

Editor's Note: Timothy J. Flanagan is professor of criminal justice and Dean of the College of Criminal Justice at the Sam Houston State University. We are indebted to him for making available to us the data from two large surveys designed by his college's Survey Research Program, the National Opinion Surveys on Crime and Justice 1995 and 1996. We report extensively on the findings of these studies on pages 9-38. Professor Flanagan summarized this research in a volume that he edited (with Dennis R. Longmire): *Americans View Crime and Justice* (Thousand Oaks, CA: Sage Publications, 1996). The following is an excerpt from this publication.

Public Opinion and Public Policy in Criminal Justice

By Timothy J. Flanagan

There is substantial evidence that political leaders misperceive the public mind on crime and justice issues.¹ Moreover, these misperceptions appear to be in one direction: that of assuming that citizens are more conservative and resistant to innovation in criminal justice than they actually are. These errors dampen imaginative

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thinking about crime control policy, cause premature rejection of promising policies and programs, and make certain policy options (e.g., decriminalization of some offenses) taboo subjects.

What of influence in the opposite direction? Are political and community leaders effective in influencing the public about crime and justice? Finckenaue argued that crime and criminal justice became a national political issue in the 1964 Goldwater presidential election campaign's focus on “law and order” issues.² He contended that the crime issue had been monopolized by political conservatives and that this definition of the problem and its solution gave rise to the “more cops, more prisons, more punishment” approaches that have characterized recent decades.

The growth of electronic media outlets in the past two decades has increased the channels available to political leaders to define the problem, prescribe the solution, and rally support behind positions. The Willie Horton scare campaign that was the hallmark of the Bush-Dukakis election contest in 1988 demonstrated the capacity of political leaders to take an image and its accompanying impact directly to the people and to use fear of crime as a political weapon. And the congressional debate over the 1994 Crime Bill amply illustrated the capacity of politicians to reduce complex, nettlesome policy decisions to histrionic debates about midnight basketball leagues and shrill arguments about prevention versus punishment. In sum, it appears that on crime and justice issues, political leaders readily use the communication outlets available to them to advance positions and policies, but rarely and ineffectually use

those resources to educate the public about the costs and effectiveness of policy options.

The Role of the Media

The recently completed O.J. Simpson trial provided a chilling lesson in the effect of media coverage on Americans' views of crime and criminal justice. In a phenomenon that combined soap opera, prime-time drama, and unprecedented media coverage and analysis, Americans were simultaneously assaulted with information from the trial and asked to evaluate all aspects of the proceedings. They were asked to offer opinions on guilt or innocence, the character and reliability of trial participants, the professionalism and effectiveness of justice system employees, and the consequences of the trial of criminal justice, jurisprudence, race relations, and presidential politics in America. The intensity of the “media phenomenon” was so outsized that one must be very careful in evaluating its effect.

One early finding that provides a warning to all concerned with criminal justice was that Americans who most assiduously watched the Simpson drama unfold reported declining respect and confidence for law enforcement, the courts, and other aspects of the justice process...the defining characteristics of the Simpson trial process—excessive delay, excessive cost, and perceptions that the judicial process fails to deliver justice—were pre-existing fixtures of public attitudes toward American courts. For many, the Simpson trial simply confirmed what they believed to be true about America's courts. Blaming lowered public assessments of the justice system on the

uncommon media coverage of the trial is tantamount to blaming the sports pages for the decline in American interest in baseball.

Political scientist V O. Key, Jr. observed that the effect of media is conditioned on the strength with which views are held.³ In the short run, he contended, effects of media coverage are greater on topics or issues for which citizens have undeveloped internalized norms or standards. Given that public opinion on many crime issues is deeply and firmly held ...the short-term effect of media attention is likely to be lessened. The media's greatest effect may be in bringing an issue to the attention of the public and in helping to place the issue on the public agenda.⁴ In a similar vein, Surrette's studies of the effect of the media on crime and criminal justice issues led him to conclude that the media affect citizens' "factual perceptions of the world" rather than their evaluations of social conditions...⁵

Popular Justice

What changes or initiatives might be implemented in the American criminal justice system if public opinion were systematically incorporated? Preceding chapters have suggested several such developments, so the review here will be brief. In addition, Erickson, Wright, and McIvers's research strongly suggests that state-level public policy on justice and other issues already corresponds closely to public opinion in the states.⁶ They concluded that "across an impressive range of policies, public opinion counts, and not just a little".

First, recent Gallup polls in the United States indicate that the public supports hiring more police, broader application of the death penalty, repeat-offender legislation modeled after the "three strikes and you're out" laws, more stringent policies and procedures within the juvenile justice system, and bans on automatic weapon manufacture, sale, and possession.⁷ In this regard, the public clearly distinguishes between serious and nonserious crimes, repeat offenders versus others, and weapons designed for sport or protection versus weapons designed for street crime applications.

Second, at the same time that "get tough" proposals such as those just mentioned receive widespread support, the public also supports early intervention programs for high-risk youth, spending federal funds to provide positive social programs for poor youth, and provision of community-based correction programs for nonviolent offenders.

Third, the public strongly supports efforts to reduce what is perceived to be excessive delay and leniency in processing cases in the court system. Efforts to reduce or eliminate pretrial release and plea bargaining for serious offenders and to restrain the sentencing discretion of judges would be strongly supported.

Fourth, studies in Canada and the United States indicate that citizens would demand "tougher" and more productive prisons, but would also support the provision of various "treatment" (education, training, counseling) programs within the correctional system.⁸ These views coincide with a general perception, in both countries,

that the justice system is lax, lenient, inefficient in its use of resources, and ineffective in protecting citizens from victimization.

If these are the boundaries of the crime control debate in the public mind, criminal justice leaders, political decision makers and scholars should heed them, study them, and incorporate them into their educational and administrative responsibilities. These findings indicate that the American public appreciates that "doing something about criminals" is different than "doing something about crime."

Although recognizing that it is a Herculean task, the public demands that its political leadership and its criminal justice system work hard on both fronts.

Endnotes

¹S. D. Gottfredson & R. B. Taylor, "Public Policy and Prison Populations: Measuring Opinions About Reform," *Judicature*, Vol. 68, 1984, pp. 191-205. See also, P. J. Riley & V. M. Rose, "Public vs. Elite Opinion on Correctional Reform: Implications for Social Policy," *Journal of Criminal Justice*, Vol. 8, 1980, pp. 345-356.

²J. Finckenaue, "Crime as a National Political Issue: 1964-76," *Crime & Delinquency*, Vol. 24, 1978, pp. 13-27.

³V. O. Key Jr., *Public Opinion and American Democracy*, (New York: Knopf, 1961).

⁴W. Bennett, *Public Opinion in American Politics*, (New York: Harcourt Brace Jovanovich, 1980), p. 305.

⁵R. Surrette, *Media, Crime and Criminal Justice*, (Pacific Grove, CA: Brooks/Cole, 1992).

⁶R. Erickson, G. Wright & J. McIver, *Statehouse Democracy*, (New York: Cambridge University Press, 1993).

⁷G. Gallup, "Public Wants a Crime Bill," *Gallup Poll Monthly*, No. 347, 1994, pp. 11-15.

⁸A. Himelfarb, "Public Opinion and Public Policy," *Forum on Corrections Research*, Vol 2, 1990, pp. 20-22.

