

THE FIELD POLL

THE INDEPENDENT AND NON-PARTISAN SURVEY
OF PUBLIC OPINION ESTABLISHED IN 1947 AS
THE CALIFORNIA POLL BY MERVIN FIELD

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WHILE STILL STRONGLY SUPPORTING THE DEATH PENALTY, CALIFORNIANS HAVE MIXED VIEWS ON SOME ASPECTS OF CAPITAL PUNISHMENT. MAJORITY OPPOSES THE DELAY IN THE MORALES EXECUTION.

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by Mark DiCamillo and Mervin Field

By a two to one margin (63% to 32%) Californians continue to favor the death penalty as a punishment for serious crimes. Similar proportions also disagree with a judicial decision late last month, which resulted in an indefinite delay in the execution of convicted killer Michael Morales. But, on some aspects of the debate over capital punishment the public appears to be taking a less punitive view. For example,

- Only a narrow plurality (48% to 39%) now feels that when the death penalty has been imposed it has been generally fair and free of error. Two years ago a much larger majority (58% to 31%) felt this way.
- In 1997, a large majority (59%) supported the execution of defendants under the age of 18 who were convicted of capital crimes. Now, the public is evenly divided on the matter (48% opposed and 46% in favor).
- In 1997, by a 69% to 25% margin, Californians believed that the appeals process allowed a convicted criminal who is sentenced to death too much time before he is executed. Now, the public is a little less one-sided, 59% agreeing and 36% disagreeing.
- In 1992, by a 64% to 25% margin, Californians agreed that sentencing someone to life in prison without the possibility of parole is not necessarily a guarantee that a prisoner won't be released from prison some day. Today, there is less agreement (54%) and more disagreement (35%) about that belief.

These are the findings from the latest *Field Poll* of Californians on this issue.

Support for the death penalty remains high

The Field Poll has been charting public attitudes on capital punishment since 1956, and over that long period majorities or large pluralities have expressed support for the death penalty.

Today, a two to one majority (63% to 32%) favors keeping the death penalty as a penalty for serious capital crimes.

Table 1
Trend of public opinion toward the death penalty in California
(among all adults)

	<u>Favor</u>	<u>Oppose</u>	<u>No opinion</u>
February 2006 (adults)	63%	32	5
February 2006 (voters)	67%	29	4
2004*	68%	26	6
2002*	72%	25	3
2000	63%	30	7
1997	74%	20	6
1992	80%	14	6
1989	82%	14	4
1986	83%	14	3
1985	83%	15	2
1981	78%	17	5
1979	75%	20	5
1977	71%	23	6
1971	58%	34	8
1965	51%	39	10
1960	55%	35	10
1956	49%	29	22

* 2004 and 2002 measures conducted among registered voters, all other measures conducted among all adults.

Opposition to judge's decision to postpone the Morales execution

A convicted murderer, Michael Morales, was originally scheduled to be executed at San Quentin prison late last month. However, there was a controversy about whether Morales would experience significant pain before the lethal injection took hold. If so, this would run afoul of laws prohibiting cruel and inhumane treatment during an execution.

A federal judge ruled late last month that a doctor had to be present to administer the lethal injection to avoid the possibility of Morales experiencing significant pain during his execution. But, no doctor was willing to administer the lethal injection. As a result, the state postponed the execution of Morales indefinitely.

When asked about this series of events, a two-to-one majority of adults (59% to 28%) and an even larger majority of registered voters (67% to 22%) disagree with the judge's ruling requiring a doctor to administer the lethal injection.

In addition, a 55% majority of voters felt that the state should have gone ahead with the execution anyway, without a doctor being present, while 35% felt the state was right to postpone the execution. Among the overall public, including both voters and non-voters, opinions are more closely divided about this. Forty-six percent favored the state proceeding with the execution, without the presence of a doctor, while 41% felt postponing the execution was the right thing to do.

Table 2
**Opinion of federal judge's opinion to have a doctor
administer the lethal injection of Michael Morales
to avoid the possibility of Morales experiencing
significant pain during his execution**

	<u>All adults</u>	<u>Registered voters</u>
Approve	28%	22%
Disapprove	59	67
No opinion	13	11

Table 3
**Should the state have gone ahead with
Michael Morales' execution?**

	<u>All adults</u>	<u>Registered voters</u>
Should have gone ahead	46%	55%
It was right to postpone his execution	41	35
No opinion	13	10

Softening of public opinion on a number of death penalty issues

There are signs that the public has been developing a more mixed view on some aspects of capital punishment.

Two years ago a 58% to 31% majority stated that they believed the instances in which the death penalty has been imposed on convicted criminals in California has been generally fair and free of error, but now the public is less convinced. In this survey just 48% support the argument that the process is fair and error-free, with 39% in disagreement.

The public is also taking a more tolerant view in respect to imposing the death penalty on a defendant who is under the age of 18 and who is convicted of a capital crime. In 1997, a 59% majority took issue with that stand and 33% supported it. Now, the public is evenly divided – 48% saying the death penalty should not be imposed on a defendant under the age of 18, with 46% not ready to make that exception.

In 1997, by a 69% to 25% margin, Californians believed that the appeals process allowed a convicted criminal who is sentenced to death too much time before he is executed. Now, the public is a little less one-sided in its view – 59% agree with that proposition, but 36% disagree.

A 1992 *Field Poll* found that 64% agreed and 25% disagreed that sentencing someone to life in prison without the possibility of parole isn't necessarily a guarantee that a prisoner will not be released eventually. Today, there is less agreement (54%) and more disagreement (35%) about that belief.

On one issue measured in this and in a previous 1997 survey, there has been no change in public sentiment. Nine years ago, by a 53% to 40% margin, the public disagreed that racial discrimination was a big factor in deciding who gets the death penalty, with whites not as likely to be sentenced as blacks, Latinos and other minorities. The current survey finds similar results, with 51% disagreeing that racial discrimination is a big factor in who gets the death penalty, while 40% agree.

Table 4
Changes in public opinion regarding five aspects of the death penalty debate
(among all adults)

	<u>Agree</u>	<u>Disagree</u>	<u>No opinion</u>
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The current appeals process allows a convicted criminal who is sentenced to death too much time before he is executed			
February 2006	59%	36	5
February 1997	69%	25	6
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Sentencing someone to life in prison without the possibility of parole does not guarantee that a prisoner will not be released from prison some day			
February 2006	54%	35	11
March 1992	64%	25	11
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The instances in which the death penalty has been imposed on convicted criminals in California has been generally fair and free of error			
February 2006	48%	39	13
February 2004*	58%	31	11
<hr/>			
The death penalty should not be imposed on a defendant who is under the age of 18, even if he is convicted of committing a capital crime			
February 2006	48%	46	6
February 1997	33%	59	8
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Racial discrimination is a big factor in deciding who gets the death penalty, with whites not as likely to be sentenced as blacks, Latinos and other minorities			
February 2006	40%	51	9
February 1997	40%	53	7

* Asked of registered voters only.

Lethal injection preferred over the gas chamber

Up until 1994, when persons convicted of capital crimes were sentenced to die in California, the gas chamber was the instrument used. However, court challenges to the gas chamber as a form of execution were successful in ending the practice, and in 1996 California replaced it with the use of lethal injection.

In 1992 *The Field Poll* asked Californians whether they preferred death by lethal injection or the gas chamber for convicted criminals. Lethal injection was favored by a huge 68% to 12% margin at the time. When this same question was posed again in the current survey, lethal injection continues to be preferred over the gas chamber by a big margin – 57% to 14%.

Table 5
Which form of execution do Californians prefer –
lethal injection or the gas chamber
(among all adults)

	February 2006	May 1992
Lethal injection	57%	68%
Gas chamber	14	12
No opinion	29	20

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Information About the Survey

Sample Details

The findings in this report are based on a cross-section sampling of 500 California adults, including 343 registered voters in California. Interviews were conducted by telephone in English and Spanish February 12-26, 2006. (Note: Questions about the delay in the execution of Michael Morales were asked of 435 California adults interviewed February 22-26, 2006.) Up to six attempts were made to reach a randomly selected voter at each number dialed. After the completion of interviewing, the sample was weighted to Field Poll estimates of the state's total registered voter population.

According to statistical theory, results from the overall adult sample have a sampling error of +/-4.5 percentage points at the 95% confidence level, while findings based on registered voters have a sampling error of +/- 5.5 percentage points.. There are other possible sources of error in any survey in addition to sampling variability. Different results could occur because of differences in question wording, sequencing or through omissions or errors in sampling, interviewing or data processing. Extensive efforts were made to minimize such potential errors.

Questions Asked

As you know, California has capital punishment – that is, execution – as a form of punishment for certain crimes. How do you personally feel about capital punishment? Would you be in favor of doing away with the death sentence, or do you feel that the death sentence should be kept as a punishment for serious crimes?

I am going to read some statements about the death penalty and for each please tell me whether you agree or disagree. (SEE RELEASE FOR ITEMS READ) Do you agree or disagree? (STATEMENTS READ IN RANDOM ORDER)

Currently in California, criminals sentenced to death are executed by means of lethal injection. If you had to choose, which method of execution – lethal injection or the gas chamber – do you favor for criminals given the death sentence in California?

Earlier this week, the execution of convicted criminal Michael Morales, who was scheduled to die from lethal injection, was postponed indefinitely because the state was required by a federal judge to have a doctor administer the lethal injection to avoid the possibility of Morales experiencing significant pain during his execution. But, no doctor would agree to do it. Do you approve or disapprove of the judge's original decision to require a doctor to administer the lethal injection to Morales?

Do you think the state was right in postponing the execution of Morales because it could not comply with the judge's ruling or should the state have gone ahead and executed Morales without a doctor being present?