New Polling Shows Strong Voter Support for Allowing Rehabilitated Incarcerated People to Safely Return Home

New York, like the rest of the country, increased the lengths of sentences in the 1990s during a "tough-on-crime" era that fueled large prison populations disproportionately comprised of Black and Latinx people.[1] These lengthy sentences remain largely in place in New York. As a result, more than 40 percent of the roughly 33,000 people in New York State prisons are serving minimum sentences of 10 years or more, with no opportunity for consideration of whether that sentence is still appropriate based on who they are now, including their current safety profile.[2]

The legislature is considering updating these laws to encourage and acknowledge change among people serving long sentences, in line with the evidence on safety and accountability.[3] The Vera Institute of Justice commissioned polling from EMC Research in October 2024 on voters' attitudes toward two approaches to rewarding rehabilitation.[4] The poll of 500 New Yorkers—representative of the state's geographies and demographics—found strong support for the concept of earning time off one's sentence ("Earned Time") and for allowing judges to reassess sentences ("Second Look").

Earned Time

This approach would allow incarcerated people to earn time off of their prison sentence by taking part in work, education, and treatment programs and by showing good behavior. The poll found that 74 percent of voters support Earned Time, including majority support across all age groups, gender and racial groups, and self-identified political categories (progressive/liberal, moderate, and conservative).

A majority of voters support an Earned Time approach to promoting rehabilitation

Strongly Support	Somewhat Support	Somewhat Oppose	Strongly Oppose	Total Support	Total Oppose	Net Support
36%	38%	11%	15%	74%	26%	+47

Note: Net support numbers are affected by rounding.

Second Look

This approach would allow judges to review individual cases after a person has served at least 10 or more years in prison and reduce the sentence if the person is rehabilitated. The poll found that 68 percent of voters support Second Look, including majority support across all age groups, gender and racial groups, and self-identified political categories except conservative voters.

A majority of voters support a Second Look approach to sentencing reform

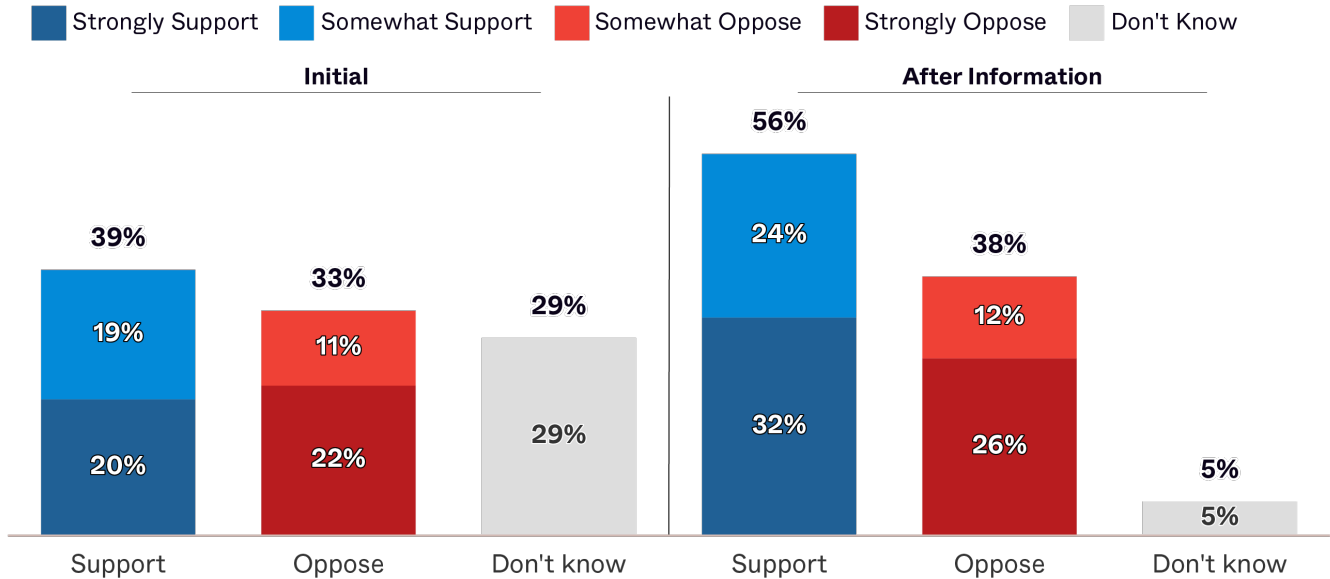| Strongly Support	Somewhat Support	Somewhat Oppose	Strongly Oppose	Total Support	Total Oppose	Net Support
33%	35%	17%	15%	68%	32%	+36

Informed voters support updating sentencing laws to build safety and accountability without relying on long sentences for so many people

The poll also examined voters' attitudes toward sentencing reform more generally, beyond these two specific reforms. While a plurality of voters support reform before hearing any information, the responses reflect the lack of sustained public discourse in New York about the need for sentencing reform. Once voters hear an informative statement about New York's sentencing laws, mentioning that they have not been updated since

the 1980s and 1990s, a full majority support updating laws based on what we know now about building safety and ensuring accountability without relying on long prison sentences. Importantly, nearly a third of voters who move to support after hearing this statement identify as conservative.

A majority of voters support sentencing reform after hearing accurate information

The survey presented voters this statement: In the criminal justice system in the United States, sentencing lays out the official consequences after a person has been convicted of a crime, including whether someone goes to prison, and if so, for how long. A sentence is given by a judge, working within the rules set by each state's laws. Sentencing reform is improving laws that set the types and lengths of sentences judges can give. Many of these laws were passed in the 1980s and 1990s during the "tough on crime" era and rely on long prison sentences. Reforms aim to update these laws based on what we know now about how sentences can build safety and ensure accountability without relying on long prison sentences for so many people. Based on the information you just read, would you support or oppose sentencing reform in New York?

Sentencing reform is good policy and good politics

Research has long showed that sentencing reform is good for both safety *and* justice. Studies show that long sentences do not deter crime and that people age out of crime—meaning that excessively long sentences are unnecessary and most people may be safely released before the end of their decades-long or life sentence.[5] Now, this new polling shows that these policies have strong voter support as well, making Earned Time and Second Look obvious wins for any New York lawmaker.

Endnotes

[1] New York State Justice Task Force (NYSJTF), *Recommendations on Second Look Sentencing Reform* (New York: NYSJTF, 2024), 3, https://www.nyjusticetaskforce.org/pdfs/Recommendations-on-Second-Look-Sentencing-Reform.pdf; and Ashley Nellis, *The Color of Justice: Racial and Ethnic Disparities in State Prisons* (Washington, DC: Sentencing Project, 2021), 5–6, https://www.sentencingproject.org/reports/the-color-of-justice-racial-and-ethnic-disparity-in-state-prisons-the-sentencing-project.

[2] New York State Department of Correctional Services (DOCS), *Incarcerated Profile Report, November 2024*, Table 4, https://doccs.ny.gov/system/files/documents/2024/11/2024_11_01-uc-profile.pdf.

[3] See for example, Marta Nelson, Sam Feineh, and Maris Mapolski, *A New Paradigm for Sentencing in the United States* (New York: Vera Institute of Justice, 2023), https://www.vera.org/publications/a-new-paradigm-for-sentencing-in-the-united-states.

[4] EMC Research Survey of Voters in New York Statewide, October 2024. Email and text invitations were sent with link to online survey, conducted October 2–7, 2024, 500 interviews, margin of error ±4.38 percentage points. For more information, contact Marta Nelson at mnelson@vera.org.

[5] Marta Nelson, Sam Feineh, and Maris Mapolski, *A New Paradigm for Sentencing Reform in the United States* (New York: Vera Institute of Justice, 2023), 23, 26, https://www.vera.org/publications/a-new-paradigm-for-sentencing-in-the-united-states.