

Texas Crime Poll Special Legislative Survey

This booklet contains questions about your thoughts concerning legislation and public policy issues that deal with crime and the criminal justice system in TEXAS. Some of the items include an “introductory statement” because your response requires specific knowledge about the issue being considered. Please read each item carefully and respond by selecting one of the available response options. There is space at the end of the survey you can use if you have questions or comments you would like to offer.

Your cooperation in answering these questions will help in the fight against crime in TEXAS. Since these results will be used to help inform legislators during the 78th Legislative Session, it is important that we receive your completed survey in a timely manner.

Your responses will be treated anonymously. The booklet is numbered so we can keep track of the returns without using your name on the booklet.

-SHSU EMBLAM-

Thank you for your help!

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SECTION 1: ISSUES RELATED TO POLICING

First, we would like to learn a little about your thoughts concerning some issues related to policing.

In this and all questions that follow, please indicate which response most closely reflects your thoughts by marking the ⊗ beside it.

1.1 “Running a red light” is a traffic violation that causes police considerable concern since it can result in serious accidents. At the same time it is difficult to enforce red light violations. In response, police in some jurisdictions have proposed installing cameras that would automatically photograph the license plate and driver of vehicles running red lights – resulting in a citation (traffic ticket) being mailed to the registered owner of the vehicle. If the registered owner of the vehicle was not the driver, he/she would have to notify the court as to who was – which could be verified by the photo of the driver taken at the same time the license plate was photographed. Many oppose this practice, citing concern that it is an invasion of privacy, or subject to technical malfunction. ***How do you feel about automatically photographing and issuing tickets to drivers of red light violating vehicles?***

- ⊗ Strongly in favor
- ⊗ Somewhat in favor
- ⊗ No particular feelings
- ⊗ Somewhat opposed
- ⊗ Strongly opposed

1.2 Another use of cameras now being employed by some jurisdictions in Texas is their use for surveillance of problem locations. Cameras are placed on light poles, and scan areas where drug dealing or other problems frequently occur. They are monitored at police headquarters. When suspicious behavior is observed, a patrol car is dispatched to check it out. ***How do you feel about this practice?***

- ⊗ Strongly in favor
- ⊗ Somewhat in favor
- ⊗ No particular feelings
- ⊗ Somewhat opposed
- ⊗ Strongly opposed

1.3 During the last legislative session the Texas Legislature passed a law requiring all police departments in the state to keep a log of the race of drivers that are stopped for any reason, including routine traffic enforcement. The purpose of the law was to check if departments or individual officers engage in racial profiling. Many agencies oppose the practice of keeping such logs, citing misinterpretation and misuse of such data that is already occurring. ***How do you feel about the need for police to keep a log of the race of all persons stopped for questioning or for traffic enforcement?***

- Strongly in favor
- Somewhat in favor
- No particular feelings
- Somewhat opposed
- Strongly opposed

1.4 From time to time, law enforcement agencies want to set up “sobriety checkpoints” where they stop all vehicles passing through a designated area and interview the drivers of those vehicles to determine whether or not they are under the influence of alcohol. ***How do you feel about the use of these checkpoints?***

- Strongly in favor
- Somewhat in favor
- No particular feelings
- Somewhat opposed
- Strongly opposed

1.5 Do you support legislation that would exempt certified law enforcement officers from paying tuition and fees for coursework they complete toward a criminal justice degree or certification?

- No
- Yes

1.6 Do you support legislation that would exempt all criminal justice professionals from paying tuition and fees for coursework they complete toward a criminal justice degree or certification?

- No
- Yes

1.7 Exempting criminal justice professionals from tuition and fees would cost some universities as much as \$500,000 per year. If you responded “Yes” to either items 1.5 or 1.6 above, which of the following best represents your thoughts on how these losses should be addressed? (Select only ONE of the following.)

- Additional legislation should be passed to compensate the universities for these losses.
- Tuition and fees for other students should be increased to compensate the universities for these losses.
- The universities should consider these “losses” as their contributions to the development of criminal justice professionals and adjust their budgets to accommodate them.
- Other options (Please specify: _____

_____)

SECTION 2: ISSUES RELATED TO COURTS

Now we would like to learn a little about your thoughts about certain issues related to the judicial system and how we process people who have been charged with crimes.

2.1 How strongly do you favor or oppose a constitutional amendment prohibiting judicial candidates from accepting political contributions except during the year preceding and the six months following an election?

- Strongly in favor
- Somewhat in favor
- No particular feelings
- Somewhat opposed
- Strongly opposed

2.2 On occasion, a Court may want to allow the use of an anatomically detailed doll, mannequin, or drawing to assist a child younger than 16 years of age who is providing testimony in the prosecution of an offense involving sexual conduct. ***How strongly do you favor or oppose allowing judges to authorize this practice?***

- Strongly in favor
- Somewhat in favor
- No particular feelings
- Somewhat opposed
- Strongly opposed

SECTION 3: ISSUES RELATED TO THE SENTENCING

Next we are interested in what you think about different sentencing options available to use in criminal cases. Please read each of the following and indicate which response comes closest to matching your own thoughts about each of the following items.

- 3.1 Current laws concerning the possession of child pornography does not differentiate between the punishment of people who acquire the images through “conventional methods” and those who acquire the images through the use of a computer or other electronic technology (e.g. telephone lines, cable or satellite connections). ***Which of the following best describes what you think about this issue?***
- Offenders who acquire child pornography through electronic methods should be treated **more severely** than others.
 - Offenders who acquire child pornography through electronic methods should be treated **less severely** than others.
 - Offenders who acquire child pornography through electronic methods should all be treated **about the same** as others.
- 3.2 If a minor (person under the age of 18) is engaged in prostitution, should their parents/legal guardians be held criminally responsible?
- Yes, but only if the parent or guardian knew about the prostitution.
 - Yes, even if the parent or guardian didn't know about the prostitution.
 - No, parents should not be held criminally responsible in these situations at all.
- 3.3 It has been suggested that when a person is convicted of an alcohol related offense (including DUI, Public Intoxication, Operating a Boat or Airplane while Intoxicated, Possession of an Open Container of Alcohol in a car, etc.) the Court should assess a fee of \$100 in addition to other punishments and that the funds acquired through this process should be used by law enforcement agencies to purchase equipment that will enhance their enforcement and prevention of alcohol related offenses. ***How do you feel about this suggestion?***
- Strongly in favor
 - Somewhat in favor
 - No particular feelings
 - Somewhat opposed
 - Strongly opposed

3.4 Some juvenile offenders have mental health problems that contribute to their behavior problems. How strongly do you favor or oppose the following responses in cases involving juvenile offenders with mental health needs?

RESPONSE	Strongly Favor	Somewhat Favor	No Particular Feeling	Somewhat Oppose	Strongly Oppose
Provide them with mental health treatment in the community.	⊗	⊗	⊗	⊗	⊗
Provide them with mental health treatment in a juvenile reformatory.	⊗	⊗	⊗	⊗	⊗
Provide them with mental health treatment in an adult prison.	⊗	⊗	⊗	⊗	⊗
Provide them with mental health treatment in a state hospital.	⊗	⊗	⊗	⊗	⊗
Other suggestions? Please specify:	⊗	⊗	⊗	⊗	⊗

3.5 Some juvenile offenders require supervision as a condition of their disposition for the offense they committed. Some offenders are supervised in the community under different levels of intensity and others are supervised in secure residential facilities. Using the scale listed below, what conditions do you think represent the optimal level of accountability for different juvenile offenders?

Type of offender:	Community Supervision 1	2	Intensive Community Supervision 3	4	Secure Residential Facility 5
First time/low risk juvenile offenders.	⊗	⊗	⊗	⊗	⊗
Habitual juvenile offenders.	⊗	⊗	⊗	⊗	⊗
First time/low risk juvenile offenders with mental health problems.	⊗	⊗	⊗	⊗	⊗
Habitual juvenile offenders with mental health problems.	⊗	⊗	⊗	⊗	⊗

3.6 How strongly do you agree or disagree with the following statement?
“Juvenile offenders with mental health problems should be held accountable for the offense they commit to the same degree as juvenile offenders without mental health problems who commit a similar offense.

- Strongly Agree
- Agree
- Disagree
- Strongly Disagree

3.7 Should people who are under the age of 18 when they commit a capital crime be eligible for the death penalty?

- Yes ->
What is the youngest aged offender you would consider using the death penalty for? (please specify: ____ years old).
- No, but I support the death penalty for people convicted of capital murder who are 18 years of age or older.
- No, I do not support the death penalty at all.

3.8 During the last legislative session, the Texas Legislature passed a law prohibiting the execution of offenders who were mentally retarded when they committed capital murder. Governor Perry did not sign the Bill because he believes that the capital sentencing system currently in place protects mentally retarded criminals from being executed.

Under the current system a person can raise the issue of retardation as a mitigating factor after a conviction has been reached in a capital murder trial. Current law also defines mental retardation through following criteria: 1)the person must have an IQ below 70; 2) the onset of retardation must be recorded before the age of 18; and 3) the person must have serious or substantial limitations in two or more adaptive behaviors (exemplified through social behaviors such as speech, dress, ability to hold a job, etc.). Defense attorneys may ask the same jury that decided guilt or innocence to determine if a capital murderer is sufficiently competent to face the death penalty through the review of all three criteria. If not, the convicted murderer receives a capital life sentence (they must serve a minimum of 40 years in prison before becoming eligible for review by the Board of Pardons and Paroles).

Which of the following best represent your thoughts on the issue? PLEASE ANSWER THESE QUESTIONS EVEN IF YOU OPPOSE CAPITAL PUNISHMENT IN ALL CASES.

3.8a First, when and by whom do you think the question of mental retardation should be determined in capital cases?

- I agree with the Governor and think our current system protects the truly mentally retarded from being executed.
- I think we should have a judge determine mental retardation in a hearing **before** a capital trial begins.
- I think we should have a jury determine mental retardation in a hearing **before** a capital trial begins.

3.8b Next, what criteria do you think should be considered when determining if an offender charged with capital murder is mentally retarded?

- I agree with the use of all three criteria currently considered.
- I don't think we should execute any offenders with an IQ score below 70 provided that the onset of retardation was measured before the age of 18.
- I don't think we should execute any offenders with an IQ score below 70 regardless of when the onset of retardation was measured.

SECTION 4: ISSUES RELATED TO POST-ADJUDICATION AGENCIES

This is the final substantive section of the survey and it includes questions designed to gain information about issues focusing on the policies and practices of agencies that handle people who have been convicted of crimes and received some form of criminal sanction. Please read each of the following statements and select the response that best represents your experiences and/or thoughts.

Community Supervision

4.1 Community Supervision Officers (Probation Officers) are not eligible to join the statewide health insurance program but instead, each department contracts with a health insurance provider through their local county. By joining the statewide group, departments could provide much better and more cost effective benefits to their officers. ***How would you feel about legislation that would allow all Community Supervision Officers to join the statewide health insurance program?***

- Strongly in favor
- Somewhat in favor
- No particular feelings
- Somewhat opposed
- Strongly opposed

Institutional Supervision (Prisons, Jails, and Other Facilities)

4.2 The following is a list of proposed legislation concerning the treatment of inmates serving sentences in prisons, jails or other custodial facilities. Please tell us how strongly you either favor or oppose each one.

	Strongly Favor	Somewhat Favor	No Particular Feeling	Somewhat Oppose	Strongly Oppose
Inmates should be allowed to use tobacco products during their term of incarceration.	⊗	⊗	⊗	⊗	⊗
After a period of time, prison officials should be able to restore “good time” credits that have been taken away from inmates due to disciplinary actions.	⊗	⊗	⊗	⊗	⊗
Some law violators are currently being sentenced to serve time in a “State Jails” here they can stay for up to two years. How strongly do you favor a law that requires these facilities to provide the following services to inmates who are confined in these facilities:	Strongly Favor	Somewhat Favor	No Particular Feeling	Somewhat Oppose	Strongly Oppose
Literacy and education training	⊗	⊗	⊗	⊗	⊗
Drug/Alcohol treatment	⊗	⊗	⊗	⊗	⊗
Job skill development programs	⊗	⊗	⊗	⊗	⊗
Life skills development programs	⊗	⊗	⊗	⊗	⊗
Parent-training programs	⊗	⊗	⊗	⊗	⊗
Support groups	⊗	⊗	⊗	⊗	⊗
Arts and crafts programs	⊗	⊗	⊗	⊗	⊗
Other programs? Please specify:	⊗	⊗	⊗	⊗	⊗

SECTION 5: ADDITIONAL COMMENTS OR QUESTIONS

Finally, we would like to give you an opportunity to elaborate upon issues we have raised or to raise additional issues you think the legislature needs to consider. Please use the space below as indicated.

5.1 Are there any criminal or juvenile justice issues not mentioned in this survey that you feel need to be addressed by the Texas legislature? Please list and elaborate on these issues.

5.2 Do you have any comments or concerns about any of the items presented or issues raised in this survey?

5.3 If you would like to elaborate on any of your responses to items in this survey please do so below.

This completes the survey. Returning this survey indicates informed consent on part of the respondent. Please return it right away by placing it in the enclosed self addressed, envelope. POSTAGE HAS BEEN PRE-PAID.

Again, your participation is very important and greatly appreciated. We