

# OREGON RESIDENTS SURVEY ON MANDATORY SENTENCING OF CRIMINAL OFFENDERS

## *Summary of Survey Methodology and Results*

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### *Introduction*

The Oregon Survey Research Laboratory (OSRL) was asked to conduct research on how ODOT residents feel about mandatory sentencing of criminal offenders. Working closely with public defenders, OSRL planned, pretested and implemented a telephone survey of 481 Oregon Residents in March 1997. This report summarizes the survey methodology and results.

### *Survey Methodology*

#### *Survey Instrument*

In designing the survey instrument, OSRL created original survey questions after discussion with public defenders and with the assistance of ODOT staff.

The survey instrument was programmed into OSRL's computer-aided telephone interviewing (CATI) system and further pretested. All interviews were completely confidential, and human subjects approval was obtained.

#### *Sample and Data Collection*

Interviewer training was conducted on February 26, 1998. Interviewing was conducted from 9:00 AM until 9:00 PM, Monday through Sunday, until the target sample size of more than 400 was achieved. Altogether, OSRL interviewers completed 481 interviews.

Up to 10 calls were made to each valid telephone number. All Oregon residents with telephones had an equal chance of being selected.

Survey sampling errors are calculated to assist data users in assessing how much confidence to place in a particular survey result. Large random samples, as in this study, reduce sampling error. Results for survey questions in which there is low variability also have less sampling error; for example, a variable with a 50/50 proportional split has wider confidence intervals than a variable with a 5/95 proportional split. For this study of 481, the sampling error, when the entire population of Oregon is used, is  $\pm 4.5$  percentage points on a variable with a 50/50 proportional split (at the 95% confidence level. When only men are looked at the sampling error is  $\pm 7.2\%$ , and for women the error is  $\pm 5.7\%$ . For frequent voters the sampling error is  $\pm 5.1\%$  and for Republicans or Democrats the error is  $\pm 7.7\%$ .

## ***Survey Results***

The presentation of the survey results is organized around three questions related to criminal sentencing in Oregon. Readers of this summary may refer to the 3 banner-style tables for more detail. In the banner tables, three main questions about sentencing are cross-tabulated by demographic characteristics of the respondents. The banner data include counts and percentages for each question overall, and counts and percentages for each row and column of the cross-tabulation. See the enclosed guide to using banner tables.

### ***Profile of Survey Respondents***

Before turning to the results of the survey, we provide a profile of respondents in the survey's sample, which will serve to contextualize their answers to the survey questions.

The survey respondents were 62% female and 38% male. Ninety percent of the respondents were registered voters and 87% of them had voted in the last presidential election. Thirty eight percent of the registered respondents were registered Republicans, 38% registered Democrats, 19% registered as Independents, and the remaining 6% were either registered as something else or refused to disclose their party identification

### ***General Impressions about Public Opinion and Criminal Sentencing in Oregon***

In general a strong majority of Oregonians would prefer that judges decide criminal sentences based on a set of guidelines and limited judicial discretion . Sixty two percent of Oregonians favor this method of sentencing, versus 20% support for strict mandatory sentencing and 12% support for complete judicial discretion. There was no difference in these opinions between registered and non-registered respondents, but there were

substantial differences based on party affiliation. Majorities in both parties support judges using a set of guidelines and judicial discretion, but Democrats were more than twice as likely as Republicans to support complete judicial discretion, 16% versus 6%, while Republicans were slightly more likely than Democrats to support mandatory sentencing, 37% to 32%.

### ***Sentencing for First Time Offenders***

In an attempt to learn how strongly Oregonians hold to their positions on criminal sentencing, two challenges were given to respondents who initially favored mandatory sentencing or limited judicial discretion. In the first challenge these respondents were asked if they would change their position for sentencing of first time offenders.

Of the 98 respondents who had initially favored mandatory sentencing, 30 people (31%) changed to support guidelines and limited judicial discretion, and 11 (11%) changed to support complete judicial discretion. The remaining 50 respondents (51%) stayed with their initial support for mandatory sentencing.

Of the 300 respondents who initially favored guidelines and limited judicial discretion, 132 (44%) changed to support for complete judicial discretion, and 144 (48%) stayed with their initial support for limited discretion.

This means that for first time offenders a total of 199 respondents, or 41% of the adult population of Oregon, supports complete judicial discretion in sentencing (assuming that those respondents who initially chose judicial discretion would still do so for first time offenders). Using the same logic, this challenge also shows that for first time offenders 36% support limited judicial discretion, 13% support mandatory sentencing, and 10% are undecided.

### ***Sentencing for Teenage Offenders***

In the second challenge, respondents who initially favored mandatory sentencing, or limited judicial discretion, were asked if they would change their position for sentencing of teenage criminals.

Of the 98 respondents who had initially favored mandatory sentencing, 17 people (17%) changed to support guidelines and limited judicial discretion, and 11 (11%) changed to support complete judicial discretion. The remaining 66 respondents (67%) stayed with their initial support for mandatory sentencing.

Of the 300 respondents who initially favored guidelines and limited judicial discretion, 38 (13%) changed to support for complete judicial discretion, and 249 (83%) stayed with their initial support for limited discretion.

This means that for teenage offenders a total of 105 respondents, or 22% of the adult population of Oregon, supports complete judicial discretion in sentencing (assuming again that those respondents who initially chose judicial discretion would still do so for teenage offenders). Using the same logic, this challenge also shows that for teenage offenders 55% support limited judicial discretion, 15% support mandatory sentencing, and 8% are undecided.

### ***Implications for Changes in Criminal Sentencing***

The one clear result of this study is that Oregonians prefer that criminal sentences be decided from guidelines and that judges be allowed some discretion.

For first time offenders there is a plurality of support for complete judicial discretion (41%), although the differences in support levels between complete judicial discretion and limited judicial discretion is only 5%, barely above the margin of error for a survey of this size.

For teenage offenders support levels remain very close to what they were for criminal sentencing in general. Mandatory sentencing decreases in support from 20% to 15%, limited judicial discretion decreases from 62% to 55%, and complete judicial discretion increases from 12% to 22%.

Clearly, a campaign on sentencing guidelines in Oregon would have the most success if it attempted to institute limited judicial discretion, especially for first time offenders. Just as clearly, Oregonians are not very willing to make exceptions for teenage offenders.