

Summary Results

DETERMINATE SENTENCING SURVEY

NCJRS

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SENATE SUBCOMMITTEE ON
ACQUISITIONS DETERMINATE SENTENCING

Prepared by

**CORRECTIONAL SERVICE
OF MINNESOTA**

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INTRODUCTION

- The survey was conducted for the Joint Senate Subcommittee on Determinate Sentencing in order to give them a picture of what informed persons in the criminal justice system feel a determinate sentencing system should look like if it were to be implemented in Minnesota.
- Questionnaires were sent to 1,060 key persons in Minnesota's criminal justice system which included a sample of inmates from the major state adult institution. (See Appendix B).
- Two mailings were sent in November - December, 1975. (See Research Methodology).
- Responses were returned by 680 individuals, 64.2% of those to whom the questionnaire were sent. (See Appendix B).
- Data analysis of the information was conducted in December, 1975 - January, 1976. The respondents were categorized by their position in the criminal justice system. (See Research Methodology).
- In order to adjust for the unequal numbers in the respondent groups the numbers in each group were weighted. This avoids the large number groups from skewing the results when the responses of the three branches ("Law Enforcement," "Corrections," "Judiciary") were combined. (See Research Methodology).
- A more detailed final report is being prepared, and will be available on request.

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Summary Results

1

The majority of the survey respondents favored the concept of determinate sentencing before answering the questionnaire.

Fifty-five percent of those in the three main branches of the criminal justice system, and fifty-four percent of the "Other Criminal Justice People" indicated they were "generally in favor of determinate sentencing." Another twenty-one percent of each of these groups were "undecided at this time." (See Table A-1). The survey respondents from Duluth and the Outstate Area were more favorable to the concept of determinate sentencing than were those in the Seven County Metropolitan Area. (See Table A-2).

2

When deciding on a sentence the majority of the survey respondents favored treating the seriousness of the offense and the offender's specific characteristics about equally.

Of those who did not favor treating the factors equally, a larger number would base the sentence "mainly on the offense" rather than base it "mainly on the characteristics" of the offender. (See Table A-4).

3

The survey respondents indicated that incapacitation (getting the criminal off the street) is the most important purpose of sentencing. Ranked less important, but about equal with each other are rehabilitation, deterrence and retribution. (See Table A-4).

4

A. The vast majority of the respondents favored a mandatory minimum sentencing plans rather than fixed sentences for those to be incarcerated. (See Charts A - F, Row 1).

B. The survey respondents felt that a parole board was needed in order to handle the prisoner's release after they have served their mandatory minimum sentence. (See charts A - F, Row 6).

Of those who had selected fixed sentences, 40% favored the establishment of a contract system; 35% favored the elimination of parole completely; and 22% favored having the possibility of work release.

C. In defining the scope of their determinate sentencing plan, the respondents indicated that it was most important to include the more serious and violent offenses in their determinate sentencing plan.

The previous criminal record of individuals convicted of these offenses should not affect whether or not they are included in the determinate sentencing plan. The plan should include all those convicted of serious, violent offenses. (See Charts A-F, Rows 2 and 3)

D. The survey respondents would allow judges discretion on alternatives to imprisonment, with a tendency toward limiting that discretion for repeat and more violent offenders. (See Charts A-F, Row 4).

E. Seventy-three percent (73%) of the adjusted total of those in the three main branches of the criminal justice system, and sixty-one percent (61%) of other criminal justice people would allow the judge discretion to increase or decrease the length of the sentence to prison. (See Charts E and F, Row 5). A majority of those who would allow discretion tended to favor a 20% limit on that discretion. (See Charts A - F, Row 5).

F. The survey respondents favored earned "good time" during incarceration, but would allow the time earned to be taken away at any time for subsequent misbehavior. The tendency was to favor a day or less of good time for each day of responsible behavior. (See Charts A - F, Row 7).

5

The survey respondents, while not wishing to abolish plea bargaining, would want to decrease its use. (See Table A-5).

6

The survey respondents favor the provision of rehabilitation programs on a voluntary basis; a majority favor providing these programs both during incarceration and for a specified period after release. (See Table A-6).

II. RESEARCH METHODOLOGY

This survey was conducted in order to give the Joint Senate Subcommittee a picture of what informed persons in the criminal justice system feel determinate sentencing should look like if it were to be implemented in Minnesota.

The questionnaire is designed to give the respondent an opportunity to deal with a broad range of determinate sentencing options. It contains four parts. Part I deals with the purposes of sentencing. Part II has the respondents select the specific options they would include in their determinate sentencing system for seven critical factors. Part III deals with additional issues that needed to be considered in the construction of any sentencing system. These include plea bargaining, rehabilitation, and length of time that should be served by those imprisoned. Part IV identifies the role of the respondent in the criminal justice system.

The persons to whom the questionnaires were sent was drawn randomly from a listing of criminal justice personnel in Minnesota. This listing was compiled by Correctional Service of Minnesota and the Senate staff. In addition, the questionnaire was also given to a random sample of inmates from the Stillwater, St. Cloud, and Shakopee institutions.

One thousand sixty (1,060) questionnaires were distributed to the survey population. Five hundred sixteen (516) were returned after the first mailing; 150 after the second mailing. In all, 680 responses were received, 64.2% of the total population. (See Appendix B).

For purposes of analyzing and reporting the data, the survey respondents were categorized with respect to their position in the criminal justice system. The categories are the three main branches of the criminal justice system - "Law Enforcement," "Corrections," "Judiciary" - and "Other Criminal Justice People." (See Appendix B for a breakdown).

In order to compensate for differences in the size of each branch of responses for "Corrections" and "Judiciary" were adjusted so that their opinions would be weighted equally with "Law Enforcement." There were 285 respondents in the "Law Enforcement" branch, 94 in the "Judiciary" and 129 in "Corrections." Therefore, to give each group equal representation the responses for the "Judiciary" were multiplied by 3.03 and the responses for "Corrections" by 2.21. This adjustment only affects the percentages. The responses for each branch are displayed unweighted so that the reader can determine the effect of these adjustments. The totals for the "Other Criminal Justice People" category remains separate from the totals for "Law Enforcement," "Corrections," and "Judiciary."

A more detailed description of the responses to the questionnaire will appear in the final report. That report is currently being prepared, and will be made available upon request.

APPENDIX A

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TABLE A-1

POSITION ON CONCEPT OF DETERMINATE SENTENCING BEFORE ANSWERING QUESTIONNAIRE

	<u>Generally In Favor</u>	<u>Undecided</u>	<u>Generally Opposed</u>	<u>Completely Opposed</u>	<u>Standard Deviation</u>
A. LAW ENFORCEMENT (N=258)					
Police & Sheriffs (N=208)	158 (76.0%)	31 (14.8%)	13 (6.3%)	6 (2.9%)	.729
County Attorneys (N=50)	33 (66.0%)	14 (28.0%)	2 (4.0%)	1 (2.0%)	.673
Total Law Enforcement	191 (74.0%)	45 (17.5%)	15 (5.8%)	7 (2.7%)	.717
B. CORRECTIONS (N=119)					
Correctional Administrators (D.O.C. and Counties) (N=27)	11 (40.8%)	7 (25.9%)	9 (33.3%)	0 (0.0%)	.874
Probation Officers (N=29)	16 (55.2%)	6 (20.7%)	6 (20.7%)	1 (3.4%)	.922
Parole Officers (N=63)	36 (57.1%)	10 (15.9%)	14 (22.2%)	3 (4.8%)	.967
Total Corrections	63 (52.9%)	23 (19.3%)	29 (24.4%)	4 (3.4%)	.930
C. JUDICIARY (N=78)					
Judges (N=42)	13 (31.0%)	11 (26.2%)	16 (38.0%)	2 (4.8%)	.983
Defense Attorneys (N=36)	16 (44.4%)	9 (25.0%)	10 (27.8%)	1 (2.8%)	.919
Total Judiciary	29 (37.2%)	20 (25.6%)	26 (33.3%)	3 (3.9%)	.932
D. ADJUSTED TOTAL OF THOSE IN THE THREE MAIN BRANCHES OF THE CRIMINAL JUSTICE SYSTEM (By weighting)					
	418 (55.2%)	156 (20.7%)	158 (20.8%)	25 (3.3%)	.903
E. OTHER CRIMINAL JUSTICE PEOPLE (N=145)					
Academicians (N=17)	8 (47.1%)	6 (35.2%)	1 (5.9%)	2 (11.8%)	1.015
Offenders (N=57)	26 (45.6%)	14 (24.6%)	9 (15.8%)	8 (14.0%)	1.094
Governor's Crime Commission (N=14)	12 (85.7%)	1 (7.1%)	1 (7.1%)	0 (0.0%)	.579
Concerned Citizens (N=23)	14 (60.9%)	5 (21.8%)	3 (13.0%)	1 (4.3%)	.891
Task Force on Criminal Justice Standards and Goals (N=15)	9 (60.0%)	4 (26.7%)	2 (13.3%)	0 (0.0%)	.743
Federal Projects (N=17)	9 (52.9%)	1 (5.9%)	5 (29.4%)	2 (11.8%)	1.173
Parole Board (N=2)	0 (0.0%)	0 (0.0%)	2 (100%)		000
Total Other Criminal Justice People	78 (53.8%)	31 (21.3%)	23 (15.9%)	13 (9.0%)	1.011

TABLE A-2
 INITIAL OPINIONS ON DETERMINATE SENTENCING
 BY GEOGRAPHICAL REGION OF STATE

	<u>Generally In Favor</u>	<u>Undecided</u>	<u>Generally Opposed</u>	<u>Completely Opposed</u>
A. Seven County Metropolitan Area	138 (55.6%)	44 (17.8%)	52 (21.0%)	14 (5.6%)
B. Outstate	192 (61.5%)	69 (22.1%)	39 (12.5%)	12 (3.8%)
C. Duluth	27 (73.0%)	6 (16.2%)	2 (5.4%)	2 (5.4%)

TABLE A-3
BASIS FOR SENTENCING

	<u>Offense Only</u>	<u>Mainly Offense</u>	<u>Equally</u>	<u>Mainly Characteristics</u>	<u>Characteristics Only</u>
A. LAW ENFORCEMENT	33 (11.8%)	102 (36.6%)	132 (47.3%)	11 (3.9%)	1 (.4%)
B. CORRECTIONS	7 (5.5%)	47 (37.0%)	63 (49.6%)	10 (7.9%)	0 (0.0%)
C. JUDICIARY	2 (2.2%)	24 (26.1%)	55 (59.7%)	11 (12.0%)	0 (0.0%)
D. ADJUSTED TOTAL FOR THREE MAIN BRANCHES OF CRIMINAL JUSTICE SYSTEM (By weighting)	55 (6.5%)	279 (33.3%)	438 (52.2%)	66 (7.9%)	1 (.1%)
E. OTHER CRIMINAL JUSTICE PEOPLE	21 (13.7%)	25 (16.3%)	88 (57.5%)	18 (11.8%)	1 (.7%)

TABLE A-4
 PERCENTAGE OF RESPONDENTS RANKING
 PURPOSE FIRST OR SECOND IN IMPORTANCE

	<u>Retribution</u>	<u>Rehabilitation</u>	<u>Incapacitation</u>	<u>Deterrence</u>
A. LAW ENFORCEMENT	57.1%	15.3%	85.3%	49.4%
B. CORRECTIONS	37.1%	64.6%	81.6%	20.8%
C. JUDICIARY	37.6%	38.9%	88.4%	40.7%
D. ADJUSTED TOTAL OF THOSE IN THE THREE MAIN BRANCHES OF THE CRIMINAL JUSTICE SYSTEM (By weighting)	44.0%	39.9%	85.0%	36.8%
E. OTHER CRIMINAL JUSTICE PEOPLE	35.7%	75.7%	60.5%	40.9%

TABLE A-5
TREATMENT OF PLEA BARGAINING
IN DETERMINATE SENTENCING PLAN

	<u>Expand Use</u>	<u>Leave As Is</u>	<u>Decrease Use</u>	<u>Abolish</u>
A. LAW ENFORCEMENT	7 (2.6%)	94 (34.8%)	107 (39.6%)	62 (23.0%)
B. CORRECTIONS	1 (.8%)	27 (21.3%)	67 (52.7%)	32 (25.2%)
C. JUDICIARY	7 (7.4%)	68 (72.4%)	16 (17.0%)	3 (3.2%)
D. ADJUSTED TOTAL FOR THREE MAIN BRANCHES OF CRIMINAL JUSTICE SYSTEM (By weighting)	30 (3.6%)	360 (43.1%)	304 (36.3%)	142 (17.0%)
E. OTHER CRIMINAL JUSTICE PEOPLE	33 (21.3%)	42 (27.1%)	43 (27.7%)	37 (23.9%)

TABLE A-6
TREATMENT OF PRISON REHABILITATION
IN DETERMINATE SENTENCING PLAN

	<u>Abolish</u>	<u>Require</u>	<u>Voluntary</u>	<u>Voluntary & Post Release</u>
A. LAW ENFORCEMENT	17 (6.3%)	112 (41.6%)	44 (16.4%)	96 (35.7%)
B. CORRECTIONS	1 (.8%)	22 (17.6%)	24 (19.2%)	78 (62.4%)
C. JUDICIARY	2 (2.2%)	22 (24.4%)	21 (23.4%)	45 (50.0%)
D. ADJUSTED TOTAL FOR THREE MAIN BRANCHES OF CRIMINAL JUSTICE SYSTEM (By weighting)	25 (3.1%)	227 (27.8%)	161 (19.6%)	405 (49.5%)
E. OTHER CRIMINAL JUSTICE PEOPLE	1 (.7%)	22 (14.9%)	32 (21.6%)	93 (62.8%)

APPENDIX B

RESPONDENTS BY POSITION

	<u>No. of Individuals</u>	<u>No. of Surveys Returned</u>	<u>% Percent</u>
A. LAW ENFORCEMENT			
Police & Sheriffs	318	230	72.3%
County Attorneys	87	55	63.2%
Total Law Enforcement	405	285	70.4%
B. CORRECTIONS			
Correctional Administrators (D.O.C. and Counties)	41	29	70.7%
Probation Officers	58	35	60.3%
Parole Officers	86	65	75.6%
Total Corrections	185	129	69.7%
C. JUDICIARY			
Judges	82	52	63.4%
Defense Attorneys	78	42	53.8%
Total Judiciary	160	94	58.8%
D. OTHER CRIMINAL JUSTICE PEOPLE			
Academics	46	19	41.3%
Offenders	154	66	42.9%
Governor's Crime Commission	22	14	63.6%
Concerned Citizens	40	24	60.0%
Task Force on Criminal Justice Standards and Goals	21	17	81.0%
Federal Projects	21	17	81.0%
Parole Board	6	2	33.3%
Total Other Criminal Justice	310	159	51.3%
Position Unidentified		13	
TOTAL ALL RESPONSES	1,060	680	64.2%

January, 1976

END

7. 11/25/1944