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Memorandum

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To: Interested Parties

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From: Celinda Lake, Daniel Gotoff, Matt Price, and Kristin Pondel, *Lake Research Partners*

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Subject: Survey Results on Drug Penalties in California

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Date: April 11, 2011

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A recently completed California statewide survey reveals an electorate strongly in favor of reducing from a felony to a misdemeanor the possession of a small amount of illegal drugs for personal use. Support for this reform is both broad, with nearly three-quarters of voters backing the proposed change, and intense.¹

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Underpinning public support is the widely held perception that the state imprisons too many people and that current penalties are far too harsh. Not only does support for reducing this offense from a felony to a misdemeanor cross the usual partisan, regional, and demographic divides, it also holds up strongly under attack. Moreover, this is now a voting issue for many Californians; by nearly a three-to-one margin, voters are more likely to vote for a state representative who supports this reform.

Robert X. Hillman
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Californians Think Too Many Are Imprisoned And Drug Penalties Are Too Harsh

Californians' attitudes on drug possession penalties and overall imprisonment point to the need for a change in the current policy, which voters believe is too severe. **A solid majority (56%) believe that too many people are imprisoned in California. Additionally, a 51% majority believes that those caught with a small amount of drugs for personal use should spend fewer than 3 months (27%) or no time at all (24%) in jail, which is considerably less time than those offenders could potentially receive if they are convicted of a felony.**

¹ Lake Research Partners designed and administered this survey that was conducted by telephone using professional interviewers. The survey reached a total of 800 likely General Election voters in California. The survey was conducted March 21-24, 2011. The margin of error for this poll is +/- 3.5%.

Similarly, voters oppose keeping possession of a small amount of illegal drugs for personal use a felony crime. In fact, just 12% of voters believe this offense warrants a felony charge. **Fully three-quarters of voters (75%) believe the punishment should be something less punitive than a felony crime, including a plurality (40%) who believe possession of a small amount of illegal drugs for personal use should be considered an infraction with no imprisonment at all.**

Strong Majorities of Democrats, Independents, And Republicans Support Reform—Even After Hearing The Opposing Message

Upon learning that the charge for possession of a small amount of illegal drugs for personal use is currently a felony crime, voters overwhelmingly favor changing it to a misdemeanor. **More than seven in ten voters support this reform, and by more than a 4:1 margin: 72% favor to 16% oppose.** Just 11% of voters are undecided on this issue. **Support for reform is extraordinarily widespread, encompassing majorities of Democrats (79%), independents (72%), and Republicans (66%), as well as majorities of voters in every corner of the state.** Support is intense as well, with a 54% majority of voters *strongly* favoring the proposed reduction.

Support for reform holds up well in the context of an engaged debate (the text of which appears on the next page). **When voters hear balanced arguments from those on both sides of this issue, roughly three-quarters of Californians (73%) still support reducing possession of a small amount of illegal drugs for personal use from a felony to a misdemeanor.** Opposition remains below two in ten voters (19%). Just 8% of voters remain undecided on this issue.

There is little difference in support, regardless of whether the pro-reform argument is framed in economic terms or in terms of the human consequences of the current law. Both thematic frameworks soundly trump the strongest arguments of those in favor of keeping the policy as is.

Candidates and Officeholders Are Helped, Not Hurt, By Supporting This Reform

This is a voting issue for Californians, but not in the way that conventional wisdom has often suggested. Candidates who support reducing the penalty are far more likely to be helped than hurt by advocating on behalf of this issue. **A 41% plurality say they'd be more likely to support a state representative who reduced these penalties, compared to 15% who say they'd be less likely.** Similarly, a state representative who voted against reduction is more likely to face a backlash, with 31% saying they'd be less likely to support that candidate and 18% saying more likely.

In conclusion, voters strongly believe in the wisdom of reducing possession of a small amount of illegal drugs for personal use from a felony to a misdemeanor, and are skeptical of arguments to the contrary.

<i>TEXT OF ENGAGED DEBATE</i>	
[SOME PEOPLE SAY/OTHER PEOPLE SAY] at a time when increasing numbers of Californians, many of them children, are harmed or killed by drug overdoses, the last thing we should do is make it easier for drugs to circulate without real consequences. People who possess small amounts of drugs rarely go to prison in California. Most just get a slap on the wrist. The only people that go to prison for drug possession are repeat offenders, many of whom have committed a serious or violent crime at some point or are actually drug dealers. We need to keep this a felony crime to discourage drug use and punish repeat offenders. This proposal is just a back door effort to legalize drugs—at the expense of our communities and families, and regardless of the cost.	
(Statement Below Read to ½ the Sample)	(Statement Below Read to ½ the Sample)
[SOME PEOPLE SAY/OTHER PEOPLE SAY] California taxpayers spend over \$450 million every year to imprison people for possession of a small amount of drugs for personal use. That’s \$50,000 per year, per person. Our state budget is in crisis, with drastic cuts to health care, education, and services for the elderly and the disabled. But our prisons received 9 billion dollars this year alone, enough to pay for the deepest cuts to these programs. It’s time to check our priorities. By changing this crime from a felony to misdemeanor, we can still hold individuals accountable for their actions while taking a huge burden off of state prisons. This would save billions of dollars, money that could fill the budget shortfall or that could be invested in schools, health care, and local law enforcement.	[SOME PEOPLE SAY/OTHER PEOPLE SAY] treating people whose crime was possession of a small amount of drugs for personal use like hardened criminals by sending them to state prison for up to three years is wrong. State prisons are notorious for violence, rape, and disease and there is little, if any, drug treatment. Prison is the worst possible environment for people struggling with addiction. And after prison, the punishment continues. The consequences of a felony conviction are severe and life-long, including reduced access to job opportunities, student loans, and small business loans. The right thing to do is to treat these offenses as misdemeanors and hold people accountable to the community at the local level, with drug treatment, probation, or county jail.
<i>Support Reduction: 73%</i> <i>Oppose Reduction: 20%</i> <i>Undecided: 7%</i>	<i>Support Reduction: 73%</i> <i>Oppose Reduction: 18%</i> <i>Undecided: 9%</i>
<i>Engaged Debate Average</i> <i>Support Reduction: 73%</i> <i>Oppose Reduction: 19%</i> <i>Undecided: 8%</i>	