	28%
Somewhat favor	24%
Somewhat oppose	16%
Strongly oppose	27%
Don't Know/Refused	5%

In Massachusetts, when most inmates get out of prison, do you think they are READ AND ROTATE?

	2014	2017
LESS likely to commit new crime because they've learned their lesson or been rehabilitated	29%	27%
MORE likely to commit new crime because they've been hardened by their prison experience	59%	53%
Don't Know/Refused	12%	20%

Have you or a member of your immediate family ever been a victim of a crime?

Yes	48%
No	51%
Don't Know / Refused	1%

**If not a crime victim, skip to demographics**

Did you or your family member experience any of the following as a result of this crime?

<i>Order rotated.</i>	Yes	No	Don't Know/ Refused
Physical harm or stress	52%	47%	1%
Emotional harm or stress	82%	17%	1%
Financial harm or stress	69%	30%	1%

Was the crime reported to the police?

Yes	90%
No	10%
Don't Know/Refused	<1%

**If crime was reported, continue below.**

Were you satisfied or dissatisfied with the response from law enforcement when the crime was reported to police?

Satisfied	67%
Dissatisfied	26%
Don't Know/Refused	7%

**If dissatisfied, ask next question.**

What were the reasons for your dissatisfaction?

89 open ended responses, coded into one or more categories below.

Poor response from officer (disinterested, insensitive)	46
Matter unresolved (suspect not caught or prosecuted adequately)	38
No follow through on investigation	18
Other	9
Refused	5

Was the person who committed the crime found by law enforcement?

Yes	53%
No	43%
Don't Know/Refused	4%

**If the person was caught, continue below. If not, skip to demographics.**

Was the person who committed the crime punished in any way such as prison, probation, or community service?

Yes	70%
No	21%
Don't Know/Refused	10%

**If individual was punished, continue below.**

Were you satisfied or dissatisfied with the sentence or punishment?

Satisfied	66%
Dissatisfied	29%
Don't Know/Refused	4%

**If dissatisfied, ask next question.**

What were the reasons for your dissatisfaction?

30 open ended responses, coded into one or more categories below.

Prison sentence not long enough	17
Didn't go to prison	6
No or inadequate restitution	4
Concerned criminal will or did reoffend	3
Criminal had prior record	2
Prison sentence too long	1
Complaint about police	1
Refused	1

Did the criminal justice system provide assistance to help you or your family member recover from the crime?

Yes	19%
No	78%
Don't Know/Refused	3%

Were you satisfied or dissatisfied the help provided to recover from the crime?

Satisfied	88%
Dissatisfied	10%
Don't Know/Refused	2%

**If dissatisfied, ask next question.**

12

What were the reasons for your dissatisfaction?

8 open ended responses, coded into one or more categories below.

Complaints about process (“red tape”)	2
Crime unsolved or unpunished	2
Financial or emotional impact	2
Complaint about police	1
Concern regarding legal representation	2
Refused	1

### Demographics

Race

White/Caucasian	81%
All Others	17%
Don't Know/Refused	3%

Age

18 to 29	18%
30 to 44	26%
45 to 59	29%
60+	28%

Gender

Male	48%
Female	52%

Education

High school or less	32%
Some college, no degree	22%
College graduate (BA/BS)	27%
Advanced degree	18%
Don't Know/Refused	1%

### **ABOUT MASSINC**

MassINC is an independent think tank. We use nonpartisan research, civic journalism, and public forums to stimulate debate and shape public policy. Our mission is to promote a public agenda for the middle class and to help all citizens achieve the American Dream.

### **ABOUT THE MASSACHUSETTS CRIMINAL JUSTICE REFORM COALITION**

Established in 2013, the Massachusetts Criminal Justice Reform Coalition is a diverse group of prosecutors and corrections practitioners, defense lawyers, community organizers, and businessmen and women who find common ground in the need for corrections reform in Massachusetts. The coalition sponsors research, convenes civic leaders, and promotes public dialogue to move the Commonwealth toward data-driven criminal justice policymaking and practice.

### **ABOUT THE MASSINC POLLING GROUP**

The MassINC Polling Group is a full-service survey research company serving public, private, and social sector clients. MPG is a subsidiary of MassINC.

### **ABOUT THE POLL**

These results are based on a survey of 754 registered voters in Massachusetts. Interviews were conducted April 27 – May 1, 2017 by live telephone interviews via both landline and cell phone using conventional registration-based sampling procedure. The margin of sampling error for the full sample is 3.6 percentage points with a 95 percent level of confidence. The poll was sponsored by MassINC and conducted by The MassINC Polling Group.

**Massachusetts Criminal  
Justice Reform Coalition**



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