MAIN FINDINGS
Participants felt incarceration serves important functions, such as keeping dangerous people off the streets, but agreed that the criminal justice system can be unfair and make mistakes.

The United States has the largest incarcerated population in the world. Congress members from both parties have worked on bills designed to address the rate of incarceration in the United States. However, in our focus groups, participants of different ages, races and political affiliations did not see the rate of incarceration in the United States as a problem per se, even when we showed them a chart illustrating the rising rate of incarceration over time and engaged them in a conversation about the size of the U.S. prison population. This does not mean participants were closed to the idea of reducing the prison population, but the fact that we imprison so many people was not how they framed the problem or entered the conversation.

In our groups, people often described imprisonment as necessary to keep dangerous people off the streets and as a way to protect law-abiding citizens by isolating criminals from the general public. They typically agreed that people who commit crimes deserve imprisonment.

“A Incarceration does take away freedom and provides punishment for what they did, but it’s also to protect the community and everybody else from their crimes.”
Franklin County, MO; in her 50s; white; Republican

“If you’re gonna keep screwing up, you’re showing you can’t learn. You can’t adjust. So you get what you deserve.”
Suffolk County, NY; in his 30s; white; Republican

“You do the crime, you have to pay the time.”
Suffolk County, NY; in her 40s; black; Independent

A 2016 survey found that 51 percent of registered voters say there are too many people in prison in the United States, while 19 percent say there are not enough people in prison and only 8 percent say the number is about right. Nearly a quarter of registered voters—22 percent—say they do not know or have no opinion. However, in our focus groups, participants did not initially frame the scale of the prison population as a problem. They focused first on what they saw as the problem of excessive criminal behavior.

8 In some instances, quotations have been minimally edited for clarity.
While participants emphasized the importance of incarceration, especially for violent crimes, they were also nearly unanimous in the belief that the criminal justice system makes mistakes and can be biased and unfair, especially to lower-income people and people of color.

Not surprisingly, recent survey research has shown that more black than white people perceive racial bias in the criminal justice system. A 2016 Pew Research Center survey found that 75 percent of blacks say blacks are treated less fairly than whites in the court system, but only 43 percent of whites agreed with the sentiment. While we heard broad agreement in our focus groups that the criminal justice system can treat people of color unfairly, people likely vary by race in their perception of the prevalence and intensity of the problem.

Some participants also described the criminal justice system as financially predatory, which they viewed as another way in which people ended up being punished more than they should be.

Overall, while participants saw prison as an important institution that keeps communities safe, they also saw room for improvement, including making the system fairer and steering more people away from crime.

First and foremost, participants in our focus groups tended to think of crime as a matter of bad decisions due to a combination of how people were brought up and the conditions of their lives. And they viewed prevention as the best medicine.

People often contrasted their own hard work with what they described as the laziness or immorality of criminals, the implication being that if kids were raised well—in strong families and communities—they would be less likely to turn to a life of crime.

“Growing up, if I wanted something I had to work hard to get it. But now these kids everything is handed over to them. No morals anymore.”  
**Suffolk County, NY; in her 40s; black; Independent**

“They tried to stay off of drugs and do what’s right. But their friends pull them back in. I don’t think people ever want to end up in prison. They just keep doing things wrong until they finally end up in prison.”  
**Franklin County, MO; in his 60s; white; Republican**

“The moral values have been lost. Social media, rap videos, rock-and-roll videos, all this kind of stuff, is raising the kids, and putting ideas in their head instead of their moral values that should be instilled at home.”  
**Franklin County, MO; in his 40s; black; Democrat**

“I grew up with a good moral family and a good moral compass. I think it really boils down to the family.”  
**Suffolk County, NY; in his 30s; white; Republican**

Participants were strongly focused on preventing people from becoming criminals in the first place.
They also discussed how poverty and severely limited economic opportunities can lead people to commit crime.

“The rich are getting richer, but the poor are getting poorer. And in that case the crime rates have risen in areas, and perhaps that’s what’s causing more arrests and more jail time.”

*Suffolk County, NY; in his 60s; Hispanic; Democrat*

“Loss of freedom is not always punishment to criminals. They already felt trapped wherever they were. In their home, in their neighborhood, in their community.”

*Franklin County, MO; in her 60s; white; Republican*

“Some of these young guys have no choice at all. There’s nothing to eat in the house. Their mom sold the food stamps for crack. Dad’s in jail. And they might get a little help from a grandmother who’s probably on fixed income herself and barely making it. I just think this story happened too many times.”

*Franklin County, MO; in his 40s; black; Democrat*

Many thus saw building opportunity and improving education as key ways to prevent people from committing crimes, with several citing vocational education and job training as a way to steer young people clear of criminal behavior and get them on the road to a decent life.

“To keep these people from going to jail, they need a little four-letter word called ‘jobs.’”

*Franklin County, MO; in his 50s; white; Independent*

“If a 17-year-old boy is in trouble, maybe he gets set up with a plumber or an electrician. He goes and works for them and maybe learns a trade.”

*Franklin County, MO; in her 40s; white; Republican*

“A lot of kids these days don’t go to college. So how about bumping up the job placement programs that are offered not only in high schools so that you’re steering people in the right direction and that they’re not having to resort to robbery or stuff that will veer them off the right path?”

*Suffolk County, NY; in her 30s; white; Independent*

Several also noted that it was difficult for formerly incarcerated people to find jobs, which could lead them to commit crimes again. A formerly incarcerated man in one group explained:

“Every place I went, you know, they were telling me, ‘Your criminal history is too recent.’ I would admit I was tempted back into crime a little bit because like $8 an hour in a household of three people, it’s just not enough.”

*Hamilton County, OH; in his 50s; black; Independent*
For drug crimes, and possibly some other nonviolent offenses, alternatives to incarceration made good sense to participants. But they were unwilling to accept alternative sentencing for violent crimes.

When it came to murder and other violent offenses, participants routinely advocated long sentencing, capital punishment and harsh prison conditions—consistent with their idea that prison keeps communities safe from dangerous people. Participants often used violent crime as a point of reference when discussing the appropriateness of sentencing for other types of crime.

“It’s unfair and gives people over-the-top time for the littlest stuff and people that do murders can get off or get three years, maybe.”

Hamilton County, OH; in her 20s; black; Democrat

“I don’t agree with some of the penalties, like they’re trying to give drug dealers sentences of like life in prison and treating them as murderers.”

Hamilton County, OH; in her 40s; black; Democrat

“You see one person kill somebody and get 10 years, and somebody else do something that’s really not harmful to another individual getting just as much penalty.”

Franklin County, MO; in her 50s; white; Republican

“We asked participants about alternative sentencing, meaning approaches to addressing criminal behavior other than prison time. When it came to nonviolent offenses, focus group participants were less punitive and often willing to entertain alternatives to incarceration. Alternatives resonated with participants in these groups as a viable, pragmatic response to some types of crime.¹⁰

“If they’ve never come in contact with the justice system, they made a mistake, they’ll learn their lesson by some sort of alternative form of punishment. But not jail.”

Suffolk County, NY; in her 30s; white; Independent

“Something like that where she was wrong, but she wasn’t a violent offender, someone like that you could say maybe she deserves to be going into this more lenient kind of system.”

Suffolk County, NY; in his 30s; white; Republican

The views we heard in these focus groups echo findings from a 2016 survey that found that 78 percent of registered voters strongly or somewhat supported reducing prison time for people who committed a nonviolent crime and had a low risk of committing another crime. But only 29 percent of registered voters strongly or somewhat supported reducing prison time for people who committed a violent crime and had a low risk of committing another crime.¹¹

For drug-related offenses in particular, addiction treatment and counseling struck participants as more constructive than incarceration or as important adjuncts to incarceration.

“For menial crimes like drug abuse and drug dealing, give these people an evaluation, like where did you start thinking that this was the path that you needed to go down? What pushed them to make this choice?”

Hamilton County, OH; in his 50s; black; Independent

“For a lot of the littler cases, like drug charges, instead of sitting in jail they can find other ways to help people.”

Hamilton County, OH; in his 20s; white; Democrat

“I think that the counseling people who interact with the criminals need to try to get these people to change their ideas about how they were brought up, to be viable in society.”

Franklin County, MO; in his 50s; white; Independent

Participants certainly felt that there should be consequences for nonviolent crimes and first-time offenders, but not necessarily strongly punitive ones with long periods of incarceration. Some framed the punitive aspects of drug sentencing as counterproductive, like punishing an illness.

“I don’t think drug abuse should be a charge. You’re getting years for being an addict. That’s ridiculous.”

Hamilton County, OH; in her 40s; black; Democrat

“If you’re slinging dope, that’s your job. Right? You need a job. We’re going to make you get a job, and you’re going to learn from it.”

Franklin County, MO; in his 50s; white; Independent

“The need is for rehabilitation, actual correction and not just punishment, not just taking somebody and sticking them in prison but actually helping them to improve their life.”

Hamilton County, OH; in her 60s; white; Republican

Participants also raised the topic of mental health more generally, with some suggesting that treatment might be a viable path toward preventing incarceration and recidivism.

“When my brother-in-law was mentally ill, they would put him in jail and, you know, he was mentally ill, he didn’t belong in jail, it’s really no help.”

Hamilton County, OH; in her 60s; white; Republican

“If their parents were getting treatment rather than being in jail, they could get parenting classes, drug treatment, a job-training program.”

Hamilton County, OH; in her 40s; black; Democrat

“I think that the counseling and the people that really interact with the criminals, or the inmates, or the people that are incarcerated, need to be counseled, and try to get these people to change their ideas about how they were brought up to be viable in their society.”

Franklin County, MO; in his 50s; white; Independent
One of the policy ideas we explored in the focus groups was repealing mandatory minimum sentencing laws. These laws require judges to sentence people convicted of certain crimes to serve at least a minimum, specified length of time in prison. Proponents advocate the use of mandatory minimums out of concern for excessive plea bargaining and judicial leniency. Reformers who want to do away with mandatory minimums argue that they create injustices by imposing overly harsh sentences without respect for the particulars of convicted people’s lives and crimes.

A 2016 survey found that 77 percent of registered voters would find it acceptable if “instead of mandatory minimums, judges have the flexibility to determine sentences based on the facts of each case.” However, based on the conversations in these focus groups, we question the solidity of those findings. Mandatory minimum sentencing laws and the implications of eliminating those laws appeared to be issues that focus group participants had not thought about much and did not understand well. This suggests that findings regarding public opinion on mandatory minimums may be unstable and should be interpreted with caution.

As we explained the debate over mandatory minimums to focus group participants, they often expressed concern that eliminating mandatory minimums would actually exacerbate the bias and unfairness they perceive in the criminal justice system by making people even more subject to the whims of judges and lawyers.

“I don’t like the idea of a judge being able to say this person gets no time for the exact same crime that this other person might have got a year for. I don’t like there being that much gray area.”

Hamilton County, OH; in her 40s; black; Democrat

“I don’t think it’s fair because there are a lot of lawyers that are friends with judges and they pick certain judges for their cases.”

Suffolk County, NY; in her 40s; white; Republican

“I would be worried that the judge would have the power go to his head.”

Franklin County, MO; in her 60s; white; Republican

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Some of our participants figured that flexibility in sentencing would enable judges to consider the unique circumstances of each case.

“If judges got into that position of power, they should be able to discern whether or not a person can be rehabilitated or not.”
**Franklin County, MO; in her 60s; white; Republican**

“The judge has been a lawyer, and they’ve been around a while, and they’ve seen a lot of the cases. They’ve had experience. They’ve got a tough job. So we’ve got to give the judges a little bit of leeway.”
**Franklin County, MO; in his 50s; white; Independent**

A few participants were familiar with the argument that mandatory minimums can be applied in ways that are unreasonably harsh or that reinforce racial inequities.

“It’s an overzealous punishment to sell weed to your friends and end up in jail for two to 10 years.”
**Franklin County, MO; in his 30s; white; Democrat**

“Crack is mainly bought and sold in the urban, black areas, and the powdered cocaine is normally sold and consumed in the white areas. You can get caught with 20 times the amount of powdered cocaine than the one little piece of crack, and get 10 years. It’s an imbalance there.”
**Franklin County, MO; in his 40s; black; Democrat**

Overall, we detected limited understanding of mandatory minimums and mixed reactions to the notion of eliminating them.