

## Polling on Public Attitudes

### TREATMENT OF YOUTH IN TROUBLE WITH THE LAW

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Advocates for youth justice reform, in the states and at the federal level, are accustomed to hearing from legislators that they have to appear “tough on crime” in order to address their constituents’ public safety concerns. However, recent studies and polls about public attitudes toward youth who break the law, the juvenile justice system, and rehabilitation consistently suggest that the public understands that the toughest posture on youth crime is not necessarily the smartest one.

Recent polls show that voters:

- believe that rehabilitation and treatment can reduce crime *and* will save taxpayer costs in the long run;
- support rehabilitation even for young people who commit violent crimes;
- oppose sending young people who commit crimes to adult court without an individual determination made in each case;
- agree that non-white youth are more likely than white youth to be prosecuted as adults; and
- believe strongly in a separate juvenile justice system.

Over the years, public opinion has remained solidly supportive of rehabilitation for youth regardless of public perceptions about the rate or severity of youth crime. A majority of the public maintains this support for the juvenile justice system even when it thinks (whether correctly or not) that youth violence is a major problem and that youth crime rates are increasing.<sup>1</sup> As youth crime rises and falls, advocates will need to continually provide policymakers with the truth about the public’s attitudes towards the treatment of youth who come into conflict with the law.

Looking at the polling questions and responses they evoke can also be helpful in framing your message when advocating for specific policy reforms.

## Recent Polls

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### *Campaign for Youth Justice (October 2011)*

Gerstein, Bocian and Agne Strategies conducted a survey<sup>2</sup> of 1,000 adults on their views on the effectiveness of our current youth justice system. The survey, conducted on behalf of the Campaign for Youth Justice, took place between September 27 and October 2, 2011, and revealed that the majority of participants—whether liberal, moderate, or conservative—preferred rehabilitation of youth in trouble with the law.

- Prevention and rehabilitation should be the focus of the juvenile justice system: An overwhelming majority of adults believed the juvenile justice system should focus on prevention and rehabilitation, rather than on incarceration and punishment (78 percent to 15 percent). Nearly three-quarters of adults (71 percent) also believed rehabilitation programs help prevent further crimes and most (64 percent) thought those programs save more tax dollars in the long run than incarceration. In fact, the vast majority of those surveyed (89 percent) favored increasing the use of mandatory rehabilitation, education, drug treatment and job counseling programs.
- Youth who commit crimes are capable of changing for the better: More than three quarters of the survey participants agreed that young people have the potential to grow and change their lives (76 percent).
- Youth under the age of 18 should not be held in adult jails—even while awaiting trial. In fact, most participants thought that adult prisons would hurt a child’s chance for rehabilitation: The majority of those surveyed (69 percent) favored removing youth from adult jails and placing them in youth facilities, even more so if youth are awaiting trial (80 percent). Many respondents believed that incarcerating young people in adult prisons hurts their chances for rehabilitation, and ultimately makes it more likely that they will commit future crimes (57 percent).
- Transfer of youth to the adult system should not be so easy or automatic: More than half the respondents believed there should be a minimum age at which a child can be prosecuted in adult court (64 percent), and instead of having certain youth transferred to adult court automatically, more than three quarters of those surveyed (76 percent) believed that a judge should make that a decision on a case-by-case basis.
- Judges—not prosecutors—should have discretion to transfer children to adult system: Respondents trusted judges’ discretion on transfer much more than that of prosecutors (82 percent versus 12 percent). In cases where prosecutors do make the decision, most (70 percent) favored allowing judges to overrule that decision.

- Families and communities should be involved in youth rehabilitation: Most of those surveyed (86 percent) favored a plan that would require youth facilities to allow youth to see their families at least once a week. They also believed that youth should be held in facilities close to their communities (77 percent) and families should be involved in treatment and rehabilitation plans (86 percent). An overwhelming number (84 percent) favored creation of an independent commission of community leaders to ensure youth are protected from abuse while in state or local custody.

### ***Center for Children’s Law and Policy (CCLP), 2007***

CCLP (as part of the John D. and Catherine T. MacArthur Foundation’s Models for Change program) worked with Belden Russonello and Stewart to survey public attitudes on youth, crime, race and the juvenile justice system.<sup>3</sup> In the summer of 2007, they conducted eight focus groups on the issues in Chicago, Pittsburgh, Baton Rouge, and Seattle. Informed by the results from the focus groups, they conducted a national telephone survey in September 2007 of 500 adults nationwide and an additional 300 adults in the four Models for Change states (Illinois, Pennsylvania, Louisiana, and Washington). The results revealed strong support for youth justice reforms focused on rehabilitating young people rather than locking them up in adult prisons. Respondents believed strongly that:

- Young people can change: 89 percent of those surveyed agreed that “almost all youth who commit crimes have the potential to change” and more than 70 percent agreed that “incarcerating youthful offenders without rehabilitation is the same as giving up on them.”
- Funds should be redirected from incarceration to counseling, education, and job training programs for youth in trouble with the law: 80 percent favored reallocating state government money from incarceration to programs that provide help and skills to enable youth to become productive citizens.
- Youth should have access to treatment and other services for rehabilitation: Majorities saw schooling (72 percent), job training (66 percent), mental health treatment (60 percent), family counseling (57 percent), mentoring (55 percent), and community services (51 percent) as very effective ways to rehabilitate young people leaving the juvenile justice system. Less than 15 percent of those surveyed thought that incarcerating young people was a very effective way to rehabilitate them.
- Where possible, youth should be kept in their communities: 76 percent strongly favored or somewhat favored placing nonviolent youth in facilities located in their own communities and 80 percent favored placing them in small residential facilities; 62 percent favored assigning nonviolent youth to live in their own homes, receiving counseling and other services under the close supervision of a caseworker, rather than in large youth facilities.

- The justice system is harsher for low-income youth and youth of color: Almost two-thirds of respondents said that poor youth receive worse treatment than middle class youth who are arrested for the same offense. A majority of respondents (53 percent) said that African American youth receive worse treatment than white youth arrested for the same offense.

### ***The MacArthur Foundation Research Network on Adolescent Development and Juvenile Justice, 2005 & 2007***

The MacArthur Foundation Research Network on Adolescent Development and Juvenile Justice has supported a series of polls undertaken by Professors Laurence Steinberg and Alex Piquero.

#### **Pennsylvania Poll, 2005**

The first poll was conducted in Pennsylvania from March to August, 2005 with approximately 1,500 respondents closely mirroring the demographics of the state's population in terms of age, race, income, and education. Although the survey was not national in scope, the researchers found that the population in Pennsylvania represents the "tenor of national sentiments." Two studies have been conducted on the data gathered in 2005.

In the first study, the researchers evaluated respondents' willingness to pay for rehabilitation and incarceration of youth in trouble with the law by using a methodology known as "contingent valuation."<sup>4</sup> Respondents were asked if they would be willing to pay varying amounts of increased taxes for either increased rehabilitation programming or increased incarceration.

- Public is more willing to pay for added rehabilitation than added punishment: 60 percent of respondents were willing to pay at least \$100 for added rehabilitation programming, while over 40 percent were unwilling to pay for added punishment.
- Public is willing to spend more on added rehabilitation than on added incarceration: The average willingness to pay was almost \$20 higher for the addition of rehabilitation services (\$98.10) than for the addition of an extra year of incarceration (\$80.97).
- Public is willing to pay for preventative evidence-based practice: 65 percent of respondents were willing to pay at least \$75 for a nurse home visitation program and 56.7 percent were willing to pay \$150 or more.

In the second study, the researchers examined whether the respondents believed that there is an age at which it is too late to help a crime-involved youth "change and become a law-abiding person," and whether belief in the reform of youth who commit offenses is near-universal across socio-demographic groups or is concentrated in certain social domains.<sup>5</sup>

- Nearly six in 10 respondents agreed that youth should be treated more leniently than adults.
- Over 77 percent of respondents agreed that youth are more open to reform than adults.
- Nearly 75 percent of respondents believed youth in the justice system are more likely to become adult criminals if they are sent to jail, than if they get rehabilitation in youth facilities.
- The mean age at which respondents thought a young person might be too old to be reformed was 17.9 years, and nearly 30 percent of respondents expressed the belief that there is “no age at which it is too late to help a young person” who is in trouble with the law.
- Neither race nor political ideology exerted any significant impacts on the views of the respondents; rather, “it appears that race and politics do not divide the sample on views toward child saving” and “ideological space still exists to turn criminal justice policy in a new direction.”

### **Illinois, Pennsylvania, Louisiana, and Washington Polls, 2007**

Further polls were conducted in 2007 in all four MacArthur Foundation Models for Change states—Illinois, Louisiana, Pennsylvania, and Washington—with a random sample of approximately 500 households in each state.<sup>6</sup> The respondents were asked if they would be willing to vote for a crime policy proposal requiring each household to pay an additional amount of money in taxes. Half of the respondents were told that the additional taxes would increase the amount of rehabilitation services provided to youth who commit serious offenses, without any increase in their time incarcerated. The other half were told that the tax increase would fund a longer period of incarceration for youth who commit serious offenses without the addition of any services. Respondents who indicated a willingness to pay the additional cost were asked further questions to establish how much more they would be willing to pay to support the specific policy.

The results across the sample as a whole (combining data from all four states) showed that the public clearly favors rehabilitation over punishment as a response to serious youth offending.

- Public is willing to pay for rehabilitation: More respondents were willing to pay for additional rehabilitation than for additional punishment and the average amount they were willing to pay was almost 20 percent greater for rehabilitation than for incarceration (\$98.49 versus \$84.52).

- Public is less willing to pay for additional incarceration than added rehabilitation: Conversely, significantly more respondents were unwilling to pay for additional incarceration (39 percent) than were unwilling to pay for added rehabilitation (29 percent). (These numbers represent the average among the states. In Louisiana respondents were willing to pay slightly more for punishment than rehabilitation—\$98 versus \$94.)
- Conservatives and liberals support rehabilitation: The published data from the first Pennsylvania survey included some additional questions to establish the political views and attitudes of the respondents. In general, although respondents differed in their responses to the “willingness to pay” questions depending on their political philosophy (conservative or liberal) and attitudes toward punishment (more or less punitive), the results suggested broad public support for effective rehabilitation. Even the more punitively oriented respondents express substantial willingness to pay for rehabilitation. Conservatives as well as liberals expressed substantial support for public investment in effective rehabilitation, although self-identified conservatives reported significantly higher willingness to pay for punishment than self-identified liberals (\$86.29 versus \$62.76), and significantly lower willingness to pay for rehabilitation.

### ***The National Council on Crime and Delinquency (NCCD), 2007***

NCCD published the results of a national telephone survey of likely voters by Zogby International<sup>7</sup> conducted in January 2007. The poll showed that despite concerns about youth crime—90 percent of those polled agreed that youth crime is a major problem—the public strongly supports rehabilitation and treatment, and opposes incarceration in adult jails or prisons.

- Youth should be transferred on a case-by-case basis: 92 percent of those surveyed agreed that the decision to transfer youth to adult court should be made on a case-by-case basis and not be governed by a blanket policy.
- Rehabilitation can prevent crime: 89 percent agreed that rehabilitative services and treatment for incarcerated youth can help prevent future crimes.
- Rehabilitation can save money: 81 percent agreed that spending on enhanced rehabilitation services for youth in the juvenile justice system will save tax dollars in the long run.
- Youth should not be incarcerated with adults: 67 percent agreed that young people should not be incarcerated in adult corrections facilities; 69 did not believe that incarcerating youth with adults will deter them from future crime.

- Disproportionate minority contact is a problem: Respondents were about twice as likely to agree (60 percent) than disagree (32 percent) that non-white youth are more likely than white youth to be prosecuted in the adult criminal justice system.

### ***Florida State University's College of Criminology and Criminal Justice, 2006***

Florida State University's College of Criminology and Criminal Justice conducted a telephone survey of approximately 1,300 Florida residents aged 18 and older in the spring of 2006. The survey focused primarily on residents' views of the state correctional system, but it also included items on attitudes toward youth in trouble with the law, and youth justice.<sup>8</sup> Issues investigated included support for abolishing the juvenile justice system and expanding criminal justice jurisdiction for young people. The poll found:

- 80.5 percent of the public disapproved of eliminating the juvenile justice system (39.6 percent strongly disapproved);
- 64 percent either agreed or strongly agreed that youth who commit violent offenses can be rehabilitated (including 57 percent of those self-identified as conservative); and
- Considerable variation in public views about the lowest age at which young people should be tried in adult court—the average age was 15.6 years with 31 percent identifying age 17 or older and 28 percent identifying 14 or lower as the cutoff. Political conservatives and those holding a retributive philosophy of punishment supported the lower ages. Non-Hispanic whites, those with higher education levels and respondents who had been victimized were also more likely to support the younger age of transfer.

## **Public Attitudes During the 1990s**

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Even in the 1990s, when youth crime rates were higher than at present and the media were reporting a coming generation of super-predators, the public maintained its commitment to rehabilitation.

### ***Building Blocks for Youth, 1999***

A *Building Blocks for Youth* poll conducted nationwide in early 1999<sup>9</sup> (when youth crime rates were in their fifth year of decline) found that although 38 percent of respondents believed youth crime was increasing and all the groups polled viewed youth violence as a big problem,

- 90 percent of respondents supported a focus on prevention and rehabilitation rather than imprisonment, and
- Only 15 percent thought that locking youth up in youth facilities was effective in rehabilitating them.



### **Virginia Commission on Youth, 1995**

In the fall of 1995, the [Virginia Commission on Youth](#) surveyed public attitudes about youth crime as part of a survey of 811 randomly selected adult respondents.<sup>10</sup> A majority of the respondents identified themselves as Republicans.

- Juvenile courts should be rehabilitative: 63 percent of respondents believed that the main purpose of the juvenile court system should be to rehabilitate youth, while 23 percent chose punishment, and 11 percent said both.
- Government should support rehabilitation: 68 percent said that government should concentrate on either prevention or rehabilitation to reduce youth crime rather than enforcement or punishment.
- Public favors community-based programs: Only 32 percent of the surveyed group agreed that more youth should be sent to training schools, while 50 percent favored community-based programs, and nine percent wanted both or another alternative.
- Judges should make transfer decisions: 80 percent felt that the decision to transfer a youth to an adult court should be made by a judge, rather than by a prosecutor.
- Youth and adults should be held separately: Despite support for adult treatment in certain cases, 84 percent opposed the mixing of adults and youth awaiting trial.

## **Using Positive Polling Information**

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### ***To Educate Policymakers, Journalists, and Others***

In general, youth crime—both property crime and violent crime—has fallen dramatically since it peaked in the mid-1990s. FBI Uniform Crime Report statistics for 2012 show that the number of youth arrested for violent crime declined by nearly two-thirds since 1994, the year in which they peaked, and youth arrests for property crime declined about 246 percent during the same time period.<sup>11</sup> Yet many people continue to believe that youth crime is common and on the rise. Media stories inflate the frequency of crime—violent crime in particular—and rarely feature stories about youth, except in connection with violence.<sup>12</sup> These stories contribute to an atmosphere in which politicians who vote for heavier penalties and sending more children into the adult system believe that they are supported by public opinion. Polling results, however, show that the opposite is true.



### ***To Develop Effective Messages***

Unfortunately, we know that data alone do not move people to action. Advocates need to couch data within a meaningful framework in order for the message to be understood and for individuals to be motivated. The following is a brief summary of several potential frameworks for this polling data that should contextualize the data in ways that will resonate with the general public.

- **Rehabilitation**: The polls all show that the public believes in rehabilitation. The public responds positively to messages that speak to youths’ potential for change and the power of rehabilitation. However, do not force a choice between punishment and rehabilitation, because the public likes elements of both. What we are working for is a common-sense, balanced approach.
- **Values**: The most effective frames are those that reflect the values people already hold. For example, in its research for the Youth Transition Funders Group, Fenton Communications identified messages framed around fairness, justice, equity, responsibility, and effectiveness to be ones that people responded to positively.<sup>13</sup> Building Blocks for Youth also noted that notions of fairness were important to people who were asked about racial disparities. (However, arguing that the justice system is unfair because it disproportionately impacts communities of color does not resonate for many people—and not just white audiences—likely because it sounds like an excuse. See the next two bullets for more.)
- **Accountability**: Across polls and across time, the public wants young people who commit offenses to be held accountable. In the CCLP poll, 80 percent of respondents wanted a stronger focus on accountability and thought that the system is not focused enough on “teaching youth who commit crimes to be accountable for their actions.”
- **No Excuses**: Building Blocks’ analysis of polling responses found that the public was not convinced by messages that appeared to offer excuses, e.g., “It’s only natural for people to make mistakes when they are young.” This also applies to arguments based on adolescent brain development if they appear to imply that teens are not culpable for their behavior. The developmental argument may, however, be relevant when discussing youth capacity for change and growth.
- **Limit Statistics**: In general, people were less convinced by messages that cite statistics. If you can’t avoid them, or you think they tell an important part of the story, then try to stick to one big, compelling number that makes your point.
- **Safety Has No Price Tag**: As a rule, consider using fiscal arguments only with specialized audiences. Legislators, policymakers, and committed advocates must assess the cost-benefits of different policy choices, but the general public, while concerned about higher taxes and unnecessary spending, tends to see living in a safe community as priceless.

<sup>1</sup> In actuality, juvenile arrests have decreased significantly, and violent crime committed by youth is at a 32-year low. The latest detailed crime statistics from the FBI show an overall decrease in juvenile arrests of 10.4 percent between 2011 and 2012 (violent crime arrests decreased by 10.3 percent, and arrests for property crime declined by 11.6 percent). Violent crimes include murder and non-negligent manslaughter, forcible rape, robbery, and aggravated assault. Property crimes include burglary, larceny-theft, motor vehicle theft, and arson. See Federal Bureau of Investigation, “FBI Crime in the United States 2012,” Table 36, “Current Year Over Previous Year Arrest Trends by Age Group,” accessed November 4, 2013 at <http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2012/crime-in-the-u.s.-2012/tables/36tabledatadecoverviewpdf>. See also Jeffrey A. Butts, “Violent Youth Crime in U.S. Falls to New 32-Year Low,” *Research and Evaluation Data Bits* (New York, NY: Research and Evaluation Center, John Jay College of Criminal Justice, City University of New York, October 4, 2013), accessed at <http://johnjayresearch.org/rec/files/2013/10/databit201304.pdf>.

<sup>2</sup> Gerstein, Bocian and Agne Strategies, “Campaign for Youth Justice System Survey” (October 2011), available at [http://www.gbastrategies.com/public\\_files/cfyj101111m1.pdf](http://www.gbastrategies.com/public_files/cfyj101111m1.pdf).

<sup>3</sup> Center for Children’s Law and Policy, “Potential for Change: Public Attitudes and Policy Preferences for Juvenile Justice Systems Reform,” Executive Summary (Chicago: The John D. and Catherine T. MacArthur Foundation Models for Change initiative, November 1, 2007), accessed January 15, 2013 at <http://www.modelsforchange.net/publications/121>.

<sup>4</sup> Daniel S. Nagin et al., “Public Preferences for Rehabilitation Versus Incarceration of Juvenile Offenders: Evidence from a Contingent Valuation Survey,” *Criminology & Public Policy* 5, no. 4 (November 2006).

<sup>5</sup> Alex R. Piquero et al., “Never too Late: Public Optimism About Juvenile Rehabilitation,” *Punishment and Society* 12, no. 2 (2010): 187-207.

<sup>6</sup> Alex R. Piquero and Laurence Steinberg, “Rehabilitation Versus Incarceration of Juvenile Offenders: Public Preferences in Four Models for Change States,” Executive Summary (Chicago: The John D. and Catherine T. MacArthur Foundation Models for Change initiative, Nov. 1, 2007), accessed January 15, 2013 at <http://www.modelsforchange.net/publications/186>.

<sup>7</sup> Barry Krisberg and Susan Marchionna, “Attitudes of U.S. Voters Toward Youth Crime and the Justice System” (Oakland, CA: *National Council on Crime and Delinquency* February 2007), accessed January 15, 2013 at [http://www.nccdglobal.org/sites/default/files/publication\\_pdf/focus-voters-and-youth.pdf](http://www.nccdglobal.org/sites/default/files/publication_pdf/focus-voters-and-youth.pdf).

<sup>8</sup> Daniel P. Mears et al., “Public Opinion and the Foundation of the Juvenile Court,” *Criminology* 45, no. 1 (2007).

<sup>9</sup> See Mark Soler, “Public Opinion on Youth, Crime and Race: A Guide for Advocates,” *Building Blocks for Youth*, (Washington, DC: October 2001), accessed January 17, 2013 at <http://www.cclp.org/documents/BBY/advocacyguide.pdf>.

<sup>10</sup> State of Virginia, “Report of the Virginia Commission on Youth on the Study of Juvenile Justice System Reform,” House Doc. No. 37 (1996), accessed January 17, 2013 at <http://bit.ly/Uyec06>. The poll was conducted by the Survey Research Laboratory at Virginia Commonwealth University as part of the Commonwealth Poll, a survey of political attitudes during state-wide legislative races.

<sup>11</sup> See Federal Bureau of Investigation, “FBI Crime in the United States 2012,” Table 36, “Current Year Over Previous Year Arrest Trends by Age Group,” accessed November 4, 2013 at <http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2012/crime-in-the-u.s.-2012/tables/36tabledatadecoverviewpdf>, and “Crime in the United States 1995,” Table 36, “Total Arrest Trends, 1994–1995,” accessed November 4, 2013 at <http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/1995/95sec4.pdf>.

<sup>12</sup> Lawrence Wallack and Lori Dorfman, *Moving from Them to Us: Challenges in Reframing Violence Among Youth* (Berkeley, California: The Berkeley Media Studies Group, 2009): 7-9, accessed January 17, 2013 at <http://www.bmsg.org/resources/publications/moving-from-them-to-us-challenges-in-reframing-violence-among-youth>.

<sup>13</sup> Youth Transition Funders Group, “Talking About Youth Transitions” (July 2007), available at <http://www.ytfg.org/documents/TalkingaboutYouthTransitions.pdf>.