

A woman with her fist raised at a protest. She is wearing a dark jacket and has her hair styled in braids. The background is a crowd of people holding signs, with one sign clearly showing the word 'KIA'. The entire image has a blue tint.

# THE PEOPLE'S JUSTICE GUARANTEE AGENDA IS POPULAR

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THE  
JUSTICE  
COLLABORATIVE  
ENGAGEMENT PROJECT

This year marks the twenty-fifth anniversary of the signing of the Violent Crime Control and Law Enforcement Act of 1994, also known as the 1994 crime bill. On the anniversary of this legislation, which has become famous<sup>1</sup> for the damage it has done to communities of color and low-income people in America, Congresswoman Ayanna Pressley released the People’s Justice Guarantee.

**The People’s Justice Guarantee** is a comprehensive plan for the federal government to take the lead in rebuilding the criminal legal system so that it is smaller, safer, less punitive, and more humane. The People’s Justice Guarantee has three main components:

1. To make America more free by dramatically reducing jail and prison populations
2. To make America more equal by eliminating wealth-based discrimination and corporate profiteering
3. To make America more secure by investing in the communities most destabilized by the failed policies of mass incarceration

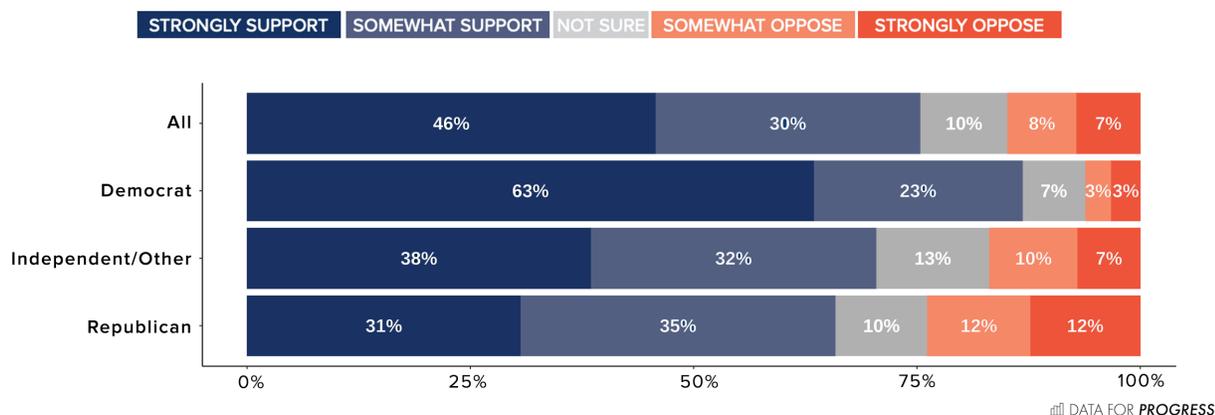
Incarceration is a uniquely American crisis, but it does not operate in a vacuum. It cycles with poverty, undercutting the economic mobility of vulnerable communities and making America less prosperous as a whole. It does not impact all Americans equally, focusing harm on people of color people, who collectively make up 31 percent of America’s population<sup>2</sup> but 56 percent of prisoners.<sup>3</sup> These components work together to not simply reduce the use of prison. They look beyond prison walls to ensure community reintegration and foster thriving local life, and thereby offer all Americans a safer, brighter future.

## Dramatically Reduce Jail and Prison Populations

Incarceration is one of our least-effective methods for controlling crime and keeping our communities safe.<sup>4</sup> Nonetheless, our jails and prisons are clogged with people for whom incarceration is, at best, counterproductive. Recently, a man spent more than a thousand days locked up on Rikers Island without a trial, including two years of solitary confinement during which he attempted suicide multiple times—all for allegedly stealing a backpack.<sup>5</sup>

► Figure 1

### SUPPORT FOR ADDICTION AND MENTAL HEALTH TREATMENT



**This is a problem the People’s Justice Guarantee seeks to fix.**

The plan decriminalizes not only sex work but also low-level offenses clearly occurring as a result of poverty, homelessness, and addiction. It also dramatically increases opportunities for access to restorative diversion programs. It ends policies that have dramatically inflated our prison population, such as “truth-in-sentencing” laws that deny people the right to early release, and zero-tolerance policies in schools that have created a pipeline into the prison system for minority youth.

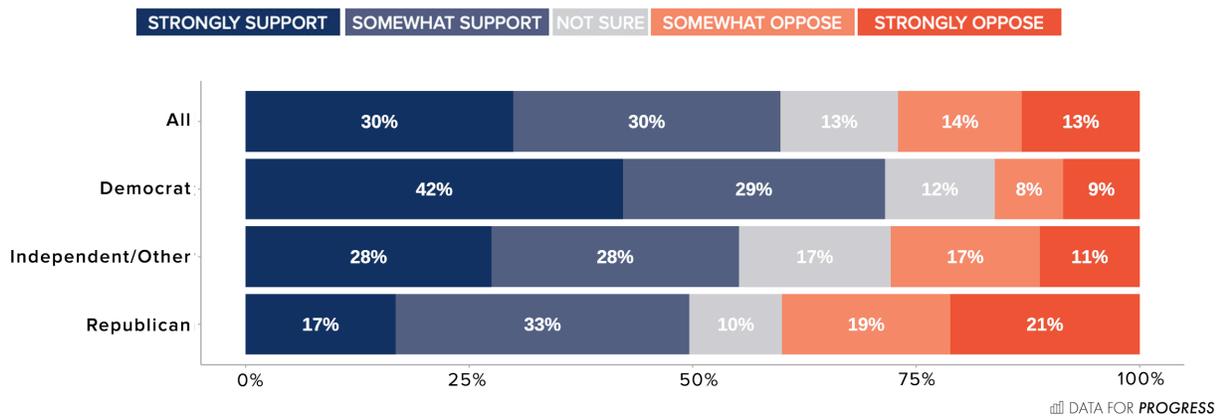
It also takes a more realistic approach to how much punishment is necessary.

America dramatically overincarcerates, in part, because American sentence lengths are substantially out of step with international norms.<sup>6</sup> The People’s Justice Guarantee would end the death penalty but also reduce the risk of long sentences creating a de facto form of “death by incarceration.”

By capping prison sentences for folks who did not cause serious physical harm, ending mandatory minimums, reinstating parole, ending the crack/cocaine sentencing disparity, banning juvenile life sentences, and opening up opportunities for compassionate release, the plan pulls criminal sentencing back and prevents people from being locked up for years longer than necessary.

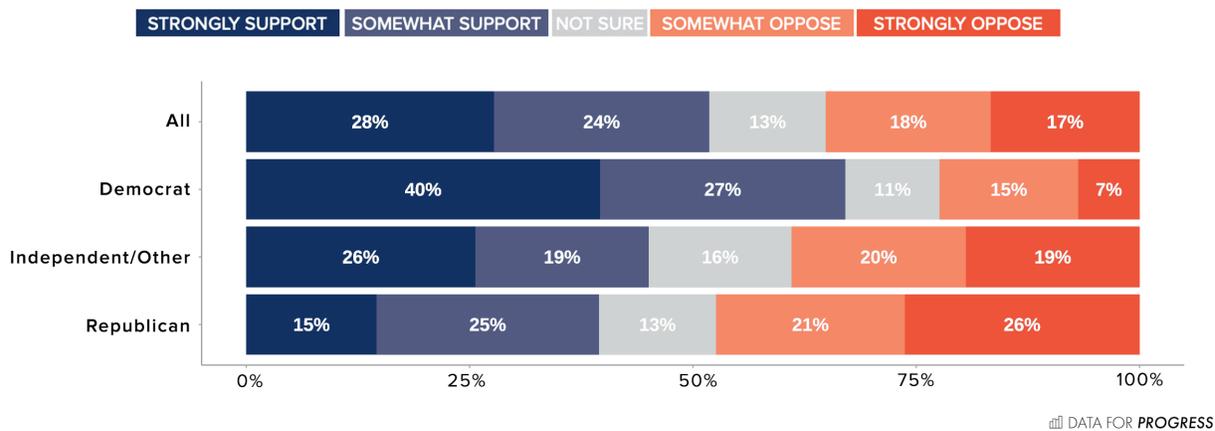
► Figure 2

**SUPPORT FOR ENDING MANDATORY MINIMUM SENTENCING**



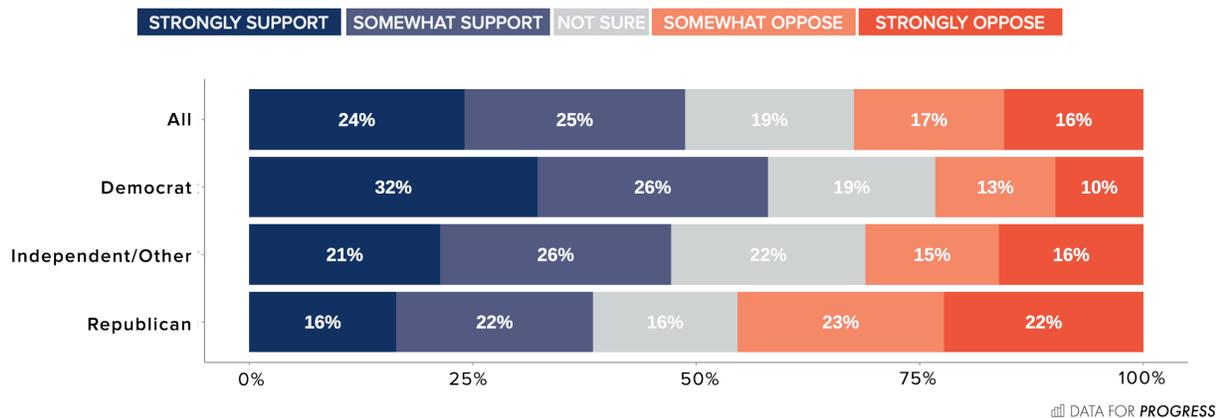
► Figure 3

**SUPPORT FOR ENDING SOLITARY CONFINEMENT**



► Figure 4

## SUPPORT FOR CAPPING SENTENCES ON CRIMES THAT DO NOT CAUSE HARM



Getting people home faster is only half the picture: we need to get people home *better*. This means eliminating ways in which incarceration becomes criminogenic, breaking people spiritually and psychologically and leaving them worse off than when they went in.

In order to help people survive incarceration, the plan ends solitary confinement, keeps people closer to home and expands visitation, allows trans people to be housed with their gender identity, provides high-quality mental and physical health care (including substance-use therapy and mental health treatment), and increases vocational and educational access while ending the use of forced labor. It restores the voice of the people closest to the problem by creating opportunities for abuses to be litigated and heard in the legal system. Simple things like better food and maintaining comfortable temperatures inside facilities are absolutely essential to creating a space where people can get well and change their lives.

After all, prison doesn't have to be about destruction: it can and should move toward a system of restoration and recovery instead of a bureaucracy built on pointless punishment.

## Eliminate Wealth-Based Discrimination and Corporate Profiteering

Restorative opportunities shouldn't be available only to the wealthy, and allowing any entity to profit off of a system built on suffering is contrary to the values of a free society. When you condition liberty on payment, you create a world in which poverty itself is a prison. As of 2017, the Sanilac County Jail in Michigan charged incarcerated individuals \$8.20 for the first minute of a phone call. Far from an outlier, at least seven other Michigan jails charged over \$20 for a fifteen-minute phone call.<sup>7</sup> These charges are not just appalling, but counterproductive: connection to the community at home is one of the most effective ways of lowering recidivism.

The People's Justice Guarantee begins by prohibiting private companies from profiting off incarceration or detention, and pushing resources toward access to education, employment, civic engagement, and housing for formerly incarcerated people instead.

But beyond large-scale reforms, it focuses on the financial burdens on individuals and families. It removes the criminogenic impact of economic incarceration—when people are

saddled with debts their lives depend on but which they'll never be able to pay, they're more likely to engage in misconduct, trying to find a way out. The People's Justice Guarantee takes unfair debt burdens off of people in poverty by ending the use of money bail, stopping the practice of charging people for their own supervision, ensures that courts only impose fines and fees on those with the ability to pay, and bans incarceration for debt alone.

These changes won't last if we don't ensure that the people closest to the problem retain their ability to participate and be heard. The People's Justice Guarantee ensures that those without resources are still afforded a robust voice in the systems that control their liberty. Investing in public defenders ensures

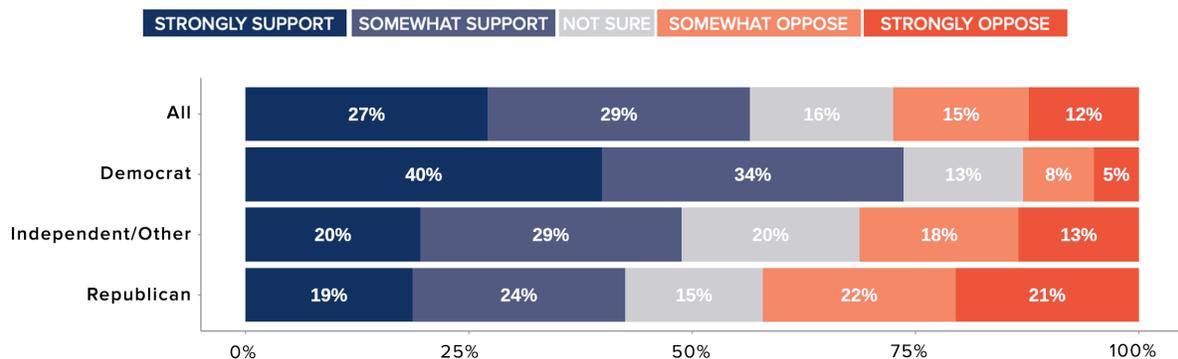
that every person facing the system has a chance to be the master of their own narrative in court. On a national level, the People's Justice Guarantee ends prison gerrymandering and ensures the right to vote for all citizens, restoring civic enfranchisement to the millions silenced by current or former incarceration.

## Investing in Impacted Communities

Pulling people out of prison isn't enough: we have to ensure that people are able to succeed once they're home. This isn't merely about better supervision or treatment programs. It's about real investment in people,

► Figure 5

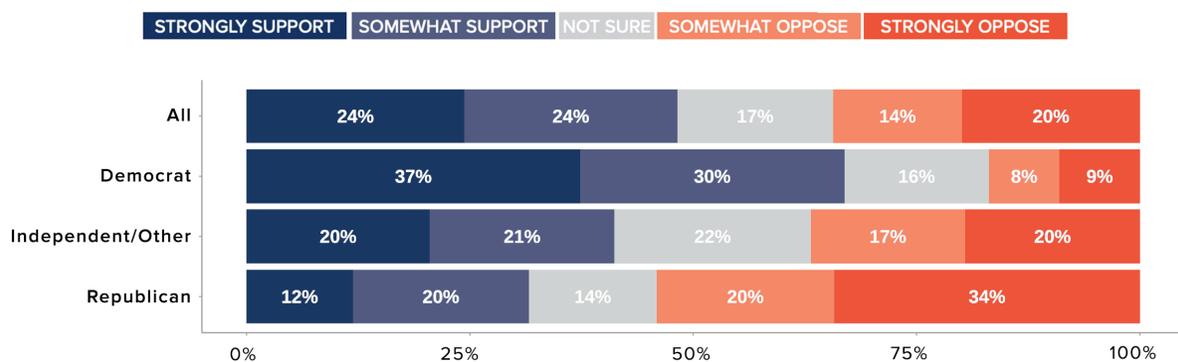
### SUPPORT ENDING DISCRIMINATION AGAINST THOSE WITH FELONY RECORDS



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► Figure 6

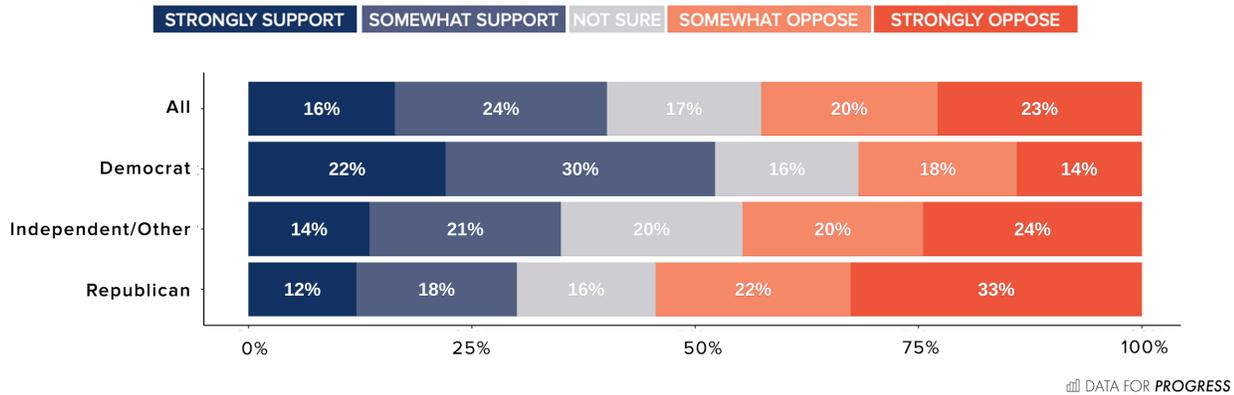
### SUPPORT ENDING THE IMPOSITION OF FINES AND FEES ON THOSE WHO CAN'T AFFORD THEM



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► Figure 7

## SUPPORT FOR INVESTING IN COMMUNITIES DISPROPORTIONATELY AFFECTED BY THE WAR ON DRUGS



neighborhoods, cities, and schools. After all, the best “alternative to incarceration” isn’t an anger management program—it’s a job, a home, and a healthy family.

The People’s Justice Guarantee creates comprehensive health care for every American, invests in modernizing and expanding housing, funding rent control and assistance programs, and ties the minimum wage to our current economic realities to ensure that workers can live and thrive rather than struggle to survive. It expands employment opportunities, combats employment discrimination, and compensates people for nontraditional work like childcare and family caregiving. It invests especially in communities that have been traditionally under-resourced, finally offering reparations to the descendants of enslaved people and providing more robust support to crime survivors.

The ability to thrive is not merely a question of resources, it’s also a question of environment. People cannot thrive in a community where policing looks more like military occupation than community engagement. The People’s Justice Guarantee therefore stops the transfer of military equipment to local police, limits firearm production and sales, stops using local police as immigration

enforcement agents, and bans programs that destroy community trust, such as official protection from prosecution, civil-asset forfeiture, and facial-analytic technology.

As we step away from a military police force, we must reimagine what policing should look like in America.

The People’s Justice Guarantee envisions policing as community oriented and focused on reducing harm rather than boosting numbers. It requires that law enforcement prioritize the most serious crimes and increase solve rates for homicide and sexual assault. It creates first-responder agencies and partnerships that are designed to intervene peacefully in crises arising from substance use, mental illness, and poverty. It fosters community-led programs to end violence and recover from trauma, and also promotes civilian oversight of police misconduct.

In this way, too, it recognizes that change comes from the people rather than the force of the state, and promotes the power of communities to bring about a better world.

## Polling on the People’s Justice Guarantee

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In order to understand the current level of popular support for these policies, we gathered each component’s key proposals and conducted a poll on over a thousand self-identified registered voters with YouGov. On behalf of Data for Progress, YouGov Blue fielded a survey on a sample of 1,006 self-identified registered voters using YouGov’s online panel from September 13 through September 16, 2019.

The sample was weighted to be representative of the population of US voters by gender, age, race/ethnicity, education, Census region, and 2016 presidential vote choice. This survey included a battery of questions around criminal justice reforms, which we discuss in this memo.

## TOPLINE RESULTS

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In this survey, we asked respondents to consider several potential reforms to the US criminal justice system.

Those items read:

*Recently, some have proposed a variety of ways to reform the criminal justice system. Please indicate whether you would [support or oppose] the following proposed reforms. A reform to ...*

- ▶ **“Addiction and health treatment”:** *Provide addiction and mental health treatment, which includes overdose medication, to all people who need it, including people who are currently incarcerated*
- ▶ **“Inform juries”:** *Inform the jury before deliberations of the minimum and maximum sentence the defendant would face under a conviction on each potential charge*
- ▶ **“Considering crimes”:** *Prevent judges from considering crimes that a jury has acquitted the person of in sentencing decisions*
- ▶ **“New investments”:** *Provide new government investments in restoring and revitalizing communities disproportionately affected by the war on drugs and mass incarceration, particularly Black and Latino urban neighborhoods*
- ▶ **“Calls and visits”:** *Provide incarcerated people with free phone calls and guaranteed in-person visitation rights*
- ▶ **“New first responders”:** *Create a new agency of first-responders, like emergency medical services or firefighters, to deal with issues related to addiction or mental illness that need to be remedied but do not need police.*
- ▶ **“Educational and vocational training”:** *Provide educational and vocational training to all people who are incarcerated to better prepare them for success when they return to their communities.*
- ▶ **“Civil violations”:** *Instruct prosecutors to treat low-level offenses, like shoplifting, as civil violations. This would categorize such offenses similarly to those like traffic violations as opposed to criminal matters.*
- ▶ **“Cap sentences”:** *Cap sentences at 5 years for offenses that do not cause serious physical harm*
- ▶ **“End mandatory minimums”:** *End mandatory minimum sentencing. This would allow judges more discretion in determining the length of prison sentences.*
- ▶ **“Petition judges”:** *Provide an opportunity to petition a judge for release after serving 15 years for any crime*
- ▶ **“End death penalty”:** *End the death penalty*
- ▶ **“End solitary confinement”:** *End solitary confinement, the practice of isolating incarcerated people in cells for 22-24 hours a day for periods of time ranging from days to decades*

- ▶ **“End cash bail”**: *End cash bail and replace it with a system that allows pretrial detention only when a person presents a serious safety risk to the community*
- ▶ **“End fines and fees”**: *End the imposition of fines and fees in the criminal justice system except for situations where the person has the clear ability to pay*
- ▶ **“End past felony discrimination”**: *Outlaw discrimination based on felony record in access to housing, education, social services, and employment*

The following chart (**Figure 8**) shows the topline results across the full sample. Each row of the chart represents responses for each item, with the blue bars representing support for the position, red bars representing opposition, and the gray representing respondents who reported they were unsure how they felt about the policy.

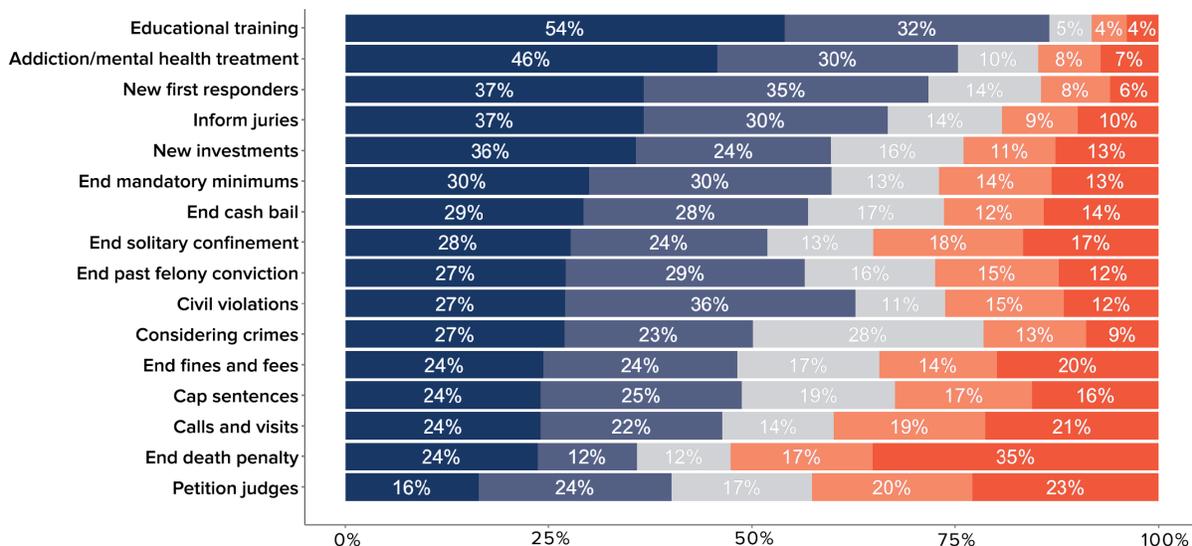
Over 50 percent of respondents support more than half the items, and many were overwhelmingly popular.

▶ Figure 8

## SUPPORT FOR CRIMINAL JUSTICE REFORMS

STRONGLY SUPPORT   SOMEWHAT SUPPORT   NOT SURE   SOMEWHAT OPPOSE   STRONGLY OPPOSE

Recently, some have proposed a variety of ways to reform the criminal justice system. Please indicate whether you would [support or oppose] the following proposed reforms...



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For example, 86 percent of respondents either strongly or somewhat support an “Educational training” policy, with only 8 percent opposed.

Respondents were statistically tied on the “Petition judges” item, with about 40 percent of respondents supporting the proposal and 43 percent opposing it. In line with much previous work on this subject, we find voters continue to oppose ending the death penalty.

Here 36 percent of voters supported ending the death penalty, and 52 percent of voters opposed ending the death penalty. Compared to some other policy domains, the share of respondents who report “Not sure” is relatively low, as we might expect given the relative salience of the death penalty debate compared to lesser-known criminal justice issues.

## Topline Results by Party Identification

**Figure 9** shows the topline results for each policy item broken out by party identification. As one might expect, partisanship plays an important role in predicting attitudes toward criminal justice reform. But even accounting for the effects of partisanship, there are a couple of items that are not as highly polarized as one would expect.

The most polarizing policies in our survey pertained to the financial repercussions of incarceration. For example:

- ▶ When asked about ending cash bail, 73 of Democrats support this proposal, while 52 percent of independents, and 41 percent of Republicans do so.
- ▶ Sixty-seven percent of Democrats, 41 percent of independents, and 32 percent of Republicans responded that they support ending the imposition of fines and fees.
- ▶ Sixty-one percent of Democrats, 42 percent of independents, and 33 of Republicans support providing incarcerated people with free phone calls and guaranteed in-person visitation rights.
- ▶ Seventy-eight percent of Democrats, 55 percent of independents, and 41 percent of Republicans support providing new government investment in communities that have been disproportionately affected by the war on drugs and mass incarceration.

Opinions on items related to discrimination and human dignity are also polarized along party lines:

- ▶ Seventy-four percent of Democrats, 49 percent of independents, and 43 of Republicans support outlawing discrimination based on felony record in access to

housing, education, social services, and employment.

- ▶ Fifty-five percent of Democrats, 30 percent of independents, and 18 percent of Republicans support ending the death penalty. Of the policies we polled, this one received the most Republican opposition—75 percent of Republicans oppose ending the death penalty, while only 30 percent of Democrats oppose it.
- ▶ Forty-seven percent of Democrats, 45 of independents, and 40 percent of Republicans either strongly or somewhat support ending solitary confinement.

Two policies in particular enjoyed overwhelming support across the partisan divide. The “educational and vocational training” item enjoyed support from 90 percent of Democrats, 85 percent of independents, and 84 percent of Republicans. Second, 86 percent of Democrats, 70 percent of independents, and 66 percent of Republicans expressed support for the “addiction and health treatment” item.

The following plot breaks out support for all of the policies we polled by respondents’ party identification. Even among Republicans, policies like the educational and vocational training and a new first-responder agency enjoyed high levels of support. Perhaps unsurprisingly, as criminal justice reform has been one of the few areas to make bipartisan progress in the most recent Congress, there is clear support for such reforms across party lines.

## Topline results by geography

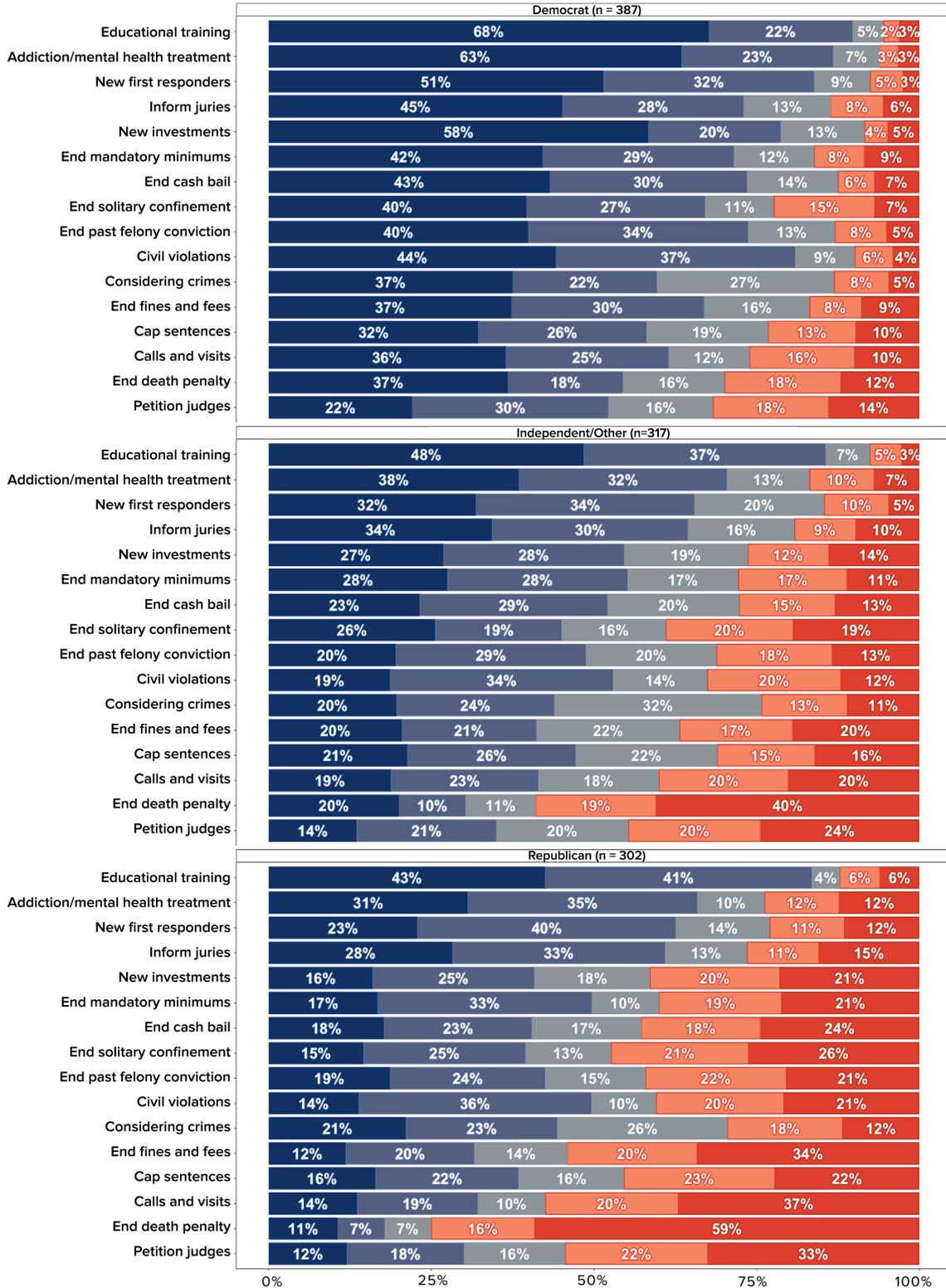
Several of the policies we included in our survey have implications for the opioid crisis, which many view as having particular consequences for rural Americans. Given this, we might especially expect to see higher support

► Figure 9

# SUPPORT FOR CRIMINAL JUSTICE REFORMS

**STRONGLY SUPPORT** | **SOMEWHAT SUPPORT** | **NOT SURE** | **SOMEWHAT OPPOSE** | **STRONGLY OPPOSE**

Recently, some have proposed a variety of ways to reform the criminal justice system. Please indicate whether you would [support or oppose] the following proposed reforms...



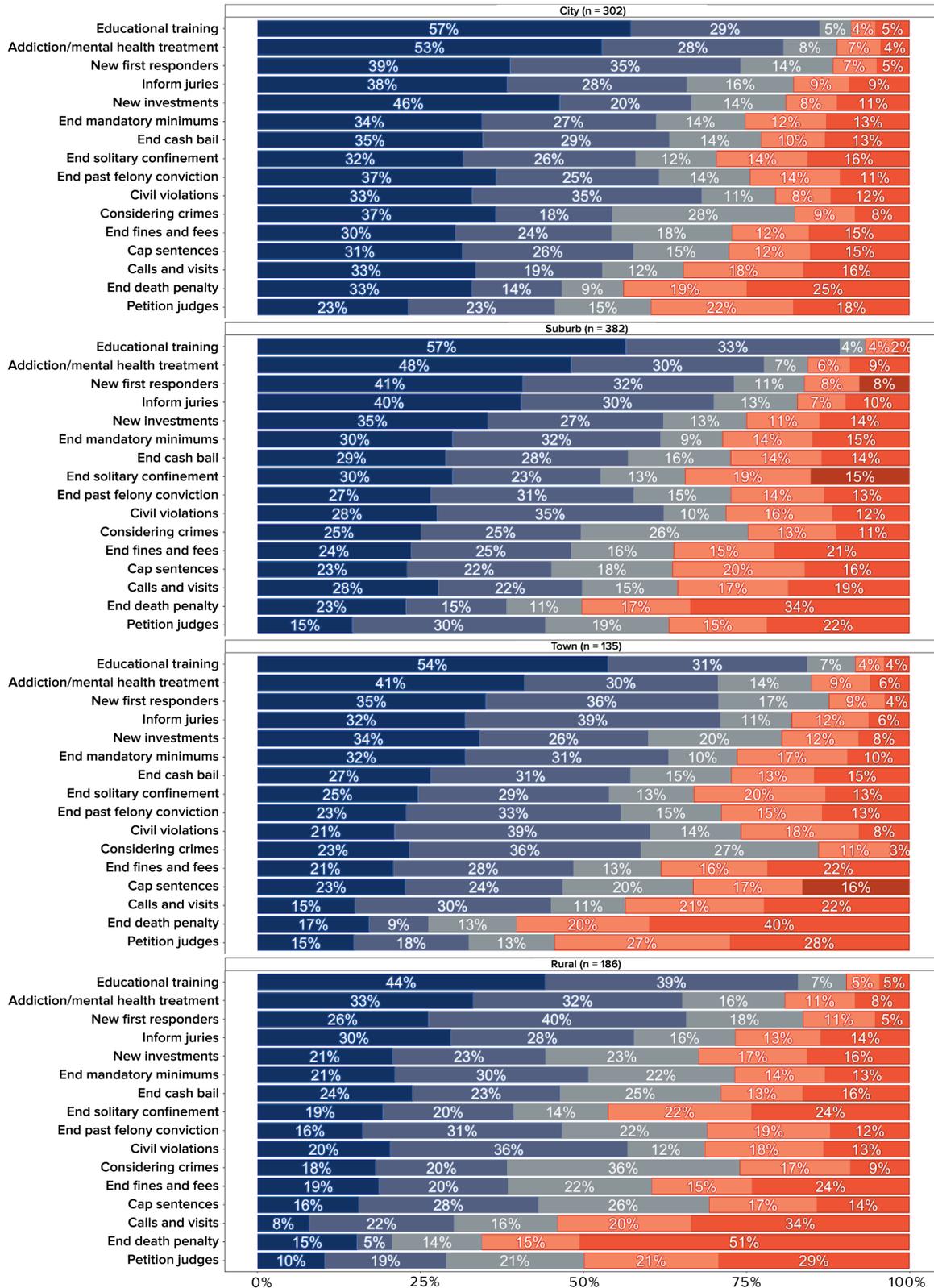
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► Figure 10

# SUPPORT FOR CRIMINAL JUSTICE REFORMS

**STRONGLY SUPPORT** **SOMEWHAT SUPPORT** **NOT SURE** **SOMEWHAT OPPOSE** **STRONGLY OPPOSE**

Recently, some have proposed a variety of ways to reform the criminal justice system. Please indicate whether you would [support or oppose] the following proposed reforms...



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in rural areas for reforms such as expanding addiction treatment and reclassifying low-level offenses as civil violations. To investigate, we graphed support by the type of place voters live—cities, suburbs, towns, and rural areas (**Figure 10**).

The same general patterns can be found in this analysis: most of the items polled had high levels of support across the urban/suburban/rural divide. We see strong support across the board for providing educational and vocational training opportunities, and there were higher levels of opposition to ending the death penalty than any other item polled across type of place. Some of the items are also polarized in this breakout.

## CONCLUSION

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In past eras of American politics, the “tough on crime” position was vital to the political survival of many in national politics.

Now, we see clear (and sometimes bipartisan) support for commonsense criminal justice reforms. Our results suggest that the era of “tough on crime” may be ending—Americans are open to reforms of the criminal justice system.

## METHODS STATEMENT

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*On behalf of Data for Progress, YouGov Blue fielded a survey on a sample of 1,006 self-identified registered voters using YouGov’s online panel from September 13 through September 16, 2019. The sample was weighted to be representative of the population of US voters by gender, age, race/ethnicity, education, Census region, and 2016 presidential vote choice.*

*This survey included a battery of questions around criminal justice reforms like those discussed in this memo.*

*This survey is based on 1,006 interviews conducted by YouGov on the internet of self-identified registered voters. The sample was weighted according to gender, age, race, education, Census region, and 2016 presidential vote choice. Respondents were selected from YouGov’s panel to be representative of registered voters. The weights range from 0.1 to 5.9, with a mean of 1 and a standard deviation of 0.5.*

## Endnotes

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<sup>1</sup><https://www.americanprogress.org/issues/race/news/2019/05/10/469642/3-ways-1994-crime-bill-continues-hurt-communities-color/> and <https://www.vox.com/policy-and-politics/2019/6/20/18677998/joe-biden-1994-crime-bill-law-mass-incarceration> and <https://www.theguardian.com/commentisfree/2016/apr/15/bill-clinton-crime-bill-hillary-black-lives-thomas-frank> and <https://www.washingtonpost.com/news/powerpost/paloma/powerup/2019/07/23/powerup-biden-course-corrects-on-94-crime-bill-as-his-race-record-is-scrutinized/5d3600211ad2e5592fc35a96/>

<sup>2</sup> <https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=bkmk>

<sup>3</sup> <https://www.sentencingproject.org/publications/color-of-justice-racial-and-ethnic-disparity-in-state-prisons/>

<sup>4</sup> In 2015, the Brennan Center for Justice found increased incarceration between 1990 and 1999 accounted for a 0-to-7 percent drop in crime, and between 2000 and 2013, it accounted for a drop of 0-to-1 point. <https://www.brennancenter.org/our-work/research-reports/what-caused-crime-decline>

<sup>5</sup> <https://www.newyorker.com/magazine/2014/10/06/before-the-law> and <https://www.newyorker.com/news/news-desk/kalief-browder-1993-2015>

<sup>6</sup> <http://www.justicepolicy.org/uploads/justicepolicy/documents/sentencing.pdf>

<sup>7</sup> This is according to lawsuit filed in 2017: <https://ecfsapi.fcc.gov/file/1061688849151/Petition%20to%20Deny%20-%20File%20Copy.pdf> and direct evidence of \$8.20/first minute charge here: <https://ecfsapi.fcc.gov/file/1070304541545/Reply%20to%20Opposition%20-%20Exhibits%20A%20%26%20D%20%26%20E%20%26%20F.pdf>