

The Pendulum Foundation
A Telephone Survey of Likely Voters
Prepared by RBI Strategy & Research
Survey Conducted August 19-24, 2005
N = 501, Margin of Error is +/- 4.38%

Total Poll Results Available through Pendulum Foundation or ridder-braden.com

THE ISSUE: KIDS IN ADULT PRISONS

Shall the State of Colorado adopt a method of criminal adjudication whereby:

- juveniles shall have a sentencing structure separate and distinct from that of adults;
- juveniles tried as adults shall be sentenced to no more than 70% of the adult sentence for the same crime; in cases where a mandatory life without parole sentence applies, the legislature shall create a new sentencing range;
- juveniles tried as adults shall be segregated from adult inmates until they reach the age of 21
- the court shall have the sole power and discretion to determine whether the juvenile shall be tried as a juvenile or an adult;
- juveniles currently serving sentences of life without parole in Colorado's State and Federal Prisons shall have the ability to apply to the court for resentencing after having served 15 years of their sentence.

If you had to vote on this (possible ballot) initiative today, would you vote yes or no on this initiative?

Total Yes = 62%

Total No = 27%

OLD ENOUGH TO DO THE CRIME, OLD ENOUGH TO DO THE TIME?

(Should) juveniles tried as adults (be segregated) from adult inmates until they reach the age of 21?

(Pendulum Foundation Note: As soon as a child is convicted as an adult, whether at 13 or 17, he is placed in adult prison.)

Total Favor = 88%

Total Oppose = 8%

In general, do you think that juveniles and adults should serve the same sentences for similar crimes, or do you think juveniles should receive lighter sentences than adults?

Treat them the same 39%

Lighter sentences for juveniles 61%

(Should Colorado) establish that juveniles tried as adults shall have a separate and distinct sentencing structure from that of adults.

Total Favor = 63%

Total Oppose = 33%

(Do you favor) changing Colorado law so that juveniles tried as adults receive a sentence equal to no more than 70% of an adult sentenced to the same crime?

Total Favor = 49%

Total Oppose = 36%

Would you favor or oppose a law which would allow some juvenile offenders who are accomplices to murder, but do not personally commit the murder to receive a sentence other than life without parole?

(Pendulum Note: Nearly half our kids serving life without parole are there for felony murder.)

Total Favor = 74% Total Oppose = 17%

JUDGE VS PROSECUTOR: WHO DO COLORADANS TRUST WITH OUR KIDS?

When it comes to decisions about the appropriate sentence for juvenile offenders, whom do you trust more -- district attorneys, or judges?

Total Favor DAs = 22%

Total Favor Judges = 60%

On the most serious, violent crimes, should a judge have the discretion to give a juvenile a long adult sentence but withhold the sentence pending the juvenile successfully completing a stringent rehabilitation sentence while in a juvenile facility, and, if the judge is satisfied with the amount of remorse and rehabilitation, keep the sentence suspended so that the juvenile is paroled?

Total Favor = 70%

Total Oppose = 24%

TOUGH ON CRIME TEXAS?

George W. Bush is credited with turning Texas's ineffective justice system into the nation's jewel. Thanks to Giddings State School, which takes offenders like our 50 kids serving LWOP, rehabilitates them and offers them a second chance on the outside, Texas is a model of tough compassion. The Pendulum Foundation, under the guise of The Giddings Project, is committed to having a Giddings-style school in every state—beginning in Colorado.

The State of Texas uses a different system for trying and sentencing juvenile offenders. In Texas, most juveniles who commit serious crimes, including murder, are sent to a juvenile detention center. If they complete an exhaustive rehabilitation program, when they turn 21 they are eligible to receive parole for the rest of their term. If they violate parole, they are sent to prison to serve the remainder of their term. Would you favor such a process in Colorado?

Total Favor = 79% **Total Oppose = 17%**

Some people say that this initiative, if it passes, will lead to chaos in our judicial system, and will allow hundreds of dangerous criminals to go free. The initiative is written to be retroactive, so it would apply to every juvenile offender ever tried as an adult. The lower sentences and new loopholes could allow convicted criminals, even some guilty of murder, to go free, or receive significantly shorter prison terms.

Others say that the system has treated children unfairly for years, and must be changed. They note that, because of mandatory minimum sentencing, there are numerous instances of children currently serving Life in Prison for killing a parent who was sexually abusive to them. Additionally, child offenders are more likely to be rehabilitated than adults, and deserve a second chance. Texas made these changes to their juvenile crime system, and crime has gone down, not up.

Which of these is closer to your personal point of view?

Chaos if Initiative passes Total = 22%

Change if Initiative passes Total = 70%

WHAT ABOUT CLEMENCY?

In past administrations, clemency or commutation WAS an option. Previous governors pardoned or commuted 100-300 sentences per their terms as governor. Governor Owens has only committed a handful of sentences and those were for minor white-collar crimes. Our young offenders have repeatedly been told that they're not even eligible to apply.

When applying for clemency from the Governor, should a juvenile who kills a parent but is shown to have been molested by the parent be treated the same as other applicants, or given more lenient treatment?

(Pendulum Note: We have 2 children who killed their molesters)

Total Favor = 92% Don't know or Not Applicable = 8%

LET'S WRAP THIS UP

Finally, after Coloradans were educated on the subject of kids in adult prisons, after we threw the worst that possible opposition could offer, approval of a ballot initiative actually went up!

Now that you know a little more, how would you vote on the original proposal? Here it is again:

Shall the State of Colorado, in regards to the sentencing and punishment of juveniles, establish the following: the Court, rather than district attorneys, shall determine whether a juvenile is tried as an adult; juveniles tried as adults shall have a different sentencing structure from adults; juveniles will be segregated within their own age group in adult prisons until they reach the age of 21; and juveniles currently serving life in prison may go before the Court and apply for stringent parole after serving 15 years of their sentence?

If you had to vote on this initiative today, would you vote yes or no? (Is that strongly or just somewhat?)

Total Yes = 72% **Total No = 24%**

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