

**DRUG ENFORCEMENT  
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# **Examining Underlying Reasons for Continued Public Support for Punitive Sentencing for Drug Offenses in the U.S.: Results from Three National Experiments**

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## INTRODUCTION

As the primary weapon in the long-lasting war on drugs, the United States (U.S.) has continually relied upon the increased use and length of criminal sentences for those convicted of drug offenses.<sup>1</sup> Consequently, the number of drug offenders in state and federal prisons and the amount of time served in prison have continued to be magnified.<sup>2</sup> Yet studies on the overall impacts of punitive drug sentencing laws have found minimal or no evidence for their effects on the goals of public safety, recidivism, and public health.<sup>3</sup> Stemming from this evidence, concerns about the efficacy and utility of drug sentencing have begun to intersect with national and public debates about how to reduce incarceration: those who advocate for drug sentencing reforms claim that current practices are expensive, ineffective, and have more negative collateral consequences than any benefits that come from such laws.<sup>4</sup> In turn, this has led to increased reform efforts to roll back draconian sentencing laws by reducing the amount and length of prison admissions for drug crimes.<sup>5</sup>

However, such sentencing reforms have only so far been implemented modestly, and thousands of prisoners are still incarcerated each year under existing drug laws.<sup>6</sup> One of the main reasons for this is that political leaders have hesitated to “backpedal” on punitive sentencing policies for drug crimes because it can be viewed as “soft on crime,” believing it to be politically risky to potentially go against the views of members of their constituency.<sup>7</sup> Indeed, although there are existing national and state-level data indicating that many members of the U.S. public across demographic and political groups support changing how we punish people who commit drug offenses and their sentence lengths,<sup>8</sup> a significant number of Americans, in many polls as much as 40% of Americans, still support punitive drug sentencing approaches and keeping drug offenders behind bars for long periods.<sup>9</sup> However, there has been virtually no work to examine why many members of the public still support such policies, even though evidence has found that they have minimal effects in reducing recidivism, improving public health, and result in mounting social and fiscal costs.

We conducted three experimental studies with national samples of the U.S. public to provide a robust body of work that examines why many members of the public continue to support punitive approaches to the sentencing of different drug offenses. Public opinion has been thought to permit the development and passage of criminal justice reform.<sup>10</sup> Given that a notable number of Americans appear to still support punitive drug sentencing, examining what may contribute to this continued support is imperative for future reform efforts to succeed.

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<sup>1</sup> Exum, Jelani Jefferson. "From warfare to welfare: Reconceptualizing drug sentencing during the opioid crisis." *U. Kan. L. Rev.* 67 (2018): 941.

<sup>2</sup> Pfaff, John. "The war on drugs and prison growth: limited importance, limited legislative options." *Harv. J. on Legis.* 52 (2015): 173.

<sup>3</sup> Mitchell, Ojmarrh, Joshua C. Cochran, Daniel P. Mears, and William D. Bales. "The effectiveness of prison for reducing drug offender recidivism: A regression discontinuity analysis." *Journal of Experimental Criminology* 13, no. 1 (2017): 1-27.

<sup>4</sup> Reuter, Peter. "Why has US drug policy changed so little over 30 years?." *Crime and Justice* 42, no. 1 (2013): 75-140.

<sup>5</sup> Stemen, Don. "Beyond the war: The evolving nature of the US approach to drugs." *Harv. L. & Pol'y Rev.* 11 (2017): 375.

<sup>6</sup> Nettles, Meagan K. "The Sobering Failure of America's War on Drugs: Free the POWs." *Cal. WL Rev.* 55 (2018): 275.

<sup>7</sup> Tonry, Michael. *Thinking about crime: Sense and sensibility in American penal culture*. Oxford University Press, 2004.

<sup>8</sup> See Pew Research Center—U.S. Politics & Policy, America's New Drug Policy Landscape (2020), <https://www.pewresearch.org/politics/2014/04/02/americas-new-drug-policy-landscape/>; The Mellman Group & Public Opinion Strategies, National Survey Key Findings – Federal Sentencing & Prisons, (2016), [https://www.pewtrusts.org/~media/assets/2016/02/national\\_survey\\_key\\_findings\\_federal\\_sentencing\\_prisons.pdf](https://www.pewtrusts.org/~media/assets/2016/02/national_survey_key_findings_federal_sentencing_prisons.pdf) (last visited Apr. 7, 2021); Maryland Statewide Survey, Mellman Group & Public Opinion Strategies (2016), [https://www.pewtrusts.org/~media/assets/2018/02/maryland\\_statewide\\_survey\\_2016.pdf](https://www.pewtrusts.org/~media/assets/2018/02/maryland_statewide_survey_2016.pdf)

<sup>9</sup> Siegel, Loren. A New Sensibility: an analysis of public opinion research on attitudes towards crime and criminal justice policy, Opportunity Agenda (2018), Retrieved from <https://www.opportunityagenda.org/sites/default/files/2018-04/A-New-Sensibility-Report.pdf>

<sup>10</sup> Johnson, Bruce, and C. Ronald Huff. "Public opinion and criminal justice policy formulation." *Criminal Justice Policy Review* 2, no. 2 (1987): 118-132.

## STUDY 1

The U.S. sentencing response to drug offenses has been viewed as a potential *moral panic*. This societal reaction arises when a group or person, identified as the “folk devil,” threatens social values.<sup>11</sup> Frequent media reporting on the “folk devil” influences public fervor, fear, and opposition.<sup>12</sup> Then, “moral barricades” are erected by the public, journalists, and governments; in response, governmental modes of addressing the “folk devil’s” behavior manifest, often leading to punitive policy solutions to diagnose and solve the issue and appease public outcry.<sup>13</sup> Moral panic encapsulates five elements that intensify public uproar toward the targeted “folk devil,” including concern, hostility, consensus, disproportionality, and volatility.<sup>14</sup>

Drug offenders have often been considered a prime example of the “folk devil” in American culture, with moral panic thought of as a potential underlying reason for why many members of the public still support punitive sentencing approaches for drug offenses, even though they have had little effects on public safety and health.<sup>15</sup> Previous studies have shown that dimensions of moral panic can significantly predict public support for policies, such as sex offender laws, that punitively regulate the “folk devil” believed to threaten our nation’s moral fabric, even if they know such policies only have minimal effects on reducing offending.<sup>16</sup> This may suggest that some individuals support punitive drug sentencing out of fear and emotion, and potentially moral panic, rather than in terms of efficacy.<sup>17</sup> Ultimately, Study 1’s goal was to examine the extent to which members of the public express moral panic toward different drug offenses and how this may motivate their support for harsher approaches to drug sentencing.

For Study 1, we used a national sample of U.S. adults demographically balanced in gender, race, education, income, and geography based on quotas matching the demographic breakdown of the U.S. from Qualtrics Panel. This commonly used online research panel can recruit and collect data from survey participants representative of the U.S. population. We used a randomized experimental design in which participants were randomly presented with 1 of 10 descriptions about the sentencing and incarceration of different drug offenses in the U.S., ranging in severity and substance, and the same set of questions about their support for the harsh sentencing of and different sentencing initiatives for that offense, such as mandatory minimums, truth in sentencing laws, sentencing disparities for different drugs, and repetitive drug offender enhancements. Convictions for the drug crimes tested represent the large majority of incarcerated drug offenders at the state and federal levels.<sup>18</sup>

For all participants, we also included questions measuring their feelings of moral panic, across five dimensions including disproportionality, concern, hostility, consensus, and volatility, toward individuals who have committed the

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<sup>11</sup> Garland, David. "On the concept of moral panic." *Crime, Media, Culture* 4, no. 1 (2008): 9-30.

<sup>12</sup> Goode, Erich, and Nachman Ben-Yehuda. "Moral panics: Culture, politics, and social construction." *Annual review of sociology* 20, no. 1 (1994): 149-171.

<sup>13</sup> Critcher, Chas. "Moral panic analysis: Past, present and future." *Sociology compass* 2, no. 4 (2008): 1127-1144.

<sup>14</sup> Goode, Erich, and Nachman Ben-Yehuda. *Moral panics: The social construction of deviance*. John Wiley & Sons, 2010.

<sup>15</sup> Vitiello, Michael. "The war on drugs: Moral panic and excessive sentences." *Clev. St. L. Rev.* 69 (2020): 441; Berryessa, Colleen M. "“Second Chance” Mechanisms as a First Step to Ending the War on Drugs." *The American Journal of Bioethics* 21, no. 4 (2021): 54-56.

<sup>16</sup> Berryessa, Colleen M. "A dual-process approach to moral panic and public support for sex offender management policies." *Journal of interpersonal violence* (2021): 08862605211023490.; Burchfield, Keri, Lisa L. Sample, and Robert Lytle. "Public interest in sex offenders: A perpetual panic." *Criminology, Crim. Just. L & Soc’y* 15 (2014): 96.

<sup>17</sup> Maguire, Mary, and Jennie Kaufman Singer. "A false sense of security: Moral panic driven sex offender legislation." *Critical Criminology* 19, no. 4 (2011): 301-312.

<sup>18</sup> Austin, James, Lauren-Brooke Eisen, James Cullen, Jonathan Frank, Inimai Chettiar, and Cornell William Brooks. "How many Americans are unnecessarily incarcerated." *Fed. Sent’g Rep.* 29 (2016): 140.

particular drug crime provided to them.<sup>19</sup> Then, we conducted analyses to examine how participants' ratings on different dimensions of moral panic and their support for sentencing policies may differ due to the type of drug offense provided, as well as if and how support for sentencing is a function of their feelings of moral panic.

Results of this study showed that some members of the public appear to support harsh sentencing for the serious trafficking of serious drugs, in part, due to their increased feelings of moral panic toward those committing this offense. Notably, as compared to other drug offenses, members of the public viewed the serious trafficking of serious drugs as the main "folk devil" worthy of their concern and, thus, warranting their support for harsher sentencing policies (specifically three strikes laws, mandatory minimums, truth in sentencing laws, and repeat drug offender enhancements) as a function of their increased feelings of moral panic (across the dimensions of concern, volatility, and hostility) toward those being sentenced for this offense. This suggests that emotion and fear are likely fueling support for the harsh sentencing of those convicted of serious trafficking of serious drugs.<sup>20</sup>

At the same time, our results also showed that some members of the public appear less likely to support harsh sentencing policies for crimes involving marijuana due to their decreased feelings of moral panic toward those committing these offenses. Members of the public showed significantly less support for harsh sentencing policies (specifically mandatory minimums and truth in sentencing laws) for possession of marijuana and even minor trafficking of marijuana, with their support a function of their decreased feelings of moral panic (across the dimensions of concern, volatility, proportionality, consensus, and hostility) toward those being sentenced for these two offenses. Complementing other work, these results support that lay people's views and "fears" of societal ills stemming from marijuana have largely changed and that these views may shift their support toward less punitive sentencing policies.<sup>21</sup>

Interestingly, we also found results to suggest that some members of the public appear to show significantly less feelings of some dimensions of moral panic (concern and hostility) toward opioid possession. Although we did not find that these feelings underlain less support for harsh sentencing policies in this specific study, this finding warrants future inquiry. This could insinuate, at least to a degree, that some members of the public may be becoming desensitized towards opioid possession and may be beginning to view it as a more normalized or less threatening type of drug offense.

Overall, feelings of moral panic appear to not only significantly predict public support for harsh sentencing policies for drug crimes viewed as the "folk devil," but Study 1 also provides novel evidence to suggest that the public's reduced feelings of moral panic may also shape their changing views toward and support for less severe sentencing policies for other drug crimes (marijuana crimes) that they believe no longer represent a concern or threat to our social fabric.

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<sup>19</sup> Klein, Jennifer L., and Alexandra B. Mckissick. "Moral panics and community member perceptions regarding reductions in sex offender recidivism." *Justice Policy Journal* 16, no. 1 (2019): 1-24.

<sup>20</sup> Maguire, Mary, and Jennie Kaufman Singer. "A false sense of security: Moral panic driven sex offender legislation." *Critical Criminology* 19, no. 4 (2011): 301-312.

<sup>21</sup> Andrew Daniller, Pew Research Center, Two-Thirds of Americans Support Marijuana Legalization (2020), <https://www.pewresearch.org/fact-tank/2019/11/14/americans-support-marijuana-legalization/> (last visited Apr. 8, 2021); Pew Research Center, Public Views of Marijuana—Legalization, Decriminalization, Concerns (2014), <https://www.pewresearch.org/politics/2014/04/02/section-2-views-of-marijuana-legalization-decriminalization-concerns/> (last visited Apr. 8, 2021).

## STUDY 2

Brewer and Gross argue that when members of the public often consider support for policies, “they base their opinions on the connections that they draw between the issue and their core beliefs” (p.930).<sup>22</sup> In many instances, “core beliefs” can also influence support for sentencing approaches.<sup>23</sup> Sloas and Atkin-Plunk have recently applied this perspective to drug offenses, specifically showing how pre-existing “core beliefs” about the benefits of drug treatment (i.e., “drug offenders deserve access to rehabilitative programs,” “drug offenders can be reformed,” “drug offenders are willing to change,” “current rehabilitation programs are effective for drug offenders”) are correlated with support for rehabilitative sentencing approaches for drug offenders.<sup>24</sup>

However, it is still unknown whether pre-existing “core beliefs” surrounding the myths about the potential benefits of drug sentencing may be associated with support for punitive sentencing policies for drug offenses. Specifically, the supposed value and goals of long drug-related sentences, including a range of positive effects for public health, public safety, and recidivism, were historically used by policymakers to justify enacting and using punitive sentencing laws for drug offenders.<sup>25</sup> Although there is minimal to no evidence to suggest that punitive sentencing laws result in these benefits, many members of the public may still be unaware that these laws do little to achieve their stated goals and, instead, believe in the use of these laws because they subscribe to these myths and still view them as valuable to public safety and public health. Ultimately, the goal of Study 2 was to examine if and how “core beliefs” surrounding the myths about the potential benefits of harsh drug sentencing affect public support for punitive sentencing policies for a range of different drug offenses.

Like Study 1, we used a national sample of U.S. adults demographically balanced in gender, race, education, income, and geography based on quotas matching the demographic breakdown of the U.S., drawn from Qualtrics Panel. Further, we used the same randomized experimental design from Study 1 in which participants were randomly presented with 1 of 10 descriptions about the sentencing and incarceration of different drug offenses in the U.S, ranging in severity and substance, and followed by the same set of questions about their support for the harsh sentencing of and different sentencing initiatives for that offense. However, for all participants in Study 2, we also included a series of questions about the strength of their agreement/beliefs about different myths surrounding the potential benefits of punitive drug sentencing, including a range of benefits to public health (i.e., less availability of drugs, fewer drug overdoses/addiction) and public safety (i.e., lower recidivism, less property or violent crime).<sup>26</sup> Next, we conducted analyses to examine how participants’ ratings on the strength of their “core beliefs” about the potential benefits of drug sentencing and support for different sentencing approaches may differ due to the type of drug offense, as well as if and how their support for harsh sentencing policies may be a function of participants’ subscriptions to these myths and “core beliefs.”

In our study, results showed that some members of the public appear to support harsh sentencing for the serious and minor trafficking of serious drugs, in part, due to their stronger feelings or beliefs about the benefits of harshly sentencing those offenses. Particularly, as compared to other drug offenses, members of the public showed significantly more support for harsh sentencing policies (specifically mandatory minimums, truth in sentencing

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<sup>22</sup> Brewer, Paul R., and Kimberly Gross. “Values, framing, and citizens’ thoughts about policy issues: Effects on content and quantity.” *Political Psychology* 26, no. 6 (2005): 929-948.

<sup>23</sup> Feldman, Stanley. “Structure and consistency in public opinion: The role of core beliefs and values.” *American Journal of political science* (1988): 416-440.

<sup>24</sup> Sloas, Lincoln B., and Cassandra A. Atkin-Plunk. “Perceptions of balanced justice and rehabilitation for drug offenders.” *Criminal Justice Policy Review* 30, no. 7 (2019): 990-1009.

<sup>25</sup> Travis, Jeremy, Bruce Western, and F. Stevens Redburn. “The growth of incarceration in the United States: Exploring causes and consequences.” (2014).

<sup>26</sup> Pfaff, John. “The war on drugs and prison growth: limited importance, limited legislative options.” *Harv. J. on Legis.* 52 (2015): 173

laws, and repeat drug offender enhancements) for the serious and minor trafficking of serious drugs as a function of their stronger “core beliefs” that harshly sentencing these offenses improves public health and safety, reduces the availability of drugs and the number of overdoses, decreases rates of addiction, victimization, violent crime, and crime overall, and leads to less of a burden on the criminal justice and health care systems.

At the same time, our results also showed that some members of the public appear less likely to support harsh sentencing policies for crimes involving marijuana due to their reduced feelings or beliefs about the benefits of harshly sentencing those convicted of those offenses. Members of the public showed significantly less support for harsh sentencing policies (specifically three strikes laws, mandatory minimums, truth in sentencing laws, and repeat drug offender enhancements) for the possession of marijuana and even serious and minor trafficking of marijuana, with their reduced support for harsh sentencing policies observed as a function of their weaker “core beliefs” that harshly sentencing these offenses improves public health and safety, improves our children’s safety, reduces the availability of drugs and the number of overdoses, decreases rates of violent crime, and property crime, and leads to less of a burden on the criminal justice and health care systems.

Overall, these results suggest that many members of the public continue to believe in the use of harsh sentencing policies for serious and minor trafficking of serious drugs because they still view these policies as valuable in positively affecting public safety, health, and a range of other social domains.<sup>27</sup> However, we know that the notion that harsh sentencing policies for these offenses will lead to such benefits remains unlikely, which suggests that members of the public may still be largely unaware that the harsh sentencing of these offenses is unlikely to result in these positive consequences. On the other hand, as crimes involving marijuana continue to take on more of a sense of normalcy and as actions related to them become more socially accepted and widespread, these data also suggest that many members of the public no longer subscribe to the supposed value and goals of harsh sentencing policies for marijuana crimes that policymakers have historically used.<sup>28</sup> Similar to Study 1, such a shift in public views about marijuana crimes appears to help motivate public support for less harsh sentencing policies across marijuana crimes ranging in severity.

## STUDY 3

Drug policies in some jurisdictions have begun to shift from criminalization toward more reforms that prioritize more medicalized approaches via decarceration and treatment.<sup>29</sup> But what factors may affect the public’s support for different approaches and potentially away from more criminalized sentencing practices? Prior studies have found that a defendant’s past criminal record can influence evaluations of his potential for recidivism and threat to the community, with views on substance addiction and race also impacting levels of support for medicalized approaches in response to drug-related offenses.<sup>30</sup> Yet, there is a gap in empirical work on why public support for medicalized approaches to sentencing in drug cases may vary.

Thus, Study 3 looked to investigate how and why the public’s support for sentencing approaches toward a

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<sup>27</sup> Travis, Jeremy, Bruce Western, and F. Stevens Redburn. "The growth of incarceration in the United States: Exploring causes and consequences." (2014).

<sup>28</sup> Resko, Stella, Jennifer Ellis, Theresa J. Early, Kathryn A. Szechy, Brooke Rodriguez, and Elizabeth Agius. "Understanding public attitudes toward cannabis legalization: qualitative findings from a statewide survey." *Substance use & misuse* 54, no. 8 (2019): 1247-1259

<sup>29</sup> Lindsay, S. L., & Vuolo, M. (2021). Criminalized or Medicalized? Examining the Role of Race in Responses to Drug Use. *Social Problems*, 68(4), 942–963.

<sup>30</sup> Cassidy, M., & Rydberg, J. (2018). Analyzing variation in prior record penalties across conviction offenses. *Crime & Delinquency*, 64(7), 831-855; Maffly-Kipp, J., Rivera, G. N., Schlegel, R. J., & Vess, M. (2021). The Effect of True Self-Attributions on the Endorsement of Retributive and Restorative Justice. *Personality and Social Psychology Bulletin*, 48(8), 1284–1297. Lindsay, S. L., & Vuolo, M. (2021). Criminalized or Medicalized? Examining the Role of Race in Responses to Drug Use. *Social Problems*, 68(4), 942–963.

defendant charged with illegal drug possession may differ based on views of his addiction, prior criminal record, race, and the illegal substance involved. In particular, we were also interested in studying whether people's levels of essentialist thinking about a defendant's "true nature" may be an underlying reason or motivation for varying levels of public support for medicalized approaches to drug sentencing; *essentialism* is the view that people and things have a set of attributes that make them who or what they are and that are necessary to their identity.<sup>31</sup> Such results may help to better understand the types of "internal feelings" that can impact public support for reforms involving medicalized or alternative methods of responding to drug offenses that may be far more effective than more common and historical punitive responses.

Like Study 1 and Study 2, we used a national sample of U.S. adults demographically balanced in gender, race, education, income, and geography based on quotas matching the demographic breakdown of the U.S., drawn from Qualtrics Panel. We provided participants with a randomized vignette in which a defendant was said to have been found guilty of felony possession of an illegal substance. Across the vignettes, the race (White, Black, Asian, Hispanic) and past criminal record (No record, violent record, non-violent record) of the defendant were experimentally manipulated, as well as the type of illegal substance (Marijuana, Cocaine, Meth, Heroin, Crack, Oxy) the defendant possessed and whether he was said to have an addiction (label/information on addiction included or not included). Regardless of their version of the vignette, participants answered the same set of questions about their support for different goals and approaches to the sentencing of the defendant, as well as their views on his responsibility, dangerousness, blameworthiness, voluntariness, true self, and their sympathy and stigmatization toward him.<sup>32</sup> We then measured participants' general levels of essentialist thinking in relation to both social and biological essentialism.<sup>33</sup> Next, we conducted analyses to examine how participants' support for sentencing may vary due to the experimental manipulations, as well as if and how their support for sentencing may be a function of their views of the defendant. Finally, we also tested whether any of these relationships were moderated or affected by participants' general levels of biological and social essentialist thinking.

Our study showed that some members of the public appear to particularly support more traditional and harsh sentencing approaches, including the criminalization of substance use, for scenarios in which a defendant was said to have a violent criminal record and convicted of possessing crack cocaine (when compared to possessing marijuana and when there was no information about a defendant's previous criminal record provided). Interestingly, the public also showed significantly reduced support for punitive approaches for this same scenario when the defendant was identified as Hispanic compared to White. Regardless of the experimental manipulations, increased support for more traditional and harsh sentencing approaches, including the criminalization of substance use, to drug possession was found to be a function of participants' increased perceptions of the defendant's personal responsibility for his drug use. Conversely, reduced support for these same approaches was found to be a function of participants' increased social acceptance of the defendant.

Finally, regarding the role of essentialism, participants with lower levels of both social and biological essentialist thinking were significantly less likely to support medicalized approaches and more likely to support criminalized approaches to drug possession when a defendant was labeled with a drug addiction. As participants' levels of social and biological essentialist thinking increased, their levels of support for criminalized approaches to drug

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<sup>31</sup> de Vel-Palumbo, M., Howarth, L., & Brewer, M. B. (2019). 'Once a sex offender always a sex offender'? Essentialism and attitudes towards criminal justice policy. *Psychology Crime & Law*, 25(5), 421–439

<sup>32</sup> Berryessa, C. M. (2018). The effects of psychiatric and "biological" labels on lay sentencing and punishment decisions. *Journal of Experimental Criminology*, 14(2), 241–256.

<sup>33</sup> Rangel, U., & Keller, J. (2011). Essentialism goes social: Belief in social determinism as a component of psychological essentialism. *Journal of Personality and Social Psychology*, 100(6), 1056–1078. Keller, J. (2005). In Genes We Trust: The Biological Component of Psychological Essentialism and Its Relationship to Mechanisms of Motivated Social Cognition. *Journal of Personality and Social Psychology*, 88(4), 686–702.

possession decreased when information on a defendant's addiction was provided. However, positive effects of providing information on the defendant's substance addiction became insignificant in terms of lay support for medicalized approaches for participants with higher levels of essentialist thinking.

These results suggest that public support for medicalized or criminalized approaches to drug sentencing may be affected by a defendant's personal characteristics, the substance involved in his case, his labeling with addiction, and views on his responsibility and social acceptance. Further, these data also indicate that essentialist thinking is likely a type of "internal feelings" that can both increase and decrease support for punitive approaches to drug sentencing depending on the strength of those feelings and whether a defendant's addiction is discussed or information on it is provided. Not only can these results help us to understand the circumstances that may affect support for different drug sentencing approaches, but they may also be fruitful for advocates and policymakers in understanding how to educate and shift views about medicalized approaches to drug offenses. Indeed, these results show that providing information and education on substance addiction could help mitigate lay support for punitive approaches in certain contexts and it is possible that this could increase support for medicalized treatment as well.<sup>34</sup>

## CONCLUSIONS

Across three experimental studies, we engaged public sentiment on drug sentencing and its societal impacts. We found that many members of the public continue support harsh sentences for a range of drug crimes due to their feelings of moral panic and beliefs in "debunked" benefits of harsh punishments, such as increased public health and safety. Yet there appears also to be a shift in public views about marijuana and some other crimes, including opioid possession – and related to marijuana crimes, these shifting views appear to help motivate public support for less harsh sentencing policies across offenses ranging in severity. Support for medicalized or criminalized approaches to drug sentencing may be affected by the public's views of a defendant's personal characteristics, the substance involved in his case, his labeling with addiction, and views on his personal responsibility of his drug use.

These findings have implications for understanding and influencing U.S. public support for sentencing approaches for drug offenses, including data to suggest that many members of the public back laws and approaches that align with or may be affected by their "internal feelings," even if such approaches may not be evidence-based.<sup>35</sup> Indeed, if the goal is to modify the use of current punitive sentencing approaches and explore more effective ways to manage and mitigate drug offending (including medicalized approaches), these studies help us to better understand the public's internal feelings and values surrounding drug crimes and the reasons that underlie their continuing or changing support for harsh sentencing policies.

Further, these data also should inform the work of advocates and policymakers on how to get members of the public to "buy in" to drug sentencing reform and how to best promote public support for evidence-based sentencing laws in emerging reform efforts. Particularly, these studies suggest that members of the public may still not be aware of the realities of the effects of drug sentencing – using their emotions, fears, or outdated and inaccurate beliefs when considering their support for sentencing policies. These feelings may be limiting their understanding of the benefits of reform and their support for evidence-based sentencing policies.

Overall, advocates and policymakers should consider how to best disseminate information on drug offending and

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<sup>34</sup> Simon, J. (2007). *Governing Through Crime: How the War on Crime Transformed American Democracy and Created a Culture of Fear (Studies in Crime and Public Policy)* (1st ed.). Oxford University Press.

<sup>35</sup> Simon, Jonathan. *Governing through crime: How the war on crime transformed American democracy and created a culture of fear*. Oxford University Press, 2007.



sentencing to help mitigate public support for punitive approaches to drug sentencing and increase their support for implementing drug sentencing reforms. As policymakers often react to public opinion when executing criminal justice reforms and err in the direction of such opinion if it is believed to be important to the public,<sup>36</sup> finding ways to affect public support for less punitive sentencing policies, and toward more medicalized or evidence-based approaches, for different types and categories of drug offenses could also potentially affect many other areas of criminal justice policymaking moving forward.

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<sup>36</sup> Jennings, Will, Stephen Farrall, Emily Gray, and Colin Hay. "Penal populism and the public thermostat: Crime, public punitiveness, and public policy." *Governance* 30, no. 3 (2017): 463-481.