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Public Discussion about Critical Issues in Criminal Justice Reform

Kevin H. Wozniak¹

¹**University of Massachusetts Boston**

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ABSTRACT

Through analysis of six focus groups with 44 black and white residents of the greater Boston metropolitan area, this paper presents a qualitative assessment of people's "zone of acquiescence" for justice reinvestment reform, paying particular attention to people's criminal justice budget preferences and their openness to sentencing reform for violent offenders. When asked to write their own crime prevention budgets, participants chose to invest more money into the infrastructure and social services of communities than into police, probation, or prisons, arguing that the former is in greater need of funding than the latter. Most participants were initially resistant to sentencing violent offenders to community-based sanctions, but after discussion, they endorsed a discretion-centric, case-by-case treatment of violent felons. These data suggest that, when properly framed, policymakers have more "political space" to reinvest money directly into at-risk communities and release some violent offenders without provoking public backlash than they have so far assumed.

Introduction

Public opinion shapes and constrains the politics of criminal justice policymaking in the United States. Ever since the infamous "Willie Horton" ad in the 1988 election, politicians supported "tough on crime" policies in order to guard against being labeled "soft on crime" by an electoral challenger (Schwartzapel & Keller, 2015). Scholars argue that a recent decline in the overall level of public punitiveness, combined with polls showing strong public support for rehabilitation and alternatives to incarceration, creates an ideological space for politicians to pursue criminal justice reform (Enns, 2016; Thielo et al., 2016), and indeed, reform has occurred. Under the mantle of the Justice Reinvestment Initiative (JRI), over two dozen states, controlled by both Democrats and Republicans, have passed legislation designed to reduce the size of their incarcerated populations, generate savings by spending less money on prisons, and reinvest those savings in more cost-effective means of fighting crime and disorder (Harvell et al., 2016; for a critique, see Sabol & Baumann, 2020).

However, beneath the surface of bipartisanship, turbulent crosscurrents exist. Liberals and conservatives disagree over how decarceration cost-savings should be reinvested. Liberals favor reinvesting money directly into the infrastructure and social institutions of neighborhoods of concentrated disadvantage, but conservatives prefer channeling money into other branches of the criminal justice system, like police and probation, or criminal justice-adjacent services, like drug treatment or halfway houses (Austin et al., 2013; Dagan & Teles, 2016; Tucker & Cadora, 2003). To generate savings in the first place, most states have diverted or released nonviolent offenders from prison. Still, critics argue that the nation will not be able to roll back mass incarceration until we seriously consider releasing some of the violent offenders who constitute a majority of the nation's

inmates, a proposal that has been a political non-starter (Austin, 2011; Goodlatte, 2015; Gottschalk, 2015; Pfaff, 2017).

In sum, American criminal justice stands at a crossroads. The fate of mass incarceration hinges on policymakers' ability to make difficult choices about the structure and beneficiaries of reform and then explain and justify those choices to voters. This raises the question, which choices would be acceptable to voters? What are the boundaries of the "ideological space" for criminal justice reform beyond which people would judge politicians to be making "soft on crime" choices?

In this paper, I argue that the answers to these questions depend upon a thorough understanding of the *decision-making criteria* people use to form their expressed opinions about punishment and criminal justice policy, as well as the *qualifications* or *caveats* they attach to their policy preferences. I analyze 6 focus group discussions conducted with black and white participants who deliberated how they would allocate money among various tactics designed to prevent and reduce crime, which reflects the budget choice that lies at the heart of justice reinvestment reform. I find that most participants preferred to invest money into community-based services and neighborhood improvements rather than criminal justice institutions; they believed that the criminal justice system already possesses sufficient funding, whereas community services need to be expanded. Participants were initially resistant to sentencing violent offenders to community-based supervision, but after debate, ultimately decided that the final disposition of violent offenders requires case-by-case judgments, not one-size-fits-all punishment. I conclude this paper by discussing the implications of these findings for the politics of criminal justice reform and the future of justice reinvestment.

The politics of public opinion vs. public discussion

Several penologists argue that survey polls capture a reductive snapshot of public sentiment about crime and punishment. Most polls simply ask respondents to state their support or opposition for individual sentencing policies or punishments devoid of context. Less common but more methodologically sophisticated polls, such as factorial surveys, find that most members of the public are sensitive to mitigating circumstances and adjust their stated punishment preferences accordingly, but only when so informed. Few polls allow respondents to state that they have no opinion or no preference, which leads to a false picture of strongly-held opinions when, in fact, many people are ambivalent about criminal justice choices. Even where strongly-held opinions exist, they may be tied to specific, sensationalized crimes and strong feelings of anger that are a problematic foundation upon which to determine criminal sentences or build public policy (Durham, 1993; Dzur & Mirchandani, 2007; Golash & Lynch, 1999; Green, 2006).

Furthermore, many elected policymakers are skeptical of the validity of public opinion polls, judging them to be biased, incomplete, or poor indicators of the "temperature" of the public (Brown, 2011;

Herbst, 1998). Except for ballot referendums, public opinion only shapes public policy through the electoral process of choosing between legislators with competing platforms, and it is theoretically only the policy preferences of the median person who turns out to vote and tips a coalition over the line to 51% that will matter to a politician (Fenno, 1978). As such, Arnold (1992) theorizes that politicians are most attuned to voters' "potential preferences," by which he refers to the fact that most of the time, most voters do not pay attention to most issues. However, if an issue becomes salient to a group of people due to a triggering event or an electoral challenger's campaign and that group mobilizes to vote, they can upset the electoral status-quo. In other words, politicians are routinely less concerned about what the public thinks than they are about the potential policy mistakes that will rile and mobilize a previously quiescent segment of the electorate.

This electoral reality calls for a broader understanding of "public opinion." Quantitative polls are useful for estimating the mass public's overall "policy mood," but they are less useful if one's goal is to identify the bounds of people's "zone of acquiescence"—the *range* of policy choices that people will tolerate before they mobilize in opposition to a politician or party's choices (Enns, 2016; Stimson, 1999).¹ It is the goal of this paper to understand better the logic people use to delineate the range of criminal justice policies they find acceptable.

Race, class, fairness, and justice reinvestment

The Justice Reinvestment Initiative is a public-private partnership that "offers states technical assistance and a structured reform process intended to reduce criminal justice costs and improve public safety. Through JRI, states analyze their criminal justice data to understand better the factors driving their corrections populations and costs and draw on research to craft evidence-based laws, policies, and practices" (Harvell et al., 2016, p. 1). I focus on JRI in this study for two reasons. First, JRI is arguably the most widespread paradigm of criminal justice reform at the state level at present. Second, the debates about how best to implement JRI highlight two of the key controversies in contemporary justice reform: how to reallocate funding if states reduce incarceration and spend less on prisons, and whether or not to extend reforms to felons convicted of violent offenses as well as nonviolent offenses (Beckett, Beach, Knaphus, & Reosti, 2018; Gottschalk, 2015).

I situate this study among theories of procedural fairness and race and class disparities. Tyler (2006) theorizes that people's satisfaction with the criminal justice system is shaped less by outcomes than by process; people who feel that criminal justice agents (police, judges, etc.) treat them with fairness and due process are more likely to perceive the justice system to be legitimate than people who feel that they are treated unfairly. Other scholars pair this theory with consideration of disparities in the justice system. People of color, especially those who live in neighborhoods of concentrated disadvantage, are significantly more likely to experience coercive contact with the justice system than wealthier whites (Peterson & Krivo, 2010; Travis, Western, & Redburn, 2014; Western, 2006; Western & Pettit, 2010).

This disproportionate impact erodes faith in the justice system among poorer communities of color, which in turn breeds resentment, frustration, and hunger for procedural reform (Gibson & Nelson, 2018; Hagan, Shedd, & Payne, 2005; Peffley & Hurwitz, 2010). Other scholars who employed qualitative methods found that minority residents of high-crime neighborhoods of concentrated disadvantage want the government to provide *both* fair, effective crime control *and* financial assistance to improve the fundamental infrastructure, opportunities, and social capital in their neighborhoods (Clear, 2007; Miller, 2008). While racial disparities receive the most attention, poorer people of all races experience disproportionate coercive contact with the justice system relative to wealthier individuals (Gottschalk, 2015; Western & Pettit, 2010). In a seminal study, Hagan and Albonetti (1982) demonstrated that the relationship between race and perceptions of fairness interacts with social class. Both whites and blacks of low socio-economic status expressed similar levels of mistrust toward the justice system, their average mistrust was significantly greater than that expressed by wealthier respondents, and the between-race difference in perceptions of injustice increased as a linear function of SES. Cumulatively, these studies indicate that the boundaries of the types of criminal justice reforms that people will find acceptable versus unacceptable may vary across racial and socio-economic groups.

The contribution of the present study

To properly understand the limits of criminal justice reform that people will accept, we need to better understand *how* people form their criminal justice preferences, as well as the caveats or qualifications they may attach to their expressed preferences (i.e., “it depends”).

Qualitative methods are most appropriate to capture this depth and nuance in people’s thinking (Tewksbury, 2009). In this study, I employ focus groups, which are an ideal methodology to gather in-depth data on people’s thoughts, opinions, and preferences because they allow people to express those opinions in their own words and explain themselves as they see fit. A unique aspect of focus groups that sets them apart from one-on-one interviews is their group context, which additionally allows the researcher to observe how participants interact with each other and judge whether or not that interaction influences the things that they say, offering insight into group-based discussion and decision-making (Doble, 1987; Krueger & Casey, 2014; Morgan, 1997; Sasson, 1995; Stewart & Shamdasani, 2015). Prior “deliberative polls” found that people’s punishment preferences become *less* punitive after engaging in dialogue about policy with other group participants (Green, 2006; Hough & Park, 2002).

As a qualitative inquiry, the purpose of this paper is to engage in logical inference, which is “the process by which the analyst draws conclusions about the essential linkage between two or more characteristics in terms of some systematic explanatory schema—some set of theoretical propositions” (Mitchell, 1983: 200). Mitchell distinguishes qualitative logical inference from quantitative statistical

inference, more commonly referred to as generalizability derived from random, population-based sampling. Consistent with Mitchell's analytic framework, I will draw upon prior theory and public opinion studies to interpret and contextualize the present data, and I will use these data to contribute new empirical insights to extant theory and public opinion research, in turn.

Based upon the theories of procedural justice and racial disparities discussed in the previous section, I chose to segment the focus groups. Segmentation is the process of choosing group composition according to particular characteristics of the participants that are germane to the topic of discussion (Morgan, 1997). Methodologists argue that within-group homogeneity on key background characteristics increases participants' level of comfort and willingness to speak. However, where appropriate, elements of heterogeneity may be introduced if the researcher wishes to study the impact of social differences on group discussion. I segmented the groups across race and educational attainment (a proxy for social class). Two focus groups contained only white participants, two focus groups contained only black participants, and two focus groups were split between both black and white participants. Within each racial pair, one focus group contained respondents who were pursuing or attained an associate's, bachelor's, or post-graduate degree, and the other focus group contained participants who possessed, at maximum, a high school degree or GED. Thus, all groups were segmented to be relatively homogeneous in regard to educational attainment, four of the groups were segmented to be homogeneous in regard to race, and two of the groups were segmented to be heterogeneous in regard to race. This segmentation allowed me to observe how race and/or social class influenced the discussions.

Data and method

The data in this study come from 6 focus groups, comprised of a total of 44 people, conducted in May 2016. A university-based survey research center recruited participants via an advertisement posted on the website Craigslist inviting volunteers to join focus groups to discuss "people's opinions about crime and criminal justice." To be eligible to participate, participants needed only to speak English, identify as white or black, and be over 18 years of age. Sixty-nine people who met these criteria responded to the advertisement; the 44 participants were chosen from this group simply due to scheduling availability. Each focus group included 6 to 8 participants who were evenly split between men and women. Participants ranged between 20 and 72 years of age with a skew toward middle-age or elderly participants; only 10 participants were younger than 40 years old. Seven participants reported a total family income of less than \$10,000 in the prior year, 20 reported between \$10,000 and \$39,000, 12 reported between \$40,000 and \$69,000, 2 reported between \$70,000 and \$99,000, and 3 reported between \$100,000 and \$129,000. All participants were residents of the city of Boston or nearby towns. Each participant was compensated \$40 at the conclusion of the discussions. Table 1 presents a summary of key participant characteristics in each focus group.

Table 1. Focus group characteristics

Group number	Racial composition	Educational attainment	Number of participants	# Experienced probation or imprisonment
1	Mixed black & white	College-educated	8	1
2	Mixed black & white	High school-educated	7	6
3	Black	College-educated	8	1
4	Black	High school-educated	6	4
5	White	College-educated	8	1
6	White	High school-educated	7	4

As a self-selected convenience sample, these participants possess an intrinsic motivation to discuss crime and criminal justice. As Table 1 shows, several participants reported that they served time on probation and/or incarceration in jail or prison. Given the racial and socioeconomic disparities in criminal justice system contact described in the introduction to this paper, it is unsurprising that participants in this study who experienced criminal punishment were disproportionately concentrated in the three groups stratified on high-school education. On the other hand, several of the college-educated participants disclosed in the group discussions that they worked or volunteered with organizations or professions that interacted with offenders, such as social work, prisoner reentry services, or other types of social service nonprofits. I will elaborate on the sample composition's implications for this study's findings in the discussion section.

The research team conducted all focus groups at a survey research center on an urban university campus. Participants sat around a conference table in a small conference room and could eat provided snacks and refreshments if they chose. A professional researcher at the survey center with experience running focus groups moderated all six groups. The moderator guided the participants through an iterative series of five pairs of writing prompts and discussion questions. She ensured that all five questions were discussed in each group (which sometimes necessitated curtailing a portion of the discussion if it was running too long), and she called upon quiet participants to ensure that everyone spoke. This means that these focus groups were more structured in nature as opposed to participant-driven and free-flowing (Ryan et al., 2014). However, the moderator did allow participants to talk about broader issues of social structure, community quality-of-life, and local governance, and she only

redirected conversation back to the specific topics of crime and criminal justice if she perceived that the tangential discussions were straying too far from the purpose of the focus groups.

For each question, participants were first asked to brainstorm individually and write their ideas on a provided answer sheet. The moderator guided the participants in a discussion about the answers they wrote before repeating the process with the next writing prompt, followed by more group discussion. The focus groups proceeded as follows: first, respondents were asked to think of 5 things that cause crime, then they were asked to think of 5 things that can be done to prevent or reduce crime. Third, participants were asked to imagine that Massachusetts possessed extra money in its criminal justice budget that could be spent on crime prevention.² Participants were asked to decide how that money should be spent, and they were given a budget allocation worksheet to write down the percentage amount of money they would like to put into six different criminal justice or community-based institutions; they were also given the option to propose their own budget categories (described in more detail later in this paper). Finally, the moderator described the basic justice reinvestment paradigm of using community-based sanctions instead of incarceration for offenders in order to save money and asked participants to state their reaction to the paradigm. The shortest focus group (#6) lasted a little over an hour. The other five focus groups lasted between an hour and a half and two hours.

Methodologists are engaged in a longstanding debate about the degree to which focus groups can measure people's individual opinions versus measure sentiments that are inseparable from the group discussion context (Hollander, 2004; Ryan et al., 2013). To an extent, my design allows me to measure both types of opinions. The written worksheets allow me to compare participants' individual answers to the discussion prompts with the statements they vocalized during the group discussion. I can thus identify sentiments that participants altered in the course of the discussion, new ideas they vocalized but did not initially write on their own, and ideas that they wrote but did not vocalize in the group (Vicsek, 2007).

I personally observed the focus groups from behind a one-way mirror along with graduate research assistants and took field notes on participants' statements and interactions with each other. The focus group discussions were audio-recorded, and the recordings were later professionally transcribed. I took an inductive approach to data analysis, which proceeded as follows: first, I created a tentative coding scheme as I coded the first focus group transcript.

Second, my research assistants independently coded the first focus group using my tentative coding scheme. Third, the three of us met and discussed the degree to which my preliminary coding scheme fit the data. Based upon this discussion, I reorganized the grouping of some top-level and sub-level codes, renamed some codes for greater clarity, and created new codes. All three of us then proceeded to code the second focus group transcript using the revised coding scheme. We once again met to discuss the "degree of fit" between the revised coding scheme and the second focus group, and all

three of us agreed that the revisions were appropriate and made analysis easier. We repeated this process a third time for the third focus group and made one last round of revisions to the coding scheme; the final round of revisions entailed far fewer changes since the research assistants and I felt that most of the coding scheme fit the data well. Finally, I coded (or recoded) all six focus groups myself from scratch using the final iteration of the coding scheme (Campbell et al., 2013). We coded the data using Nvivo software.³

Findings

Participants' budget allocations

The discussion of participants' preferences for investing money in crime prevention began with the following writing prompt:

Now, let's imagine that Massachusetts has some extra money in its criminal justice budget that it can spend on crime prevention. And you're in charge of the budget and get to decide how that extra money will be spent. [Assistant moderator] is handing out a sheet that has some possible ways the extra criminal justice money can be spent. There are also some blank spaces where you can fill in your own ideas—or any of the ideas we've just been talking about. We'd like you to write in what percent of the criminal justice budget you'd want to use for each item. It can only add up to 100%. You can spend it all on one item or spread it out over several items. Please fill it out on your own and we'll talk about it afterwards.

The default budget options on the worksheet were: 1) hiring more police officers, 2) hiring more probation officers to supervise offenders in the community, 3) building new jails and prisons, 4) funding clinics to provide improved healthcare and mental healthcare services, 5) increasing funding to the public schools, and 6) creating jobs. I chose the selection of items to reflect the fundamental budget choices that lie at the heart of justice reinvestment: first, do we prioritize spending on prisons, or do we invest instead in alternatives to incarceration? Second, when choosing among possible alternatives to incarceration, do we prioritize reinvestment back into other criminal justice system institutions, or do we invest in the “human resources and physical infrastructure” of communities (Tucker & Cadora, 2003: 2; see also Austin et al., 2013)?

Table 2 (see Appendix) presents the average percentage amount of money participants allocated to each budget option broken down across the focus groups and the race and education segments. Within each group of participants, I first report the average percentage of money allocated among respondents who chose to allocate money to a particular line item. Second, I report the range of respondents' individual percentage allocation amounts. Third, I report the number of participants who chose to allocate no money to the line item.

A few patterns are evident. On average, participants chose to allocate significantly larger portions of their budgets into the “community infrastructure” options of healthcare clinics, public schools, and job creation than they did into the criminal justice system options of police, probation, or prisons. In fact, these participants devoted the least amount of money to build new prisons, and the highest number of participants chose to devote no money whatsoever to this option. Furthermore, the upper bounds of the allocation ranges reveal that participants “capped” their allocations to justice system institutions at lower percentages than their allocations to community services, and a large proportion of the participants chose to allocate no money to justice system institutions. In contrast, very few participants chose to allocate no money to community services. Participants’ preference for greater investment into community services instead of justice agencies is mirrored across segment groups with few divergences. White participants allocated double the amount of money to hiring more police than black participants, on average, but just about the same number of participants of each race chose to give the police no additional money. A few more high school-educated participants than college-educated participants chose to allocate no money toward police, probation, or prisons, but the range and average allocations into justice institutions are quite similar across levels of education. This prioritization of community investment over the justice system mirrors findings from similar surveys administered to representative samples of the national population (Baker et al., 2015; Cohen, Rust, & Steen, 2006; PD Hart Research Associates, 2002).

Many participants emphasized their opposition to spending additional money on criminal justice system institutions. For example, Chrissy,⁴ a high school-educated black woman from Focus Group 2, said, “I put 0% for hiring more police. I think we have enough. Zero percent for hiring more probation officers, and 0% for building any new jails. Because we have enough.” Nathan, a college-educated white man from Focus Group 5, said, “Uh, building new jails or prisons ... I, uh, I wouldn’t put a penny on that ... And, uh, as far as, uh, probation officers, I put five percent. But I’m not even sure about that. But as far as more police officers, yeah, I would, uh, devote maybe 15%.” Chrissy and Nathan’s statements exemplify the common sentiment among many participants that the criminal justice system is already large enough and does not need additional money, with only a few exceptions.

The opposition to spending money on the justice system frequently took on a critical tone in the three focus groups of high-school educated participants (2, 4, and 6). James, a white man in Focus Group 2, said, “Police add to your record. They make you aggravated, they lock you up for no reason. They harass you.” Baldwin, a black man in the same group, was one of the few participants in the study to openly express that the group discussion changed the answers he wrote down. He said that he would have allocated some of his budget to hiring more police because “we do need more cops, you know, ‘cause crime is [inaudible], but *well-trained cops*” (he vocally emphasized training), but after hearing other participants critique the police, he ultimately chose not to allocate any money toward police in

his budget.⁵ When the moderator asked the black participants in Focus Group 4 which budget categories should receive no money, the following exchange occurred:

Matthew: Top three [referring to funding police, probation officers, or prisons]

Susan: Yeah, exactly. That's true, top three.

Mary: Me too.

Dorian: I mean I think that's the ... I think that's the worst government funding that they've given us, because ... I mean they've added new police, right? And if you're within our community ... Tell me if I'm wrong, right?

Susan: You're scared of them.

Dorian: I'm definitely scared of them.

Susan: Yeah, you're scared of them.

Dorian: If you, if you, if you're walking or driving in the streets, you rarely see a police officer.

Susan: You see it on the news every day. They're shooting young people in the back. You see it all over the place.

Dorian: They, they got ... Now every other, every other three to six months, they're hiring new officers. You don't see them out here though. You rarely see a police car.

Joseph: Where they at?

Dorian: Tell me (laughs). This is ... Have you ever called ... Have you called 911?

Matthew: No. Hell, no.

These participants expressed the type of distrust toward police, born of negative interactions and experiences in their communities, that is more common among African Americans than among whites (Carr, Napolitano, & Keating, 2007; Hagan & Albonetti, 1982; Hagan, Shedd, & Payne, 2005; Peffley & Hurwitz, 2010). However, this hostility was not unique to the black participants. After Albert said that he wanted to allocate money for police retraining, the following exchange occurred among the white participants in Focus Group 6:

Moderator: So how do you want to retrain them?

Albert: Well, like the body cameras.

Jason: Yeah, 10% for the body cameras maybe. Maybe I could have put that down.

Camille: So we gotta waste money on body cameras because we can't trust the cops?

Jason: Yeah, exactly.

Camille: Like, you know what I mean? Like you're a cop, you shouldn't trust, your word should be ...

Jason: Who's policing the police?

Camille: And we're going to waste money on cameras because you're not trusted and we're supposed to trust you to save our life. Like that makes no sense. That's out of control!

Camille felt that spending money on body cameras would be a waste because cameras cannot fix the fact that officers themselves are untrustworthy. Only one participant each in Focus Groups 2, 4, and 6 allocated any money toward hiring more police officers without specifying that the money should go toward reforms or retraining. The similar hostility toward the police reported in the high school-educated groups of both races affirms evidence that the contemporary carceral state exerts disproportionate, deleterious pressure on poorer, less educated people of *all* racial groups, thereby undermining trust in law enforcement (Gottschalk, 2015; Hagan & Albonetti, 1982).

Several other people expressed sentiments similar to Albert's. They clarified that their budget allocation for police, probation, or prisons was intended to fund specific types of *reforms or programs*. William, a college-educated black man from Focus Group 3, also said that he wanted his money to fund video cameras for police officers because "They actually said that there's been a—a reduction on both sides, the cop's brutality and, um, crime and, um, people committing crimes when they realize they're—they're filming. So, that really works and that would help reduce crime, okay?" Candice, a college-educated black woman from the same focus group, said, "I had money for jails ... but when [another participant] said reentry, that's what I meant. Money into the jail for programs while they're in there. I didn't mean necessarily building." Ginger, a high school-educated white woman from Focus Group 2, expressed the sentiment that probation officers need to actively connect offenders to opportunities, not just supervise them:

I say 25% for hiring more probation officers. Um, 'cause I feel like there'll be more money for programs that the probation officers can learn and give also to the offenders coming out ... I haven't had any personal experience,⁶ or know anybody, but I feel like, in my mind, I believe, you have to see a probation officer, you've got to make sure you have a job, 'what are you doing?' Instead of, make a little bit more, let's try to make this person, that's out of jail, to be a better

citizen in the community, and with more money going to the probation officer, that per person, officer ... can give it, a more ... it's, it's like a, a, you know, a, like a food chain, you know?

In summary, only a handful of participants chose to allocate money to police, probation officers, or prisons without any qualifications whatsoever; the predominant sentiment among the participants in this study was that the justice system is already sufficiently large, and if we are going to give it additional funds, those funds should be devoted to reforms designed to *improve* the system.

In contrast, most participants expressed strong support for investing in community services or improvement, broadly construed. Paige, a college-educated black woman from Focus Group 3, said, “[Choosing how to allocate money is] hard because things exist now that need to be funded, but if they ideally were funded in the past, some of this other stuff would have to go down ... If people had access to jobs, good education, and good health care, you know, then there wouldn't be, like, so much crime, and we said, these are problems.” Roger, a high school-educated white man from Focus Group 2, made one of the closing remarks of his group, which was, “No child should go without an education or go to bed hungry. They should be number one priority. Then we can stop there. We can't not get up there.” Underlying participants' support for investing in community institutions was the belief that systemic social problems are criminogenic, and if society can alleviate problems like poverty and joblessness, crime and the need for the criminal justice system will decrease.

Most people who chose to write their own budget recommendations did so to fund a variety of community-based services and improvements. For example, Debbie, a college-educated white woman from Focus Group 1, allocated 50% of her budget for public-private partnerships in which business owners would run job training programs and career fairs in local high schools. Brandon, a college-educated black man also from Focus Group 1, said, “30% for public housing standards. I call that, like, the ‘broken windows’ thing where you go down there where you can fix up the buildings in public housing. Maybe the people will care about it more. Because people don't care about their building, then they're not gonna care about crime going on. And that's why if somebody gets shot, nobody says anything, and then the police can't solve crimes because nobody will cooperate with them.” Jacklyn, a high school-educated black woman from Focus Group 2, allocated 15% of her budget for “government assistance food organizations,” like SNAP and WIC. Six participants allocated varying amounts of their budgets to affordable housing or homeless shelters; given the intersection of race and poverty in the United States, it is unsurprising that five of these participants were black, and four of them possessed only a high school education. Similarly, white participants who talked about the need for stable, affordable housing were also in the high school-educated groups. Finally, other write-in recommendations that were popular among many participants across focus groups were community centers, activities for youth, and drug treatment clinics and programs.⁷

However, just as most participants clarified that their allocations for criminal justice system institutions should go toward reforms and improvements rather than general operating funds, so too did many participants clarify their use of funds for community services. Many of these clarifying statements were rooted in participants' concerns about equity, transparency, and access. Brandon, a college-educated black man from Focus Group 1, emphasized that additional funding for public schools had to go directly into services for the students, *not* simply increase administrator's salaries: "Yeah, I know what [another participant] says, because I'm against it, increasing the funding, if some, uh, superintendent is gonna get \$300 grand a year." The high school-educated participants in Focus Groups 4 and 6 were particularly concerned about the cost of community services. Consider the following exchange among the black participants of Focus Group 4 about a recently-built community center:

Susan: [I'm talking about] my neighborhood. The whole neighborhood where I live at—Upham's Corner area, yeah. But they did a good job with the Kroc Center, but it's not affordable for us, you know?

Linda: You're sure right!

Matthew: They started out, it was supposed to be for the kids but then they started with the membership fees and stuff like that. Yeah, so why?

Joseph: The what?

Susan: The membership fees. The Salvation Army Kroc Center, on Dudley St.

Joseph: On Dudley St.? Oh, that new one?

Susan: Oh, it's beautiful. They have everything in there, but it's not really affordable.

Similarly, the white participants of Focus Group 6 expressed concern about the accessibility and affordability of drug treatment programs:

Camille: They, they, they took a lot of funding for treatment programs and all that stuff ...

Pamela: Correct.

Camille: And now you see it on the news, the man is saying okay, we need more counselors, we need more treatment. But they took a lot of money and funding for treatments and stuff. They took a lot of programs away. They took a lot of beds away, you know?

Pamela: It used to be thirty days.

Camille: Your insurance might pay for four days in a mental health hospital rather than two weeks and what is that going to do for you? They took a lot of money and resources away from things that's helping people and now it's gotten worse and they're like okay, we need more. You know?

There were a handful of notable interactions between participants when they were writing and discussing their crime prevention budgets. During Focus Group 6, Judy addressed Camille and said, "Miss, I'm deadly serious right now when I say this, uh, well, one of the things you put here is funding to improve healthcare and healthcare services. Um, I, I live in Charlestown and I have said often times that the biggest pusher in the town is the ... health center clinic. ... The doctors need oversight because they actually get these people dependent on a variety of different meds." Judy's cynicism toward doctors in the wake of the opioid crisis was echoed by most of the participants in her group; indeed, concern about drug addiction was a dominant theme throughout that group's discussion.

Judy's reaction to Camille's budget choice was cautionary. In contrast, several of the college-educated white participants in Focus Group 5 sharply disagreed with each other's budget choices for more ideological reasons. Inez allocated money to fund housing and vocational support and monetary stipends to be given to former inmates reentering the community in order to help them get back on their feet and avoid falling back into criminal behavior due to poverty and other strains. Her choice prompted Bruce to declare that "[criminals] should not be getting anything coming out. Not ... not ... not a thing." Sarcastically, he said that if society were to start giving criminals stipends, "sign me up." Inez countered that she thought attitudes like Bruce's were part of the reason that the U.S. imprisons so many people, and Nathan agreed with her. At that point, Alice jumped in to support Bruce and said that she thought that if society were to give offenders monetary support, it would only make them believe that they "got away with [their crimes]," which would motivate further offending. The moderator ultimately had to intervene and remind the participants that it was okay to hold different opinions, and it was not the purpose of the group to reach consensus; this was the only time throughout the whole study that the moderator had to reign in a disagreement between participants that was growing contentious. These statements mirrored the participants' broader ideological perspectives expressed throughout the group discussion. Inez and Nathan vocalized liberal-leaning beliefs about social and environmental causes of crime that called for rehabilitative support, whereas Bruce and Alice vocalized conservative-leaning beliefs about free will and low self-control as causes of crime that called for strong deterrence.

In summary, most participants in this study prioritized investing money into a variety of different community programs and improvements rather than investing more money into police, probation, or prisons. For most participants, the logic underlying this choice was their perception that criminal justice institutions already receive substantial funding, whereas many worthy community institutions

lack appropriate financial support. As a consequence, many respondents (especially the high-school educated) believed that community institutions compensated by charging fees that were too high, making them financially inaccessible to their intended clients.

This general pattern of investing more money into community programs than into criminal justice institutions was consistent across all the focus groups. Group-level differences were more evident in regard to the *reasons* underlying participants' funding priorities, not the actual distribution of their budget allocations. These group-level, motivational differences largely conformed to my theoretical reasons for segmenting the groups across race and education. The high school-educated participants largely explained their budget choices in relation to their personal experiences: their own personal and/or community-level struggles with financial insecurity, drug addiction, and negative interactions with the criminal justice system. While the college-educated participants also expressed strong support for community investment,⁸ their justifications for their preferences were typically based upon their ideological beliefs or knowledge about mass incarceration and problems with contemporary criminal justice that they learned through the news and/or their professions, not personal experience. I discerned few meaningful differences in the substance or tone of the discussions in the two mixed-race groups vs. the racially-homogeneous groups at the same level of educational segmentation.

Alternatives to incarceration for whom? The problem of violent offenders

Following the budget discussion, the moderator gave participants the following prompt:

It costs states less money to supervise convicted criminals in their home communities than it does to put criminals in prison. Many states, including Massachusetts, are trying to save money by sentencing a larger number of criminals to community-based sanctions instead of sending them to prison. Community-based sanctions include things like probation, house arrest, or mandatory attendance at Alcoholics or Narcotics Anonymous. What do you think about this idea?

Prior public opinion research has found that Americans share politicians' risk-averse attitude toward violent offenders (Cullen, Fisher, & Applegate, 2000; Doble, 1987). As such, I anticipated that participants would be open to this proposal only for low-level, nonviolent offenders, but I instructed the moderator to probe respondents to find out how they precisely define "violent offender" and whether they would be willing to consider community-based sanctions for any types of violent offenders. I told the moderator to give the example of someone convicted of simple assault for engaging in a bar brawl.

The discussions about this question were characterized by both points of agreement shared across all the focus groups and some of the most pronounced disagreement between participants both within

and across focus groups. Regarding agreement, the participants in this study reaffirmed Cullen, Fisher, and Applegate's (2000: 59) conclusion that "violent crime is the great divide between punitiveness and nonpunitiveness." The first reaction of almost all participants was to say that violent and repeat offenders must be imprisoned; community-based sanctions would only be appropriate for nonviolent and first-time offenders. When the moderator asked them to clarify how they defined violence, participants commonly replied murder, robbery, and sex offenses/child molesting. Another common answer was that judgment about what to do with the offender should depend upon the degree of harm suffered by the victim; offenders who harm someone badly enough to warrant hospitalization should be imprisoned; this comports with the findings of a previous focus group study about sentencing (Connelly et al., 2003).

When the moderator pressed participants to consider a bar fight as an example of a less serious violent crime, participants' predominant reaction was to emphasize the importance of case-by-case judgments. An illustrative response was given by Camille, a high school-educated white woman in Focus Group 6: "Yeah because every situation is different. Every fight, every bar fight, you need to really just, just look at the situation, the people, and then make good judgment and not every situation will be the same, you know? You try to make hopefully the right judgment call."

Another common sentiment expressed across focus groups was that offenders on community-based sanctions must be strictly supervised and actively participating in rehabilitation or therapy programs. Consider the following responses from two college-educated black respondents in Focus Group 3 immediately following the discussion prompt:

William: Um, real quick, yes and, um, but yet part of their, um, what is it, um, sentencing or whatever is where they have to go to school to get a skill or something or get some kind of things that will help them survive on their own, you know what I mean. Something, take an assessment of what they don't have, what they need and then make them pursue it before they get that bracelet off their ankle.

Melissa: That's right, that's right. And they have to do the hours, I mean, no one can sit home.

Another example of this sentiment comes from Inez, a college-educated white woman from Focus Group 5:

Well, I think one fact is in terms of, you know, putting people back into the community, um, there should be some kind of monitoring. And I ... I ... I don't mean just probation. Um, you know, if you can put people who ... who are drug offenders, let's say ... um, and ... and they're not ... you know, they got caught with ... I mean, they're ... they're not so gone that they can't be rehabilitated and

remain drug-free. Um, maybe live with a mother or a relative or someone who is willing to take them in with their bracelet, you know.

Finally, the call for monitoring was not unique to the college-educated participants. Judy, a white, high school-educated woman from Focus Group 6, had the following to say: “But I think they need to have oversight, they have to have someone they’re accountable to, someone who is competent. There should be some competent oversight, too. I mean, look at this guy, look at this guy who shot and killed the cops. He had already assaulted the cops” [referring to a story she had heard on the news].

Beyond the cross-group similarities just described, this discussion topic did also provoke several notably unique themes or dynamics within specific groups. Jacklyn, a high-school educated black woman from Focus Group 2, expressed opposition to the entire proposal of community-based supervision. She proposed the scenario of a drug dealer on house arrest who could simply keep selling drugs out of his home. She also noted that prison offers an opportunity for rehabilitation: “... I mean like, there are a lot of upsides to jail. It just is. You can get training, certified, you can get all types of stuff in here. ... Like one of my brothers, he went, got certified, he got an OSHA card. Doing all types of, you know, he’s a field tech now. You know what I’m saying and it’s like, dude. So there are ups to jail.”

The high school-educated black participants of Focus Group 4 disagreed with each other about the value of community-based sanctions. Joseph and Mary said that probation or parole characterized by strict supervision and accountability standards was a valuable way to force some recalcitrant drug users or offenders to get clean or enroll in job training programs to put themselves on the right track. In contrast, Susan and Dorian said that community supervision is a “set up:”

Moderator: Tell me set up.

Susan: Because, you know, you got a curfew when that bracelet on. You’re going to somehow go out of that when the weather’s nice or something. Then you’re going back to jail because you went past ...

Dorian: No, you don’t even need to, sweetheart. They set you right up. Those monitors are not up to date, nothing. You can be at your house at 9:00 on your time, and that shit will go off.

Susan: Set up.

Dorian: And you know what? The police is at your house in 10 minutes, and you’re going, because I don’t care if you, you, you, you, you, you was there [pointing to the other participants in the group]. I got my monitor on. He’s been here the whole day, haven’t moved from this house. His monitor went, went off. Stand up, cuff him. You’re going to jail.

Susan: You see, that's a set up.

The moderator then asked if prison is better, but Susan and Dorian expressed the sentiment that prison sentences frequently do not fit the crime and fail to rehabilitate inmates. Dorian explained, "But it's like, okay, give him a little bit of time. Don't give him no ... Why would you give someone three and a half years, right, and say we're going to rehabilitate you in a place that you've never been to, don't like it here, and you're away from all your people that could help you mentally form a better stability or foundation? You see what I'm saying?" Dorian also later clarified his cynicism toward community-based sanctions by sharing the fact that he served time on probation and felt that most of his probation officers treated him like a child rather than offer constructive suggestions or connect him with services and opportunities.

The discussion among the college-educated white participants of Focus Group 5 was also characterized by sharp disagreements. Marianne, Inez, Janet, Dylan, Nathan, and Wallace all supported the proposal for community-based sanctions. They expressed the opinions that too many people who are not truly dangerous are incarcerated and that prisons are not doing a good job of rehabilitating people. Marianne cited the trend toward deinstitutionalization and least restrictive level of care in the mental healthcare profession, and Wallace mentioned some of the problematic statistics about mass incarceration and said, "something is out of whack there."

In contrast, Bruce and Alice expressed strong opposition to community-based sanctions. Bruce said that if a person on house arrest lives next to you, you would have to disclose that fact to potential home buyers, which would negatively impact your property value. He also said, "Or, uh, if you have, uh, your mom or your father owns a home and now you have someone that's on house arrest next door to them. ... Are you going to feel, uh, positive about their safety in that home? I wouldn't." When pressed by the moderator, he said that he might consider community-based sanctions for "very, very minor crimes," but he reiterated his concern about property values. Alice's opposition stemmed more from fear of crime. She said, "Not in my backyard. I don't want that, you know, I got ... I got, you know, an 11-year-old and, you know, a little girl, and she's, you know, I ... I don't want that type of a person around my kid." However, Janet expressly challenged this perspective after Alice spoke:

Well, I wrote NIMBY with three exclamation points. Um, again, having worked all my life in this kind of field, it has to be in someone's yard, you know, in someone's backyard. And I think it is a tough thing. Um, and I very much believe that people need to find their way back to society. There obviously needs to be consequences of their actions. Need to look at the underlying reasons that these things occurred. But, um, I don't think throwing everybody in jail makes sense either.

This disagreement about community-based sanctions echoed the pro-rehabilitation and reintegration vs. tough-on-crime belief-based conflict that pitted Bruce and Alice against Inez and Nathan during

Focus Group 5's earlier budget discussion.

Finally, a nuanced discussion occurred among the college-educated black participants of Focus Group 3. The conversation began with William and Melissa expressing support for community based-sanctions as long as the offenders were actively engaged in rehabilitation efforts (see their quotes earlier in this section). Adam, Rachelle, and Candice agreed about the need for monitoring and support systems. However, the discussion began to take a more punitive turn when Christopher said, "Well, I have to confess, uh, I would be open to it but they'd only get one strike because I, uh, believe in triage you know, and I'd be perfectly willing to wash them down the drain so I can protect the, uh, the little kids." Paige soon expressed a similar sentiment:

Unless they have a huge support system like Rachelle said, you've got kids walking around and these people are gonna come and go freely, around the neighborhoods they're put in, that's dangerous. You know, cause then they may become role models for the kids there, you know, you've gotta be careful about that. And then you don't want to have them with the, you know, a mark on their head or they live in the halfway house up the street, you know.

These concerns about community safety sparked a vigorous debate between participants about whether or not people could be successfully rehabilitated and desist during which Adam declared, "They learn the skills when they reform, that's what it is. Why should they get the skills when they're still degenerates? You're gonna give a degenerate a skill to go get a job and possibly do that again? And then he can move on to another state, take another identity."

Melissa frequently acted as a balancing voice in this focus group, and she responded to the growing punitiveness and judgmental tone of the discussion by calling attention to the collateral consequences of incarceration:

Melissa: It's like, okay, a family man, first time offender ... Or a woman, a mom or a dad, you know, if someone be stressed out, and they have a fight. All right? Next thing you know, someone's pressing charges, next thing you know they might go to jail. Okay, but you look at their lives, they work. I'm talking about me 'cause you know ... If I'm stressed out I have a lot of anger. You know, it could go boom. Not, that's not, I'm not like going to jail, but that could happen. It's happened. Um, and you know these are productive members of society. So what, now—now they go to prison for six months? For assault and battery?

William: They lose their job, they lose their home.

Melissa: They lose their life, really.

Importantly, she also emphasized the impact of the criminal justice system upon black communities:

I'll put that out there, whoever ... I would like to be a part of that. And—and helping to make that happen cause there's a whole bunch of community organizations, people who—who are invested in their community, who, um, would not mind ... Because these are family members, I mean I'm sure each of us at the table can say we know somebody who knows somebody who knows somebody in prison. Okay, or a family member in prison. And that person, and you know the person in prison ... that's my pookie, that's my Ray Ray. You know, that's not the criminal, that's Auntie Emma's son, you know what I mean? That's somebody who's close to me, who's a nice person, that I knew them when they, whatever. So we want them to come home.

In summary, participants' discussions about how they would decide whom to sentence to community-based supervision instead of incarceration hinged upon the severity of the offender's crime and the extent of the offender's prior record. Consistent with prior survey research, these focus group participants were very hesitant to allow repeat offenders or people convicted of violent crimes back into the community, but these qualitative data uncover nuance and conflict beneath this base-line level of agreement. Most participants across the focus groups were willing to recognize that there are many types of "violent crimes" that encompass a range of severity, and they endorsed the use of case-by-case discretion to determine which offenders are safe to release and which offenders should be incarcerated for public safety. In addition, the different considerations or disagreements that emerged between the focus groups highlight the fact that people's opinions about criminal justice are influenced by their positions in America's race and class hierarchies; less-educated participants and black participants expressed more cynicism and distrust toward the criminal justice system, while more-educated participants rooted their opinions in conflicting liberal and conservative ideologies about the need for redemption and poverty reduction versus offender blame-worthiness, social control, and the protection of private property.

Discussion

It was my purpose in this paper to assess people's "zone of acquiescence" in regard to contemporary debates in criminal justice reform. Analyzing qualitative data from focus group discussions, I identified several logical principles and heuristics people use to form and explain their expressed criminal justice policy preferences. These principles may, in turn, inform policymakers' ability to formulate and justify changes to the criminal justice status quo.

First, when constructing their own criminal justice budgets, the participants in these focus groups prioritized financial investment into community institutions instead of criminal justice system institutions, on the whole.² Many participants explained their priorities by saying that the justice system already possesses enough resources, whereas community services to address problems like poverty, unemployment, and drug addiction are both insufficiently-funded and frequently too expensive for their intended beneficiaries to utilize regularly. A few participants used the language of

broken windows theory to explain themselves, arguing that dilapidated communities breed feelings of apathy and helplessness in their residents, which undermine collective efficacy and informal social control.

This finding suggests that policymakers could appeal to people's belief that well-maintained communities are vibrant communities in order to argue that investments into community programs and infrastructure will encourage citizens to actively engage in the maintenance of their neighborhoods. They could also employ a fiscal responsibility argument by appealing to people's sense that more money should be devoted to community-based resources that lack adequate funding. Conversely, these data suggest that people would oppose investments into community programs if they perceive that expenditures are enriching bureaucrats who run those programs/institutions rather than making programs and resources accessible to a broad cross-section of community members, especially the poor. It was clear that transparency in policy implementation was important to many of the focus group participants, which suggests that criminal justice reform advocates should emphasize how their community investment proposals will guarantee equitable access for those who most need public institutions. Likewise, policymakers who wish to mobilize *opposition* to community investment proposals might benefit by provoking public concerns about corrupt, inequitable uses of tax money.

Second, politicians fear that they will be labeled "soft on crime" if they release or divert offenders convicted of violent crimes. These data suggest that politicians accurately perceive public sentiment in this regard. The near-consensus first reaction among these focus group participants was that repeat and violent offenders need to be incarcerated because releasing them to the community would put neighborhoods (and particularly the youth in those neighborhoods) at risk. This perspective presents a significant problem for advocates of criminal justice reform. Since more than half of the nation's incarcerated offenders are convicted of violent crimes, our ability to reduce the scope of mass incarceration will be quite limited if we only consider alternatives to incarceration for low-level, nonviolent offenders (Gottschalk, 2015; Pfaff, 2017).

However, it is here that these qualitative data make a meaningful contribution to this debate. When pressed to consider the range of violent offenses, many participants recognized that not all violent crimes are equivalent. Several participants utilized the decision-making rule that the severity of an offender's sentence should be proportionate to the magnitude of the physical harm inflicted upon the victim. "Cut points" within this spectrum mentioned by participants were that offenders who utilized weapons (especially guns) or who put their victims in the hospital should be incarcerated. When considering the proffered scenario of a bar brawl, participants seemed more open to considering alternatives to incarceration for people who cause only minor physical injury.

Much work remains to be done on this issue. What about offenders who brandished a weapon but never actually caused harm to their victim? What about accomplices to violent crimes who are charged with a weapons offense even though they, themselves, were unarmed? Is there a difference between a victim who goes to the hospital for just a few stitches versus one who ends up in the intensive care unit? The sentiments expressed by these participants suggest that they would draw further distinctions if directly queried.

So what should policymakers do to advance reform without stepping outside voters' "zone of acquiescence" in regard to sentencing violent or repeat offenders? The present data suggest two answers. First, participants consistently said that punishment decisions for violent and serious offenders should be decided on a case-by-case basis (i.e., "it depends." See also Connelly et al., 2003; Heumann, Pinaire, & Clark, 2005; Immerwahr & Johnson, 2002). This sentiment suggests that people will favor a sentencing process defined by judicial discretion instead of determinate, one-size-fits-all sentences, a finding that is also consistent with statistically-generalizable public opinion polls (PD Hart Research Associates, 2002; Parr & Koczela, 2017). Second, if policymakers restore sentencing discretion to judges, especially in regard to violent and repeat offenders, they should emphasize that only offenders who are determined by criminal justice experts to be a relatively low risk to the public will be diverted or released from incarceration. Such an explanation should reassure citizens who are open to granting offenders second chances, but only once public safety has been assured. It is possible that the use of data-driven risk scores may be valuable in this regard, but this is merely speculation that should be explored in future research. The point that must be emphasized is that the "bright line" distinction between dangerous, violent offenders and "safer," nonviolent offenders in people's minds is quite real, but it appears to be somewhat flexible, not entirely rigid, which means that policymakers have some "breathing room" to explain and justify sentencing reform targeted to some classes of violent offenders.

This study also achieves logical inference (Mitchell, 1983) by supporting the proposition of comparative conflict theories that racial minorities are more distrustful of the criminal justice system than whites because they are much more likely to experience coercive contact with the system at both the individual and community level (Gibson & Nelson, 2018; Hagan & Albonetti, 1982; Hagan, Shedd, & Payne, 2005; Peffley & Hurwitz, 2010). The high school-educated black participants in this study, many of whom experienced direct or vicarious contact with the justice system, expressed varying degrees of hostility toward the police and probation officers, perceiving them to be unhelpful at best, antagonistic at worst. The college-educated black participants spoke less of personal contacts with the justice system, and they expressed some of the same "tough on crime" sentiments that other scholars have found in the black community (Fortner, 2015; Wilson & Dunham, 2001). However, participants in this group also balanced their anger about crime and fear for their community's children with the recognition that the criminal justice status quo disproportionately hurts black communities, which led

to affirmations of support for reentry services and procedural reforms, such as equipping body cameras on police.

The white participants in this study were more clearly divided along education/class lines. The high school-educated group expressed remarkably similar sentiments as the black high-school educated group; they, too, were distrustful of the police and felt abandoned by institutions of social support, especially concerning drug treatment. This finding supports Gottschalk's (2015) argument that the deleterious effects of mass incarceration cut across race lines among the nation's poor. In contrast, the college-educated participants were sharply divided. Several expressed liberal support for principles of redemption and criminal justice reform, but others expressed some of the most "tough on crime" opinions of all the participants in this study, driven largely by fear for their *own* children and concern that the presence of supervised offenders in the community would affect property values—a very clear "not in my backyard" sentiment (Dear, 1992).

Collectively, these findings indicate that different facets of issues come more readily to mind to some groups of people in society than others. Policymakers must tailor their arguments for reform when speaking to different "audiences" in the public. These findings suggest that poorer and working-class audiences will be receptive to arguments about equity and the need to increase support for under-funded public institutions. Wealthier audiences may require more reassurance that policymakers are building public safety safeguards into reform proposals, especially if that audience is also predominantly white. Still, the present findings suggest that there is political space for politicians to tackle some of the policy problems that have impeded the evolution of justice reinvestment and the broader effort to curb mass incarceration without provoking public backlash if politicians strategically use the right arguments that fit within their constituents' "zone of acquiescence" for criminal justice policy change.

These data were gathered from a self-selected group of black and white volunteers from the greater Boston metropolitan area for whom issues of crime and justice were personally or professionally salient. This means that the generalizability of the sentiments and opinions expressed by these participants remains an open question, but it bears repeating that statistical generalizability to a wider population is not the goal of qualitative research (Mitchell, 1983; Tewksbury, 2009). Still, many of the findings from these focus groups are quite consistent with previous surveys administered to population-based samples that are representative of either the national or state populations, which suggests that the present findings are not idiosyncratic to this small group of participants (Baker et al., 2015; Cohen, Rust, & Steen, 2006; Cullen, Fisher, & Applegate, 2000; PD Hart Research Associates, 2002; Wozniak, 2019). Indeed, two recent, representative polls of the Massachusetts population also found strong public support for judicial discretion and a preference for investing in alternatives to incarceration (Koczela, Parr, & Forman, 2014; Parr & Koczela, 2017).

Furthermore, there is value in understanding the policy opinions of the subgroup of people for whom a particular issue is more salient than the mass public at large. According to theory, politicians most fear supporting a policy that would transform a previously-apatetic group of citizens into people who are mobilized to support an electoral challenger because they object to the sitting legislator's policy position (Arnold, 1992). It is typically knowledgeable citizens who care about and regularly pay attention to a given issue who will "raise the alarm" that will mobilize their fellow citizens who only attend to the politics of an issue when it is made salient to them. In other words, citizens who possess sufficient intrinsic motivation to talk about an issue with a group of strangers are surely systematically different than people who do not self-select into research studies, but these are likely to be the very knowledgeable, motivated people who would attempt to "rile up" their friends and neighbors if they observe a legislator taking a policy stance that they find objectionable. Where these motivated people go, others may follow and shift the political calculus in an electoral district.

In summary, the sentiments expressed by the focus group participants of this study suggest that justice reinvestment reforms fall within people's "zone of acquiescence" for criminal justice policy. The findings suggest that Americans may be more willing to reinvest money directly into improving the human resources and physical infrastructure of disadvantaged, high-crime neighborhoods than politicians in JRI states have so far been willing to do.¹⁰ While people are initially resistant to the idea of allowing violent or repeat offenders to be supervised in the community, the participants in this study did recognize variation in the range of violent crimes and ultimately favored a discretion-centric approach to sentencing that takes each offender's case on its individual merits. Overall, the present findings suggest that there is "political space" for politicians to tackle some of the policy problems that have impeded the evolution of justice reinvestment and the broader effort to curb mass incarceration without provoking public backlash.

Appendix

Table 2. Average percent budge allocation for crime prevention options

	% More police	% More probation	% Building prisons	% Funding healthcare clinics	% Funding public schools	% Funding job creation	% Write-in options
All participants							
Average allocation	12.5%	11.5%	14.7%	29.8%	22.2%	26.3%	17.0%

Range	2.5 – 30%	2.5 – 25%	10 – 25%	10 – 45%	5 – 50%	5 – 50%	5 – 75%
# Zeros	22	22	38	6	5	2	16
White participants							
Average allocation	16.9%	13.4%	21.5%	25.4%	22.6%	21.1%	17.0%
Range	5 – 30%	5 – 25%	18 – 25%	10 – 45%	12 – 50%	18 – 50%	5 – 30%
# Zeros	11	11	21	5	3	1	9
Black participants							
Average allocation	8.0%	9.3%	11.25%	21.3%	21.8%	24%	17.6%
Range	2.5 – 15%	2.5 – 20%	5 – 20%	1 – 35%	5 – 50%	5 – 50%	5 – 75%
# Zeros	11	11	18	1	2	1	7
College-educated participants							
Average allocation	12.8%	11.6%	16.25%	21.6%	21%	24.8%	18.3%
Range	2.5 – 30%	2.5 – 25%	10 – 25%	10 – 45%	5 – 50%	5 – 50%	10 – 33.4%
# Zeros	9	10	20	5	4	2	8
High school-educated participants							
Average allocation	12.6%	12%	14%	24.9%	23.5%	28.5%	16.0%
Range	5 – 20%	3 – 25%	10 – 18%	10 – 50%	10 – 50%	10 – 50%	5 – 75%

# Zeros	13	12	18	1	1	0	8
Focus group 1							
Average allocation	13.8%	9%	15%	23.6%	25%	27.1%	16.9%
Range	5 – 30%	5 – 10%	10 – 20%	10 – 45%	15 – 50%	10 – 50%	10 – 30%
# Zeros	4	3	6	1	1	1	3
Focus group 2							
Average allocation	12%	12.2%	18%	21.9%	23.6%	22.6%	11.7%
Range	5 – 18%	3 – 25%	NA	10 – 30%	10 – 37%	10 – 30%	5 – 25%
# Zeros	3	2	6	0	0	0	3
Focus group 3							
Average allocation	7.1%	10.5%	10%	22.1%	16.4%	20%	18.9%
Range	2.5 – 15%	2.5 – 20%	NA	10 – 35%	5 – 30%	5 – 25%	10 – 33.4%
# Zeros	2	3	7	1	1	1	2
Focus group 4*							
Average allocation	10%	10%	10%	22.5%	28.3%	25%	17.9%
Range	NA	NA	NA	10 – 50%	10 – 50%	10 – 50%	5 – 75%
# Zeros	5	5	5	0	0	0	1

Focus group 5							
Average allocation	19%	16.25%	25%	18%	21.7%	26.9%	22.5%
Range	10 – 25%	5 – 25%	NA	10 – 30%	15 – 30%	20 – 40%	15 – 30%
# Zeros	3	4	7	3	2	0	2
Focus group 6							
Average allocation	15%	12.5%	0%	30.8%	18.7%	36.1%	19%
Range	10 – 20%	10 – 15%	NA	15 – 45%	12 – 30%	20 – 50%	10 – 25%
# Zeros	5	5	7	1	1	0	4

Note *: A black, high school-educated participant in Focus Group 4 struggled with the math involved in writing his budget. The moderator had to provide significant computational assistance. He settled on 10% each for police, probation officers, prisons, clinics, and schools and 50% to jobs. Later in the group, he asked to fill out a second budget form with different allocations. On his second form, he allocated 75% to clinics, 20% to schools, and 5% to jobs. To account for his uncertainty, I include his second allocations in the write-in option estimates. When calculating the average allocation within each group, I incorporated his allocations as the average amount between his two worksheets (e.g., 5% for the first five options, 27.5% for jobs, etc.).

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Contributor

Kevin H. Wozniak is an associate professor of sociology at the University of Massachusetts Boston. He is a former Congressional Fellow of the American Political Science Association and former W.E.B. Du Bois Fellow of the National Institute of Justice. He studies public opinion and the politics of criminal justice.

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Footnotes

1. Pickett (2019) provides a thorough overview of the political science literature on the public opinion-public policy relationship and theorizes how the insights from this literature should apply to criminal justice policy. [↵](#)
2. The nature of this question reflects the structure of the justice reinvestment initiative. States first “free up” money in the budget by reducing the state’s incarceration rate. This “extra” money is then reinvested in alternatives to incarceration. Reinvestment does not occur until money is “recovered” from the corrections line item in the budget. [↵](#)
3. The focus group transcripts (with pseudonyms) and a copy of the coding scheme are archived at the National Archive of Criminal Justice Data (ICPSR 36778; see Wozniak, 2018). [↵](#)
4. All participants’ names have been changed to pseudonyms to protect their privacy. [↵](#)
5. This is not to imply that Baldwin held positive opinions about the police until he heard other participants express critical opinions. Earlier in the discussion, he said that police need “anger management,” and he complained about police “just pulling you over and searching you for no reason.” Thus, Baldwin’s belief that police are needed to fight crime exists in tension with his

perception that the police engage in misconduct and biased actions, especially against racial minorities. [↵](#)

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7. Drug addiction was a highly salient topic throughout the group discussions, reflecting the fact that New England was one of the epicenters of the recent opioid crisis (MacQuarrie, 2017; Seelye, 2013). [↵](#)

8. Bruce, the participant who condemned Inez’s allocations toward financial reentry supports, was the sole, notable exception. The only community program he funded was job creation. He allocated the rest of his budget toward police, probation, and jails/prisons. [↵](#)

9. Beyond being potentially appealing to the public, empirical evidence indicates that community improvement programs not specifically focused on crime control can have crime reduction effects—a rare policy win-win situation (Ramey & Shrider, 2014; Sharkey, Torrats-Espinosa, & Takyar, 2017). [↵](#)

10. Also see Sharkey (2018) for a deep discussion of the need for criminal justice reforms to be paired with investment into communities of concentrated disadvantage. [↵](#)