



Analysis of Findings from a Survey of 2,233 likely  
2016 General Election Voters Nationwide

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## Who We Are

- **Leading Political Pollsters.** Our firm includes several of the industry's leading strategists, serving as tacticians and senior advisors to dozens of elected officials and challengers at all levels of the electoral process. Our broad national experience and roots outside the Beltway give us a fresh perspective. Notable clients include Vice President Joe Biden and former House Speaker Nancy Pelosi.
- **Extensive Issue and Advocacy Work.** We have conducted decades' worth of message testing for a wide variety of organizations, non-profits, foundations, and political campaigns, studying the attitudes of members, voters, and other key constituencies. We continue extensive research on many of the hot-button issues of today – crime, healthcare, immigration, education, women's issues, and economic concerns. We continue to work with the leading organizations and foundations in these areas.

# Extensive Public Opinion Research on Attitudes Toward the Criminal and Civil Justice Systems

- Lake Research Partners continue ongoing work on behalf of the **Pretrial Justice Institute and the Public Welfare Foundation** regarding risk assessment programs. We have conducted annual research on their behalf for the past three years.
- We also are the pollsters for the **Open Society Foundations'** work on reducing incarceration levels in the U.S.
- We recently conducted, and will continue ongoing work for, the **Public Welfare Foundation and Kresge Foundation** regarding impressions of and messaging for Civil Legal Aid.

# Methodology

- Following best practices, Lake Research Partners designed and administered a nationwide survey, which was conducted by phone using professional interviewers.
- The survey reached a total of 2,233 likely 2016 nationwide voters including oversamples in Arizona and New Jersey. The survey was conducted May 13-21, 2013.
  - The sample of likely voters was chosen because their opinions can often have a disproportionate influence on elected officials and major stakeholders. At the same time, the opinions of likely voters often closely reflect the attitudes of the public at large.
- Telephone numbers for the survey were drawn using a file of registered voters.
- The sample was stratified geographically to reflect the expected turnout of 2016 General Election voters.
- Data were weighted by gender, age, education, party identification, race, and region. The margin of error for the survey is +/-2.07%.

## Key Findings: Broad and Intense Support for Risk Assessment

- **Voters continue to have negative views of the job being done by the criminal justice system, especially when it comes to repeat offenders, failing to keep dangerous criminals off the streets, and incarcerating too many people for minor, non-violent offenses. Voters are primed for change.**
- **Support for risk assessment instead of cash bail remains extremely high, with seven-in-ten voters in support, including nearly half who support it strongly.** Support for risk assessment is more robust than many other proposals currently being considered in legislatures around the country. This broad and intense support—crossing all major demographic and partisan lines—should make risk assessment a priority for elected officials.
- **It matters little to voters whether the factors used in risk assessment are “soft” (i.e. as drug use history, mental health, employment status, residency, community ties) or “hard” (i.e. the charge in question, criminal history, any warrants or previous failures to appear for court). Support is overwhelming in either case, with 69-70% in favor.**
- **A hurdle we have to overcome in this debate is that two-thirds of voters either believe that risk assessment already exists or are unsure.** Not surprisingly, those who are unaware of the reality tend to be softer in their support for reform.

## Key Findings: The Inherent Appeal of Risk Assessment

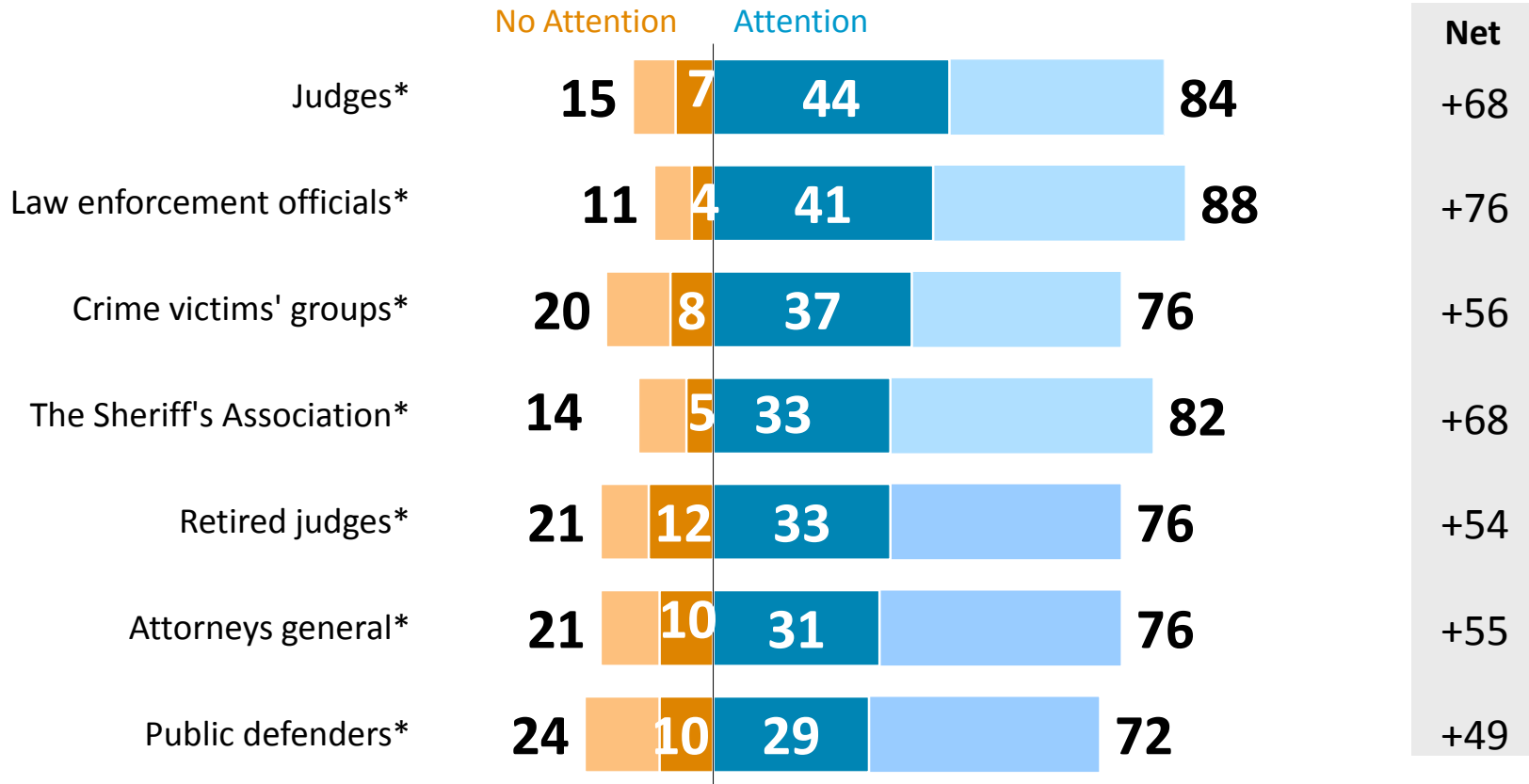
- **Key qualities of risk assessment that stand out in the positive messaging and should be included in communications going forward not only highlight the strengths of the program, but assuage concerns as well.**
  - **Improve public safety by better identifying dangerous criminals:** Dangerous criminals are better identified and kept off our streets with risk assessment. We want to own the safety dimension, especially with women.
  - **Greatly reduce costs by identifying non-violent, low-risk suspects and putting them under supervision and monitoring:** The current system costs taxpayers \$9 billion dollars every year and risk assessment is 1/10<sup>th</sup> of the cost.
  - **Stop the costly and unfair practice of locking up non-violent, low-risk people simply because they cannot afford bail:** Over 75% of those detained until trial are held in jail only because they can't afford to post bail. 8 in 10 people would have to pay over a full year's wages to make the average bail amount. This seems unfair to people.
  - **Reduce the corrupting influence of the for-profit bail bond industry's lobbyists on policymakers:** This industry spends \$50 million dollars a year to lobby politicians to keep the existing system in place. This taps strong existing sentiments against special interests and lobbying politicians to make unfair profits.

# Key Findings – Branding and Messaging Risk Assessment

- **One major take-away from this research is that risk assessment is starting to be a part of the American lexicon.** This was not the case in previous research. **While risk assessment in the context of pretrial justice is still somewhat new, the general concept is increasingly familiar and voters' initial impressions are quite positive**
- **In light of this, we recommend continuing the use of the term “pretrial risk assessment” in communications.** This recommendation is informed by several findings from the survey:
- **Action terms** such as ‘assessment,’ ‘screening,’ and ‘supervision and monitoring’ work better than non-action terms like ‘reform.’ ‘Evidence based’ is also a strong testing description.
- **Risk Assessment is a strong brand.** Fully 72% of voters say the term “risk assessment” is an effective characterization of the proposal to use risk-based screening tools to determine whether defendants should be released from jail before trial.
- Additionally, it informs voters of **when this will happen and in the context of a term they are already familiar with.** Voters tend to be more familiar with the term ‘pre-trial’ than ‘pre-entry’ or ‘front-end.’ They are less likely to understand how and when risk assessment would take place with the latter terms.
- We must always start out by conveying that **risk assessment is not currently taking place.** Voters’ lack of understanding on this point may not be a hindrance to them embracing reform, but in the face of an aggressive disinformation campaign by opponents, that ignorance can undermine and weaken their support.

Voters say they would pay the most attention to judges and law enforcement officials, followed by crime victims' groups and the Sheriffs' Association. Retired judges, attorneys general, and public defenders also hold some sway.

### Impact of Public Figures and Institutions – 2012 Research



\*Split-sample question. Darker colors indicate intensity

Last, I am going to read you some names of people and groups who might take a position on bail reform. For each one, I want you to tell me how much attention you would pay to them on this issue: a lot of attention, some attention, not much attention, or no attention at all? If you are not familiar with this person or group, please say so, and we will move on.



Overall, there is little difference between emphasizing the soft or hard factors of risk assessment, both seem to work equally well.

## Initial Ballot – Soft vs. Hard Factors

Some have proposed using risk-based screening tools instead of cash bail bonds to determine whether defendants should be released from jail before trial. This risk assessment would take into account such factors as:

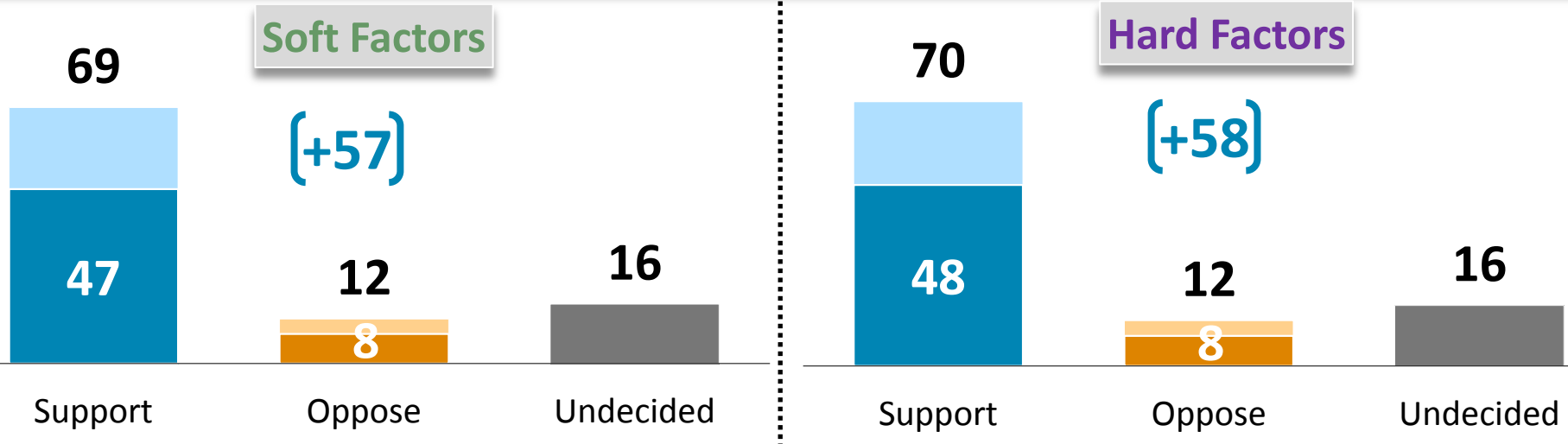
### SOFT FACTORS:

drug use history, mental health, employment status, residency, and community ties

### HARD FACTORS:

the charge in question, criminal history, any warrants or previous failures to appear for court

Under this system, high-risk defendants would be held in jail until trial and low-risk defendants would be released with conditions and be monitored and supervised.

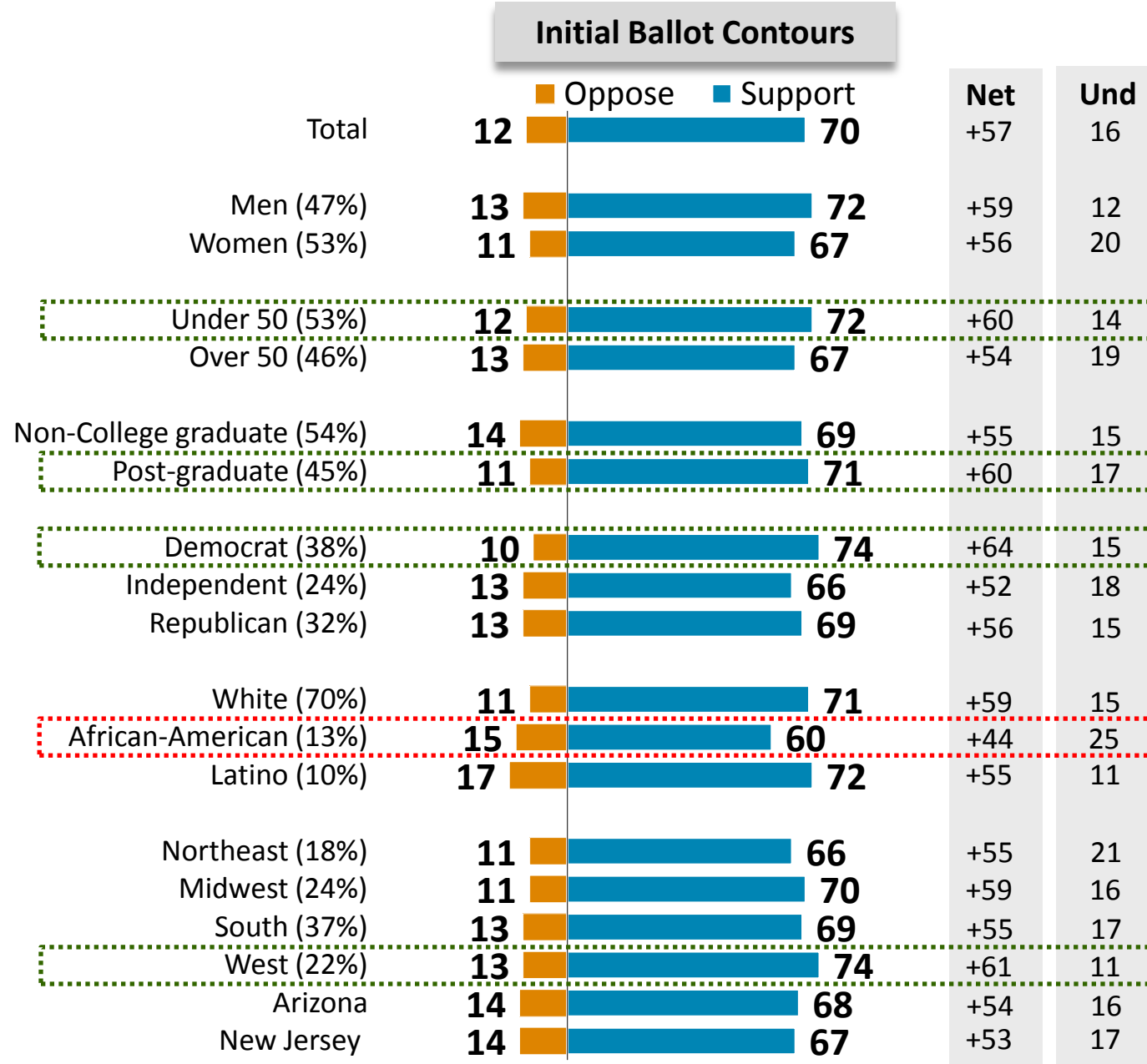


\*Darker colors indicate intensity

Would you support or oppose this proposal to use risk assessment instead of cash bail bonds to determine whether defendants should be released from jail before trial, or are you undecided? [IF SUPPORT/OPPOSE] And do you feel that way strongly, or not-so strongly?

There is strong support for using risk assessment instead of cash bail bonds across most subgroups. The highest supporters tend to be under the age of 50, have a college degree, identify as Democrats, and live in the West.

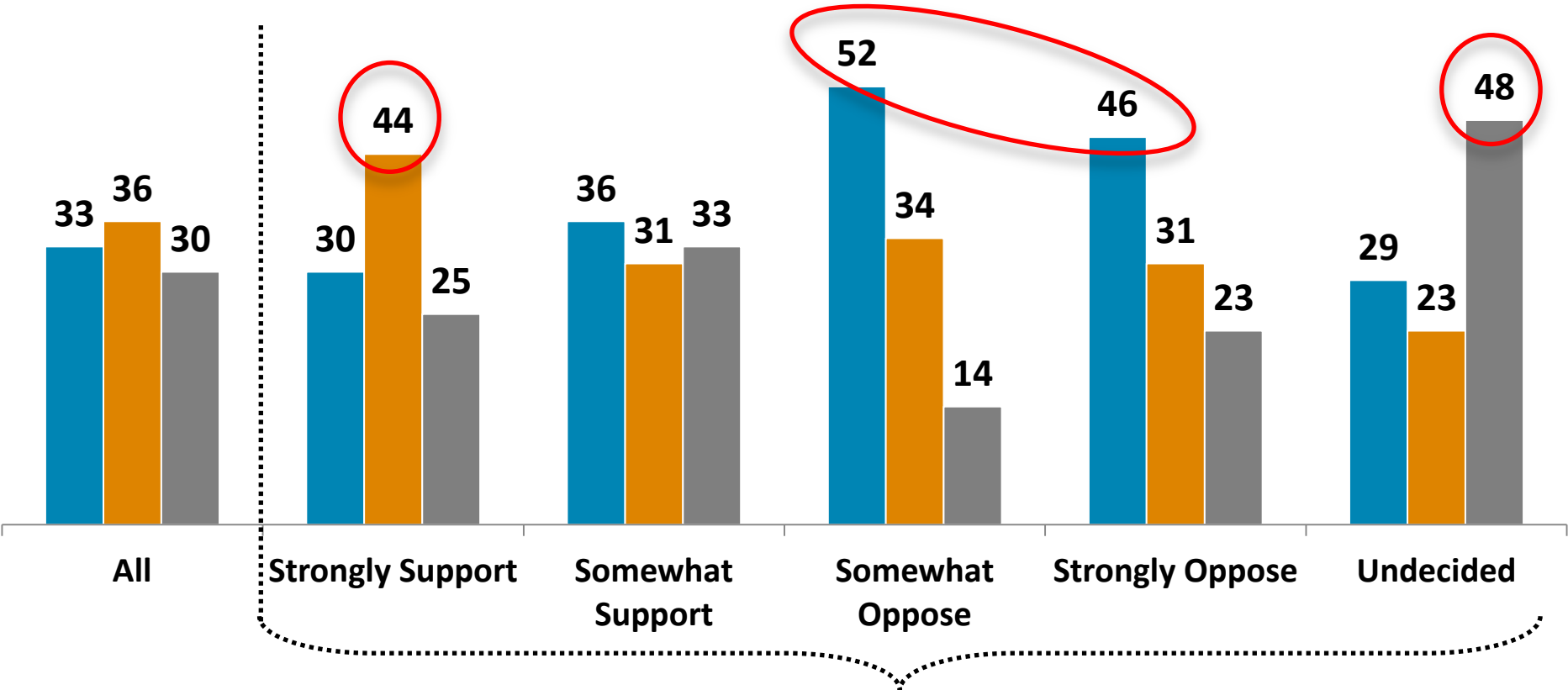
African-American voters tend to be more unsure about the proposal than others, with one-quarter undecided.



A major area for growth for support is among those who believe risk assessment practices are already being used. Those who strongly support the program are more aware that the program does not exist compared to those who initially oppose the program. Educating the electorate will increase support.

### Does Risk Assessment Exist?

■ Yes ■ No ■ Don't know



*Initial Ballot Support*

With all of this information, we recommend branding the program as 'Pretrial Risk Assessment.' We considered several factors:

## Pretrial Risk Assessment Works Because...

*Base voters prefer Pretrial Risk Assessment above other terms (33% very effective)\**

**We Can Define the Term**



**Voters Think It Sounds Effective**



**Voters Prefer It Over Other Terms**

- Two-thirds of voters cannot register an opinion – meaning it does not have negative connotations tied to it
- However, voters who are aware of pretrial risk assessment are favorable toward it (29% favorable, 9% unfavorable)

- 72% believe it sounds effective, with 25% saying very effective; the highest of any term
- Has the largest net margin of effectiveness (56%)
- Only 16% say it sounds ineffective

- Risk assessment (whether pretrial or pre-entry) performs better in head to head match-ups than other terms
- Terms with 'pretrial' before it, test better than other terms like "pre-entry" or "front end"

*\*Respondents were not asked their impressions (favorable vs. unfavorable) of pre-trial risk assessment in 2012 research. The term was only included in questions to describe the program.*

The following includes the most effective language in persuading voters in our favor, as well as taking a proactive approach toward any attacks that may come from the bondsmen.

### POSITIVE POSITIONING

Pretrial risk assessment saves dollars and lives but it still is not standard practice in 99% of the country. Pretrial risk assessment is a more effective method of determining whether a person is a threat than cash bail because it takes into consideration a person's charge, history of criminal activity, drug use, mental health, employment status, and community ties. Today, over 75% of those detained until trial are held in jail only because they can't afford to post bail. Eight in 10 people would have to pay over a full year's wages to make the average bail amount. The current system allows dangerous criminals to be released because they are not screened for risk and can often afford the cost of bail. In jurisdictions that use risk assessment, not only are dangerous criminals better identified and kept off our streets, but the cost to taxpayers is one-tenth of what we pay now, and nearly all of those released show up for court. We need to implement pretrial risk assessment now to make our communities more safe, stop the practice of paying to incarcerate non-violent low-risk who simply cannot afford bail, and save taxpayers hundreds of millions of dollars in the process.

# Operationalizing the Research: One Example



Celinda Lake  
*President*

To: Interested Parties

From: Celinda Lake and Daniel Gotoff, *Lake Research Partners*

Alysia Snell  
*Partner*

Re: Support for Risk Assessment Programs in Arizona

Date: July 17, 2013

David Mermin  
*Partner*

According to a recent survey commissioned by the Public Welfare Foundation and Pretrial Justice Institute and conducted by Lake Research Partners, likely voters in the state of Arizona show overwhelming support for replacing cash bail bonds with risk assessment programs.<sup>1</sup>

Robert G. Meadow, Ph.D.  
*Partner*

Daniel R. Gotoff  
*Partner*

Nearly seven-in-ten (68%) voters in Arizona support replacing cash bail bonds with risk assessment, including nearly half (47%) who strongly support the proposal. It matters little to voters whether the factors used in risk assessment are “hard” (the charge in questions, criminal history, any warrants or previous failures to appear for court) or “soft” (drug use history, mental health, employment status, residency, or community ties). Support is overwhelming in either case.

Joshua E. Ulibarri  
*Partner*

Rick A. Johnson  
*Senior Vice President*

Additionally, support crosses many demographic divides including gender, age, party identification, and race; showing the universal support for risk assessment in Arizona. Intensity of support is also high within these subgroups.

Robert X. Hillman  
*Chief Financial Officer*

Shannon Marshall  
*Chief Operating Officer*

		% Support (% Strong Support)	Margin of Support (Support – Oppose)
All		68% support (47% strong)	<b>+54</b>
Gender	Men	66% support (48% strong)	<b>+49</b>
	Women	70% support (46% strong)	<b>+59</b>
Age	Under 50	72% support (47% strong)	<b>+61</b>
	Over 50	63% support (47% strong)	<b>+46</b>
Party Identification	Democrat	71% support (52% strong)	<b>+61</b>
	Independent	64% support (45% strong)	<b>+51</b>
	Republican	68% support (46% strong)	<b>+52</b>
Race	White	69% support (48% strong)	<b>+56</b>
	Latino	67% support (52% strong)	<b>+54</b>

<sup>1</sup> Lake Research Partners designed and administered this survey, which was conducted by phone using professional interviewers. The survey reached a total of 600 likely 2016 voters statewide in Arizona. The survey was conducted May 13-21, 2013.



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