To: Interested Parties
From: Sean McElwee, Dawn Milam, and Alexandria Sousa
Re: Voters Support Reducing Incarceration & Supervision Under Probation and Parole
Date: 11/19/2020

American voters believe our legal system should prioritize helping and supporting people over incarcerating them—and probation and parole programs must be reformed to serve that function, new polling shows.
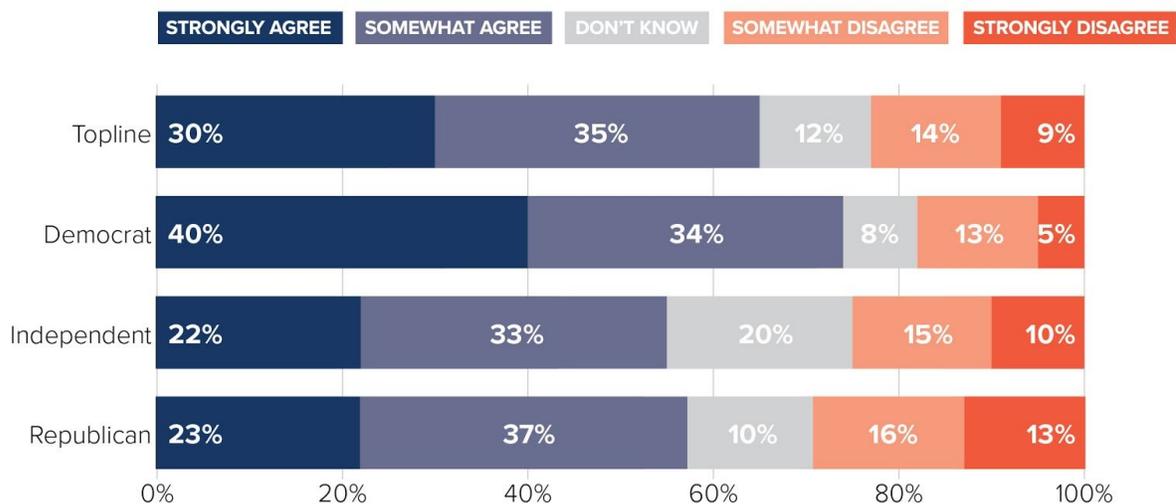
Voters want fewer people in jails and prisons, and fewer people subject to surveillance and control by law enforcement. Instead, they want probation and parole, to the extent they are used at all, to serve as true alternatives to incarceration, not additional means of law enforcement control that makes incarceration more likely. That means providing services—such as housing assistance, job training, and substance use counseling—that empower people to avoid or leave the criminal legal system, and instead help them to connect with their communities.

In sum, polling shows that voters support reforms to address the root causes of criminal behavior, and see our heavy reliance on incarceration, surveillance, and punishment as only making things worse.
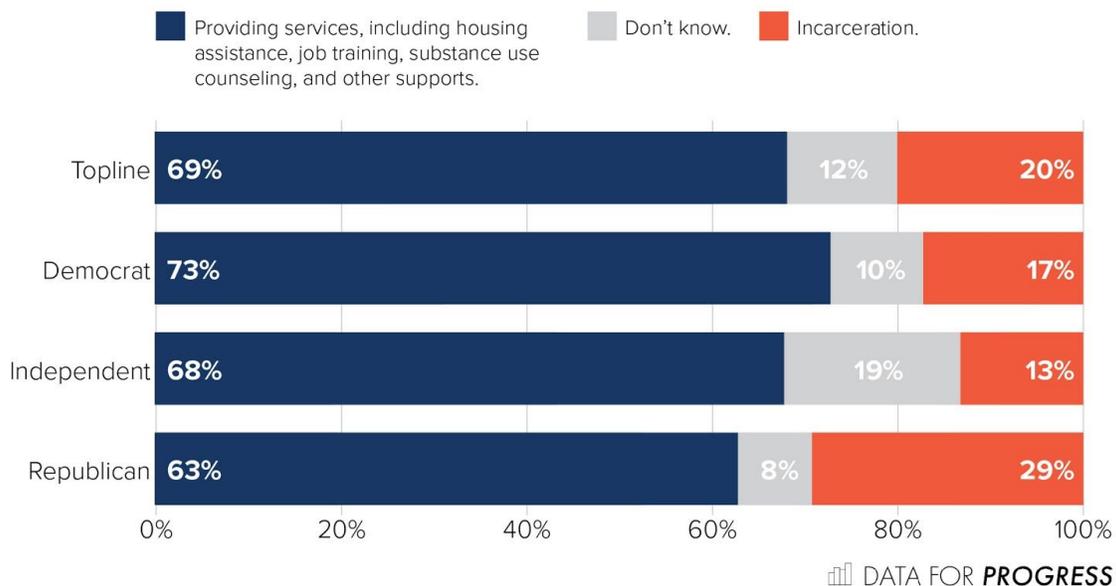
Polling & Findings

In a national poll, The Justice Collaborative Institute and Data for Progress asked 1,164 likely voters for their opinions on incarceration, parole, and probation. We found that a majority of voters (65%)—including 74% of Democrats, 60% of Republicans, and 55% of third party voters—believe we should reduce the overall number of people who are incarcerated.

Do you agree or disagree that the United States should try to reduce the number of people who are incarcerated?

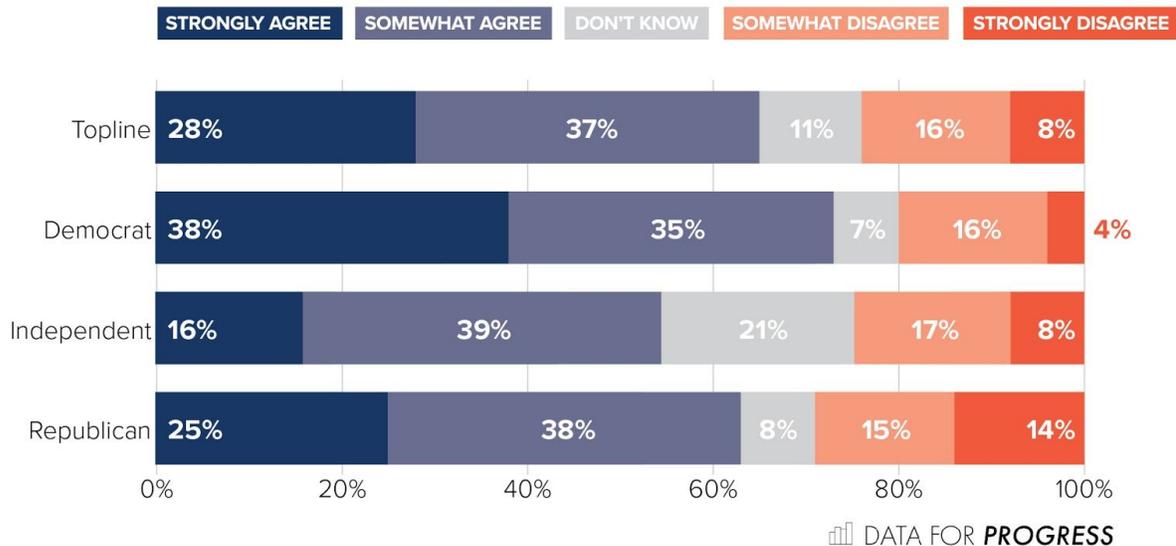|	STRONGLY AGREE	SOMEWHAT AGREE	DON'T KNOW	SOMEWHAT DISAGREE	STRONGLY DISAGREE
Topline	30%	35%	12%	14%	9%
Democrat	40%	34%	8%	13%	5%
Independent	22%	33%	20%	15%	10%
Republican	23%	37%	10%	16%	13%

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Consistent with that finding, 69% of likely voters said that incarceration should be used only as a last resort, and instead we should prioritize helping people to avoid criminal behavior and the legal system, exhausting all means of providing important services, such as housing assistance, job training, and substance use counseling. There is wide, transpartisan support for this position, with 73% of Democrats, 63% of Republicans, and 68% of third party voters agreeing.

Some states—a mix of Republican and Democrat controlled states—have enacted legislation that says that for low-level or non-violent crimes, probation and community support should be used first and incarceration should only be used as a last resort. This is referred to as "presumptive probation." In general, do you think that it is better to incarcerate a person in jail or to try to provide services that will address their needs so as to reduce criminal behavior going forward?
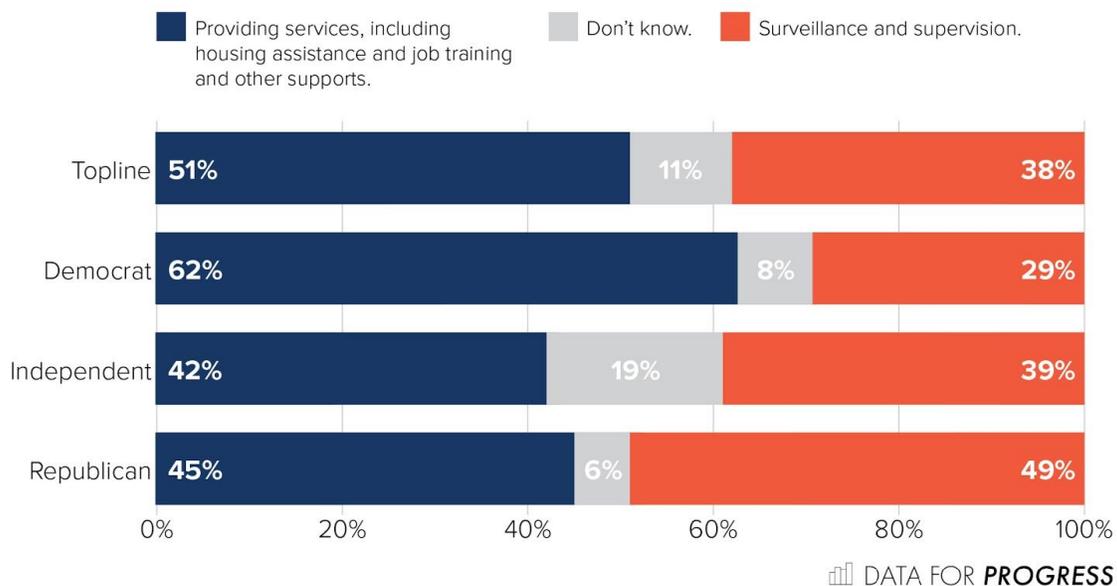

In addition, after learning about policies that could reduce the number of people required to complete probation or parole, voters across party lines (73% of Democrats, 63% of Republicans, and 55% of third party voters) agreed that we should reduce the number of people in these programs.

Sometimes over the course of a survey like this, people change their minds about an issue. Knowing what you know now: Do you agree or disagree that the United States should try to reduce the number of people on parole or probation?

	STRONGLY AGREE	SOMEWHAT AGREE	DON'T KNOW	SOMEWHAT DISAGREE	STRONGLY DISAGREE
Topline	28%	37%	11%	16%	8%
Democrat	38%	35%	7%	16%	4%
Independent	16%	39%	21%	17%	8%
Republican	25%	38%	8%	15%	14%

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In the limited occasions that probation or parole are necessary, a majority (51%) of voters believe these programs should provide important social services, such as housing assistance and job training, rather than serve as a mechanism for surveillance and supervision.

In general, do you think that the purpose of probation and parole should be…?

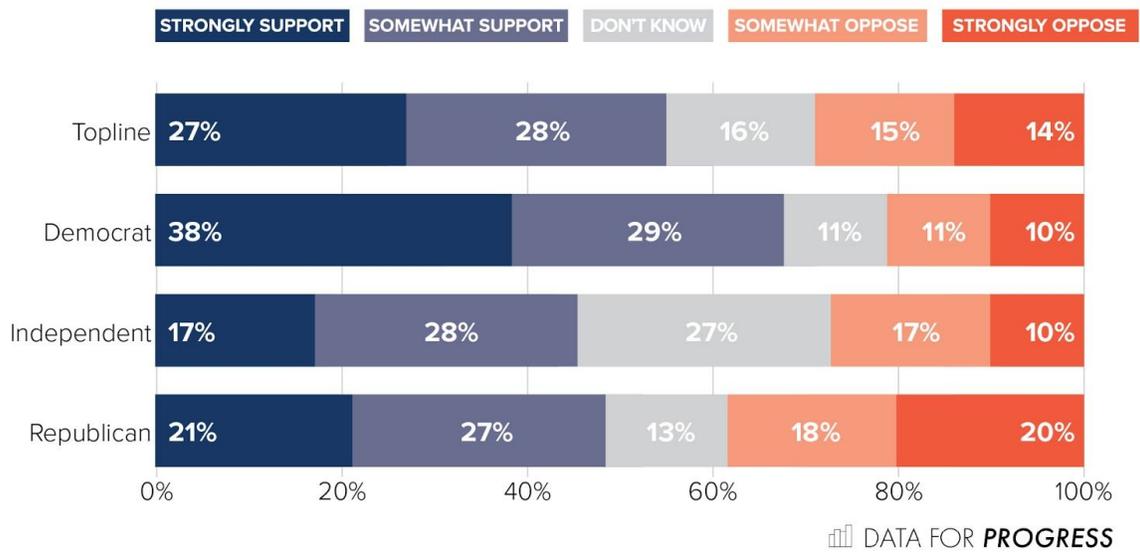|	Providing services, including housing assistance and job training and other supports.	Don't know.	Surveillance and supervision.
Topline	51%	11%	38%
Democrat	62%	8%	29%
Independent	42%	19%	39%
Republican	45%	6%	49%

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Ultimately, most voters believe that the current system of probation and parole isn't working and that overarching reforms are necessary. These reforms include giving people on supervised release the right to vote, structuring the system to reward positive behavior, reducing the
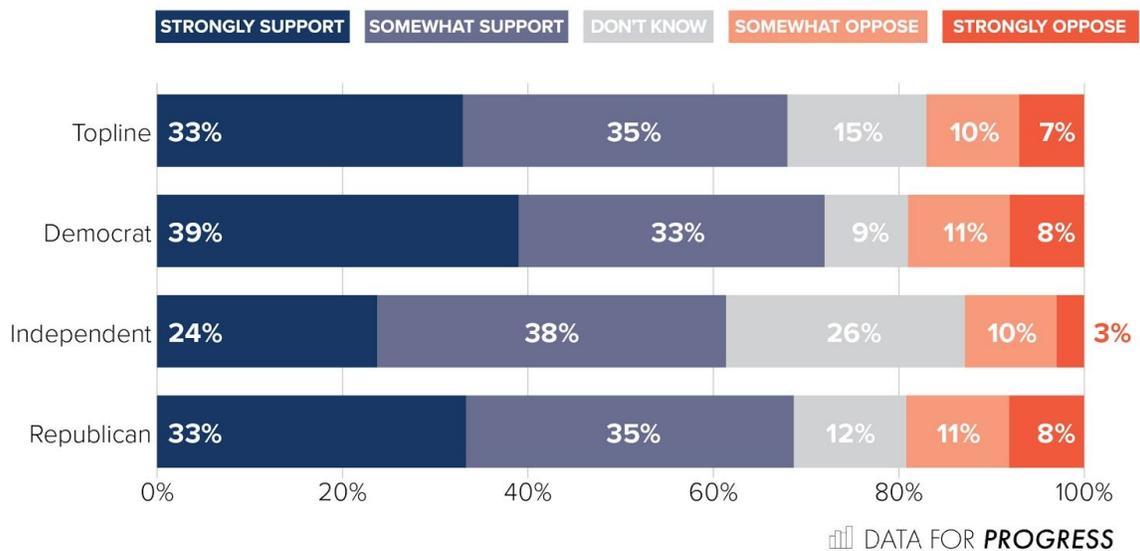
number and scope of conditions that must be met while under supervision, avoiding incarceration for technical violations, and limiting the time people spend under supervision.

Below is a list of some proposals that could potentially reduce the number of people and the amount of time people spend on probation and/or parole. Please indicate whether you support or oppose each proposal.
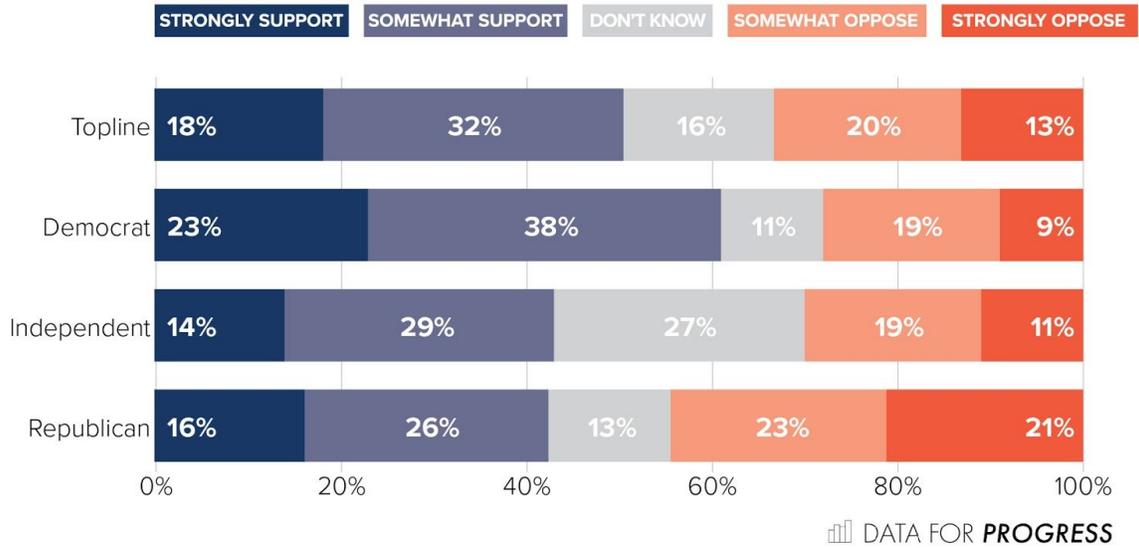
- **Allowing people on supervision the right to vote.**

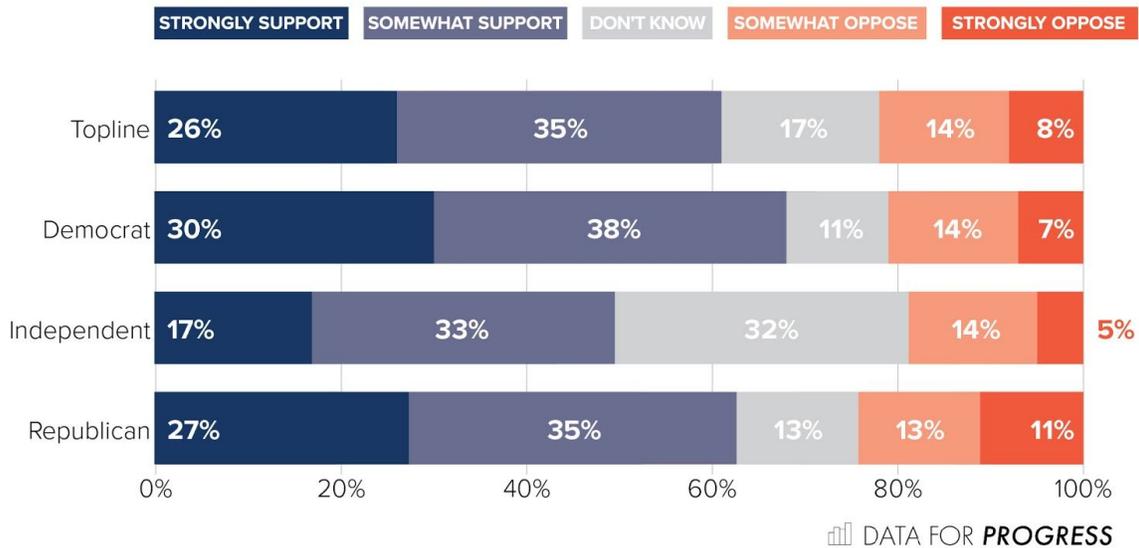|	STRONGLY SUPPORT	SOMEWHAT SUPPORT	DON'T KNOW	SOMEWHAT OPPOSE	STRONGLY OPPOSE
Topline	27%	28%	16%	15%	14%
Democrat	38%	29%	11%	11%	10%
Independent	17%	28%	27%	17%	10%
Republican	21%	27%	13%	18%	20%

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- **Structuring probation and parole systems to encourage positive behavior change by reducing people's time under supervision for good behavior or completion of programs, like skill-building programs or other programs they are ordered to participate in.**

	STRONGLY SUPPORT	SOMEWHAT SUPPORT	DON'T KNOW	SOMEWHAT OPPOSE	STRONGLY OPPOSE
Topline	33%	35%	15%	10%	7%
Democrat	39%	33%	9%	11%	8%
Independent	24%	38%	26%	10%	3%
Republican	33%	35%	12%	11%	8%

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- **Reducing the number and scope of conditions that an individual on supervision must comply with.**

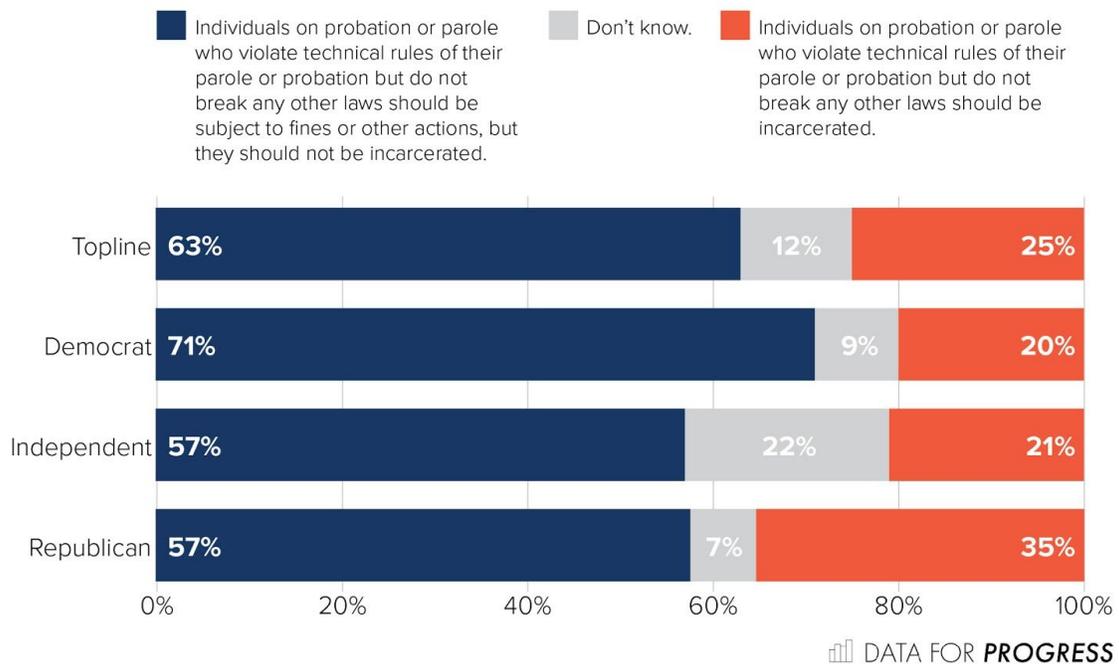|	STRONGLY SUPPORT	SOMEWHAT SUPPORT	DON'T KNOW	SOMEWHAT OPPOSE	STRONGLY OPPOSE
Topline	18%	32%	16%	20%	13%
Democrat	23%	38%	11%	19%	9%
Independent	14%	29%	27%	19%	11%
Republican	16%	26%	13%	23%	21%

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- **Limiting probation and parole to a maximum of 2 years, unless there are unusual circumstances that justify a longer period of supervision.**

	STRONGLY SUPPORT	SOMEWHAT SUPPORT	DON'T KNOW	SOMEWHAT OPPOSE	STRONGLY OPPOSE
Topline	26%	35%	17%	14%	8%
Democrat	30%	38%	11%	14%	7%
Independent	17%	33%	32%	14%	5%
Republican	27%	35%	13%	13%	11%

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Finally, after learning about the current systems of probation and parole and hearing arguments for reform, a majority of respondents across party lines said that people should not be incarcerated for technical probation and parole violations.

In many places, a person on probation or parole must: abstain from alcohol or cannabis, even if they have no history of excessive alcohol use or have cannabis that is medically prescribed; make in-person appointments with their parole officer, even if it means spending time away from their jobs; and notify parole officers if their living situation changes in any way. If a person fails to comply with any of these rules or regulations, they are often sent back to jail or prison. Which of the following statements comes closer to your view?

Key takeaways:

Probation and parole were designed as alternatives to incarceration—to reduce jail and prison populations while helping people to successfully reenter, or remain in, their communities. The modern probation system was developed as a program for people accused of low-level and non-violent crimes, while parole allowed for early release from prison. These systems were supposed to provide supervised rehabilitation and community support, thus helping people to find jobs, secure housing, and treat substance use disorders. The goal was to reduce the total number of people incarcerated and lower the rate at which people return to prison or jail by providing the stability people need to avoid the criminal legal system.

Instead, probation and parole have become vast systems of surveillance, control, and punishment. There are currently 4.4 million people under supervision (roughly the combined

total number of people living in Wyoming, Vermont, Washington D.C., Alaska, North Dakota, and South Dakota), forced to meet often confusing and onerous requirements under the threat of incarceration.

Rather than supporting people, today's probation and parole programs set people up to fail and perpetuate cycles of incarceration. People are often required to: pay substantial supervision fees, make regular in-person appointments with a probation or parole officer, abstain from alcohol or cannabis (regardless of whether their probation or parole had anything to do with substance use and even if cannabis has been medically prescribed), and comply with curfews and strict travel restrictions that can make it harder to find work or maintain connections with friends and family. Failure to comply with any of these—whether it be taking a drink of alcohol or breaking curfew—can lead to an arrest warrant and time in jail.

People are also forced to forfeit basic rights, including the Fourth Amendment's protections against searches and seizures, allowing the police to target them for enforcement. The unfortunate result is that probation and parole are significant drivers of mass incarceration with a disproportionate impact on indigent and nonwhite communities.

But probation and parole *can* be used to reduce rather than increase mass incarceration. Our polling shows that there is popular support for reforming these systems to focus on rehabilitation and community support, rather than on surveillance and restriction.

Methodology:

From October 16 to October 17, 2020, Data for Progress conducted a survey of 1,164 likely voters nationally using web panel respondents. The sample was weighted to be representative of likely voters by age, gender, education, race, and voting history. The survey was conducted in English. The margin of error is ±2.9 percentage points.