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**Public Attitudes Toward Uses of
Criminal History Information**

Summary of Survey Findings



Public Attitudes Toward Uses of Criminal History Information

**A Privacy, Technology, and Criminal Justice
Information Report**

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Background and purpose

This report presents the findings of a telephone survey conducted in February and March 2000 among a national probability sample of 1,030 adults 18 years of age and older, living in private households in the continental United States.

SEARCH, acting with Dr. Alan Westin, a well-respected expert on issues of privacy and the use of personal information, commissioned Opinion Research Corporation International (ORC International) to conduct this research. The primary purpose of the study is to assess public attitudes toward the availability and use of individuals' criminal history records outside of the criminal justice system.

Methodology

This report presents the findings of a telephone survey conducted among a national probability sample of 1,030 adults, comprised of 520 men and 510 women, 18 years of age and older, living in private households in the continental United States. Results based on the total population have a margin of sampling error of plus or minus 3 percentage points at the 95% confidence level. Included in the Appendixes, which follow the body of this report, are tables of sampling tolerances of survey results and a copy of the survey questionnaire.¹

As required by the Code of Standards of the Council of American Survey Research Organizations, we will maintain the anonymity of our respondents. No information will be released that in any way will reveal the identity of a respondent. ORC International has exercised its best efforts in the preparation of this information. In any event, ORC International assumes no responsibility for any use that is made of this information or any decisions based upon it.

¹ Appendix 1, which contains tables of sampling variations and tolerances, begins on Page 59. Appendix 2, which contains the questionnaire, begins on Page 63.

Study design

Dr. Westin, in consultation with SEARCH, provided the basic design for the research and for the survey instrument itself. ORC International, drawing on its 6 decades of experience in public opinion research, provided input on methodology and questionnaire design.

Sampling

Probability sampling techniques were employed in the selection of households for telephone interviewing. ORC International utilizes an unrestricted random sampling procedure that controls the amount of serial bias found in systematic sampling to generate its random-digit-dial sample. The sample was fully replicated and stratified by region. Only one interview is conducted per household. All sample numbers selected were subject to up to four attempts to complete an interview.

ORC International's national probability telephone sample is an efficient form of random-digit-dialing (RDD). The sample is designed to be a simple random sample of telephone households. Unlike published directories, ORC International's national probability telephone sample includes both unlisted numbers

and numbers issued after publication of the directories. The following procedure was used to create the sample:

- ORC International has an annual license for GENESYS, a custom RDD sample generation system developed by Marketing Systems Groups.
- The methodology for generating RDD telephone samples in the GENESYS system provides for a single stage, Equal Probability of Selection Method (EPSEM) sample of residential telephone numbers. It is updated twice a year.
- When a national probability sample is needed, a random selection is made from approximately 40,000 exchanges in 2 million working banks.
- Each telephone number is transferred to a separate call record. The record shows the computer-generated telephone number to be called, as well as the county, State, and time zone into which the telephone number falls. Our computer-assisted telephone interviewing system (CATI) uses this information to keep track of regional quotas. The CATI interviewing program also keeps track of the disposition categories for each call attempt.

Data collection

Interviewing for this survey was completed during the period February 22-March 9, 2000. All data collection efforts took place at ORC International's Central Telephone Facilities in Tucson, Arizona, and Tampa, Florida. All ORC International's interviewers complete an intensive training and test period. Additionally, they attend follow-up training classes that cover advanced screening techniques, in-depth probing, and the art of refusal avoidance. Interviewers are continuously supervised, monitored, and reviewed in order to maintain the highest quality interviewing standards.

All interviews were conducted using ORC International's CATI system. The system is state-of-the-art and offers several distinct advantages, such as: full-screen control that allows multi-question screens, fully programmable help and objection screens to aid interviewing, an extremely flexible telephone number management system, and powerful data-checking facilities. CATI ensures that interviews are conducted in the most efficient manner and allows interviewers easy response recording. This interviewing method also allows for the most accurate form of data entry by guiding the interviewer through the programmed question flow and by providing on-screen interviewer instructions.

Weighting

Completed interviews were weighted by four variables: age, sex, geographic region, and race, to help ensure reliable and accurate representation of the total population, 18 years of age and older. The raw data were weighted by a proprietary program that automatically develops a weighting factor for each respondent. In this program, each respondent is assigned a single weight derived from the relationship between the actual proportion of the population with its specific combination of age, sex, geographic characteristics, and race, and the proportion in the sample. Proportional targets for the population were based on the 1998 Current Population Survey (U.S. Census Bureau). The tables included in this report show *unweighted* bases.

Executive summary

Overview

There is substantial public (that is, adult) support for making certain types of criminal justice records available outside the criminal justice system when there is a perceived rationale of public benefit and/or safety. Support declines noticeably when the goal is purely private. In general, American adults tend to favor making individual conviction records available to employers, governmental licensing agencies, and other entities. They are far more reluctant, however, to support access to arrest-only (or arrest without conviction) records.

General privacy issues

Turning first to underlying attitudes toward privacy, the results indicate that the misuse of personal information is a major concern. Nearly all (90%) of adult Americans are concerned about the possible misuse of personal information, with 64% expressing a high level of concern (“very concerned”) and 25% saying they are “somewhat” or moderately concerned. Ten percent express either little or no concern about possible misuse of personal information.

When asked if they have ever been victims of an improper invasion of privacy by specific types of organizations, a total of 38% say that they have been victimized by at least one of the following:

- a business collecting and using information (25%)
- a charitable, political, or nonprofit organization (13%)
- a law enforcement agency (12%)
- a government tax, social service, welfare, or license agency (10%).

Fifty-two percent of adults believe that anyone’s credit reports or criminal conviction record (49%) may be purchased via the Internet. Approximately 4 in 10 adults believe that they can obtain anyone’s Social Security number (42%), credit card number (39%), or arrest record (38%). Thirty-six percent believe that bank balances are for sale on-line.

Attitudes toward the criminal justice system

Thirteen percent of the adult public say that they “know a great deal” about the American criminal justice system — defined as the way police, prosecutors, courts, and defense counsel work. Most adults (57%) report that “they know the basics.” The balance either “don’t know very much”(23%) or “don’t know anything at all” (6%).

Overall, Americans give the criminal justice system fair grades in executing key functions.

- Majorities rate the system as “very or somewhat effective” in:
 - investigating and arresting persons suspected of committing crimes (79%)
 - prosecuting accused persons (73%)
 - reaching a just outcome in criminal trials (68%).
- However, fewer than 2 out of 10 adults rate the system as very effective in any of these areas, and a substantial group of adults — approximately one-quarter of the population — sees the criminal justice system as not very effective. About one-half (53%) give the system a “very or somewhat effective” rating in all three areas, 24% gave that rating in two areas, while another 24% said the system is very or somewhat effective in either only one (10%) or none (14%) of these areas.

The proportions are similar when it comes to perceptions about how well the system respects the civil liberties and constitutional rights of suspects. Seventy percent say the system does either very well (24%) or somewhat well (46%), while about one-quarter say it does not do very well (19%) or not well at all (8%).

Six out of 10 adults report having had their fingerprints taken for some sort of identification purpose, such as military service or a job application or government license. Most (87%) felt that fingerprinting was an appropriate requirement.

Criminal history records

Conviction records

Americans view individuals' criminal history records as confidential information and favor some restriction in access.

- 47% prefer what was labeled as a “partially open system,” where only conviction records are freely available to everyone. Another 37% favor a restricted system, where access is limited only to selected users. Only 12% favor a completely open system — one with both arrest and conviction records freely available.
- Most adults (90%) say they prefer that State agencies not use the Internet to post criminal history information that is already a matter of public record.

A substantial majority of the public supports access to conviction records by various organizations outside the criminal justice system where there is some public safety and/or crime prevention interest. Where private interests are at stake, support for access to conviction records drops to about the 40% level.

- Approximately 9 out of 10 adults would allow some access to conviction records by potential employers or to government occupational licensing agencies. However, a majority (11 out of 20) believes that right of access should be linked to whether the position involves sensitive work, such as handling money, dealing with children, or serving as security guards.
- Large majorities favor at least some access to conviction records for private organizations, such as the Boy Scouts of America, that work with children (88%), for the military to evaluate potential recruits (82%), and for insurance companies investigating fraud (76%). Support drops for reporters wanting to find out about political candidates (44%), banks deciding on personal loan applications (41%), individuals wanting to learn if a neighbor has any criminal record (38%), and companies that issue credit cards (38%).

Arrest records

A large majority (66%) of Americans distinguish between access to conviction records and access to records of persons arrested but not convicted.

- Approximately 3 out of 10 adults would bar any access to arrest-only records to any employer or governmental licensing agency. About one-half would allow limited access based on the sensitivity of the position, while only 15% would grant

all employers or government licensing agencies access to arrest-only records.

- Turning to nonemployment-related entities, only when it comes to organizations that work with children does a majority (59%) favor any access to arrest records. About one-half (49%) would allow the military to see arrest-only records of potential recruits, and 45% would allow access to insurance companies investigating fraud. Fewer than one-quarter of adults favor access to arrest-only records for reporters wanting to find out about political candidates (23%), banks deciding on personal loan applications (22%), individuals wanting to learn if a neighbor has any criminal record (23%), and companies that issue credit cards (21%).

Fair information practices

The study reveals extremely strong support for the implementation of three “fair information practices” governing maintenance and use of criminal history records.

- Eighty-nine percent of adults consider it very important to have a right to review their records, coupled with the right to have suspected errors investigated and, if indeed erroneous, corrected.
- Seventy-four percent see it as very important that there be an impartial procedure to receive, investigate, and resolve complaints

concerning misuse of one's criminal history records, and/or the failure of the relevant agency to follow appropriate policies.

- Fifty-five percent believe it very important that each person be informed when a criminal history record is created, how it will be used within the criminal justice system, and the policies governing the record's availability outside the system.

The role of the private sector

Most adults (85%) feel that commercial companies maintaining and distributing criminal history records should follow the same rules and procedures regarding fair information practices as would bind government criminal history agencies. One out of 10 adults (11%) feels that "such rules are not important for private businesses."

- There is a high level of concern about the system of collecting, maintaining, and distributing criminal history records by private companies. Asked which statement best reflects their own views:
 - Sixty-nine percent of the respondents chose, "It worries me that this is being done by commercial organizations and I favor this being done only by the government."

—Twenty-two percent said their views are best reflected by the statement, "This commercial system provides relevant information from public record sources for many important business, social, and governmental purposes and is OK."

—Nine percent declined to choose between these two points of view.

Juveniles, ex-offenders, and fingerprinting

Opinion is divided when it comes to the access and publication of juvenile court records. About one-half of adults (53%) favor keeping disclosure restrictions, "because giving juvenile offenders the chance to overcome a bad record is a sound approach." Four out of 10 (40%) favor opening juvenile records to the same entities that have access to adult records, "since protecting society and the public should be the primary concern."

In the case of ex-offenders, the majority (52%) favors keeping criminal records available to employers and licensing agencies regardless of the length of time that has passed since the individual's conviction or release. Forty-three percent believe access should not be granted if a person convicted of a crime serves his or her sentence and then does not violate the law for a period, such as 5 years.

Overall, American adults appear to consider fingerprinting for certain governmental purposes acceptable. However, once private-sector entities require fingerprinting, attitudes become more ambiguous.

- Approximately three-quarters of adults find fingerprinting "very acceptable" when a person is arrested (78%) and when someone is applying for a sensitive job, such as teacher, nursing home worker, or security guard (77%). Ninety-four percent and 93%, respectively, think these practices are either very or somewhat acceptable.
- Six out of 10 think it a very acceptable practice to fingerprint welfare program recipients (62%) or to require a thumbprint on drivers' licenses (60%), with 86% and 80%, respectively, responding very or somewhat acceptable.
- On the other hand, fewer than one-half of adults find it very acceptable to require fingerprints to cash a check (45%), buy an airline ticket (45%), or apply for a job (37%).

Commentary: Balancing privacy and public uses of criminal history information — what the survey tells us

Since 1978, I have been the academic advisor to a steady stream of national opinion surveys dealing with the public and privacy.² Thirty of these were done with Louis Harris and Associates (now Harris Interactive) and 15 with ORC International. A major benefit of such continuous surveying is that, if you ask good questions early on and then ask them year after year, you get valuable data on changing public perceptions and attitudes. I can illustrate this with two important privacy trend lines we have tracked.

The public's concerns about privacy, 1970-1999

In 1970, Harris asked respondents to one national survey how concerned they were about their personal privacy, with “very concerned,” “somewhat concerned,” “not very concerned,” and “not concerned at all” as the response categories. Thirty-four percent of the public in 1970 said it was concerned (a combination of the “very” and “somewhat” respondents).

By the time I started doing privacy surveys with Harris in 1978, Watergate had intervened, along with social protest movements on the Vietnam War, racial justice, and gender discrimination. Reflecting the social mood, fall of confidence in institutions, and fears about technology abuse that marked the 1970s, 66% of the American public said in our 1978 “Dimensions of Privacy” survey that they were concerned about threats to privacy. By 1990, we found that the same question produced a 78% level of concern. And at the end of the 1990s, a survey I advised, conducted by Harris in 1999 and sponsored by IBM, found that 94% of the American public now said they were concerned about privacy threats.

Equally important with the dramatic 60% rise in overall-privacy-concern between 1970 and 1999 was the rise in the “very concerned” responses. In the 1999 IBM survey, 77% — three-fourths of American adults — said they were “very concerned” about the misuse of their personal information and threats to their privacy.

A second major trend finding is the shift from the 1970s to today in terms of what the public perceives as the principal threat to its privacy. In the post-Watergate era, the government was overwhelmingly perceived as the threat. About 75% of survey respondents would identify the government as being the source for potential threats to privacy. When we last asked this question in the mid-1990s, sentiment had already shifted to the point where roughly the same number of respondents identified business and government as equal threats to privacy. The public was divided roughly in half, with half saying the government was the greatest threat, and almost half saying business poses the greatest threat.

The privacy survey in context

In this Commentary, I am not going to repeat the main findings, which are presented quite thoroughly in the main report. My goal is to put these in a larger context, and to offer my interpretation of their meaning. I start by asking two questions.

² This Commentary section was written by Dr. Alan F. Westin, Professor Emeritus, Public Law and Government, Columbia University.

First, how representative is this survey of other privacy surveys conducted over the last 20 or 30 years? Second, what did those surveys teach us about how the public makes up its mind about the balance between privacy and public interest? Answers to these questions should allow us to project how the public is likely to react to the developing reconsideration of public records in general, and to uses of criminal history information outside the criminal justice system in particular.

At the outset, we should note the environment in which this survey took place. Our survey reflects the public's general sense that there are major changes in the uses of criminal history information in our society as a result of advanced information technology.³ The criminal justice system is deepening the records it collects, combining them inside the criminal justice system, and moving into deeper retrieval capacities, for example in the record systems of both civil and criminal courts. Many of these trends are driven by statutes that require the production of criminal history information for various kinds of noncriminal justice uses, such as for providing licensing standards

³ An overview of these "change drivers" is documented in "Report of the National Task Force on Privacy, Technology and Criminal Justice Information," a companion report to this survey that will be published in Spring 2000 by the Bureau of Justice Statistics, U.S. Department of Justice.

for people who deal with senior citizens, children, school systems, and so forth.

The *Brady Handgun Violence Prevention Act* is a good example.⁴ The mandatory licensing and checks for firearm purchases illustrates the public's passionate concern that criminal history information be used in this particular noncriminal justice focus. We also see the rise of commercial distribution systems that have developed into an industry of substantial size, collecting database information and making it available to a wide set of users — employers, government agencies, lawyers, insurance companies, and so forth. Some of these services are now on the Internet, advertising that you can locate anyone and find out all about them, including checking for a criminal record.

When examining a survey, it is also useful to ask whether it is dealing with well-developed policy questions — where the public feels it understands the issue, the players, and the options — or is it a survey that is trying to get people to think about some new and unfamiliar issues and to draw on their experiences and attitudes in order to express some broad preferences? In that perspective, our survey is clearly an *anticipative* rather than a *reactive* survey. That is, we know from our survey results that only 10% of the sample says it has been arrested for a

⁴ 18 U.S.C. Sec. 922 et. seq.

nontraffic offense. This represents about 20 million adults. Of those arrestees, 57% say their arrest resulted in a conviction, which gives us a database of 12.4 million persons who would have personal experiences with conviction records in the criminal justice system. While that is a big number, it is still a very small percentage of the total adult population of the United States. On the other hand, when you deal with issues of employment screening, occupational licensing, and so forth, it is clear that a majority of our respondents can identify with those situations and probably have had experiences in having record checks made for these noncriminal justice purposes.

It is also important in understanding our survey results to note that use of criminal history records outside the criminal justice system is not as salient a social issue today as it was in the late 1960s and early 1970s. That was the period many children of the Nation's economic and social elites were being arrested — for social protest, for racial demonstrations, for anti-war demonstrations. These were often the children of government officials, business executives, and academics. The idea that you could have an arrest or a conviction record for demonstrations or protests that would stigmatize you — so that you wouldn't get into Princeton, or get a job at the brokerage house, or couldn't be appointed to Federal or State government

employment — was obviously a great threat to the progress of the children of the ruling class. How large-scale arrest and conviction records for social protest were going to be used became a political issue in the late 1960s and early 1970s, which it is not today.

But there are still populations that feel adversely impacted by the social uses of criminal history information. Race is the predominant factor here, as the main report documents. Minority populations feel that the criminal justice record's stigmatizing effect on their opportunities for employment, credit, licensing, and other kinds of functions in this society is deeply impacted by what the rules will be and the treatment made of such information. This race context should be understood as an important aspect of what the survey is exploring.

Finally, our survey is anticipative because members of the public are not, as the phrase goes, "policy wonks." They do not thrill to ideas such as whether a legislative solution would take an opt-in or an opt-out approach, or whether notice has to be cast in a certain way. Those issues are for the experts. They are very important in terms of policy, but we stayed away from posing those kinds of questions in our survey. Instead, we tried to frame issues in terms of broad attitudes, and broad policy and social choices.

Comparisons with other privacy surveys

How did our sample compare with the results of other privacy surveys in this decade? We clearly had a representative sample in terms of how the public approaches balancing public interest and privacy. There is high comparability in the figures we compiled on overall privacy concern, for example. As in other surveys, our sample judged information technology uses as positive, but also as threatening. We also found heavy support for fair information practices; the list of rules that people want for the handling of criminal history information match the high support for those kinds of principles in many of the surveys.

Of great importance was confirmation of the segmentation of the public on privacy issues found over 2 decades of privacy survey research. In looking at the pattern of the public's privacy attitudes, this research shows that the public broadly divides into three continuing and consistent segments:

- First are what we call the "privacy fundamentalists." These people view privacy as a passionate and deep concern. They generally will reject a consumer benefit or social value as being not as important as protecting their privacy. When it comes to consumer privacy issues, they want

the government to pass legislation or have regulatory oversight, because they think that is the only way that consumer privacy will be adequately protected.

- At the opposite end are what we call the "privacy unconcerned." These are the folks who do not know what the issue is all about, and could not care less. As consumers, if you give them 5 cents off, they will give you their family histories and anything else you want to know. They also generally feel that public order and public safety is far more important, because they do not think they have anything to hide.
- In between those two are what we call the "privacy pragmatists." They go through a very special process. First, privacy pragmatists ask themselves, "What is the benefit to me or to my society? What do I get if you extract or require me to give my personal information?" The second question they ask is, "What are the privacy risks and how serious are they? How is my information going to be used, and is it going to be used in ways that I am really very unhappy about and that seem to be excessive?" Third, they ask, "What safeguards or protections are being offered for my privacy against those privacy risks, and how will they be delivered?" Finally, there is

the “Do You Want to be a Millionaire?” question: Do they trust the industry or the sector to follow those safeguards? And if they do, that ends the discussion. If they do not, the question then becomes, “Do we need legislation and regulatory oversight before the privacy pragmatists will be comfortable with their information being used in this way?”

Our survey shows that the percentages in each one of these three categories varies according to the privacy issue involved. People do not have one coherent, consistent view across all the different dimensions of privacy — such as consumer, citizen, and employee privacy issues. And consumer issues subdivide into many different sectors like financial affairs, health and medical affairs, telecommunications, direct marketing, and others. In general, we found on consumer issues that 25% of the public are privacy fundamentalists, 20% are privacy unconcerned, and 55% fall into the privacy pragmatists category. Not surprisingly, when you shift to health and medical issues, the privacy fundamentalists category expands; in 1994 it was roughly 35%. Today, it might be up to 45%, in terms of the increased sense of sensitivity and risk involved in health and medical records. On citizen issues, we found in several surveys we conducted that about 32% were in the

privacy fundamentalists category, 12% in privacy unconcerned, and 50% in privacy pragmatists. Our data in this survey suggest that the criminal justice balance pretty much approximates the citizen division.

We see this reflected in the findings about attitudes toward the criminal justice system. From 68% to 79% rate the criminal justice system as effective in the different dimensions that we offered, and 70% say they feel the system respects civil liberties. But the “very effective” and the “very greatly respects civil liberties” categories were not high. It is only when you put “very” and “somewhat” together, as is traditional in this kind of survey work, that you get the overall positive numbers just cited. However, it is also important to note that only 12% say their own privacy has been invaded or has been lessened as a result of a law enforcement agency action, compared to 25% to 30% of the public who regularly say on privacy surveys that they feel their consumer privacy has been violated by business actions.

It is useful to compare our findings with some effectiveness or confidence ratings that we get about other institutions. Over the years, the Harris organization has maintained a “confidence in institutions” index. Reading a list of institutions, people have been asked how much confidence they have in “the

people running those organizations.” The choices given are: “a great deal of confidence,” “only some confidence,” or “hardly any confidence.” The numbers in our survey show that the skepticism the American public feels toward a number of other government institutions makes law enforcement shine by comparison. Eighty-two percent say they have “only some” or “hardly any” confidence in the U.S. Congress, 79% for the Federal executive branch, 76% for the White House, 64% for the Supreme Court, and — the big winner — 48% for the military. These are the negative levels about these institutions. If that is a fair comparison to law enforcement and the criminal justice system, they are not considered one of the bad boys of the governmental process.

Patterns reflected in survey findings

With these observations in mind, then, we can look at some of the specific findings and note the general pattern reflected. Only 12% of our sample favors a completely open State criminal history records system. There is a sense that there are too many privacy perils in absolute, total access of this public record system for more than 12% of the public to feel this is a good solution. Eighty-four percent want some kind of limits on either the type of criminal history record that is disseminated or the type of user. For example, 47% favor a system that is completely open for conviction records, while

37% favor a selected-user system that could provide access to both conviction and arrest-only records.

What kind of access does the public think is appropriate, based upon relevance or sensitivity criteria? There were no majorities for open access to all criminal history information to all of the kinds of private organizations that we listed, again suggesting a public desire to see modulated systems. Fifty-five percent would let an employer and 57% would let government licensing agencies have access to conviction records, if there is a sensitive job that makes access an important criteria in protecting the public. For arrest-only records, the sensitivity of the job just drew under a majority for employers and 50% for licensing agencies, while respondents who would deny access to arrest-only records rose to 31% and 29% in that category.

Another example is the way access was dealt with in terms of need and relevance. As far as conviction records were concerned, there was very high support for groups that work with children, the military, and insurers fighting fraud. On the other hand, there was not a majority for giving access to the media, to banks for loan decisions, to neighbors checking on criminal history conviction records, and to credit card issuers. When we shifted to arrest-only records, the center of gravity moved dramatically,

with only groups working with children drawing majority support, and no others getting a majority for access being provided.

Applying demographic analysis, we can see that the groups that favor more limited or less access are younger respondents who feel that they are still coming up in the system, and that there can be more harm done to them from some of these criminal history information uses. African-Americans, as compared to Whites, are more critical of the criminal justice system. Some of these demographic readings are not so much separate categories as they may be describing combinations of statuses or attitudes. For example, if we look at the attitudes of groups with the lowest education, lowest income, and minority status, the same individual may be represented in those three different capacities. From 20% to 35% of the total public shares those demographic characteristics and, therefore, have those attitudes.

When we turned to fingerprinting, heavy majorities said that fingerprinting was acceptable for all of the seven uses that we tested. Not surprisingly, we received very high numbers — 80% to 94% — of support for using fingerprints to process arrests in the criminal justice system, for issuing occupational licenses for sensitive jobs, and for policing welfare fraud. Those issues always draw heavy support

from the general public. Because identity fraud has become an enormous problem, there is high support for using a finger image on a driver's license to prevent fraudulent use. We even received 68% to 71% support for using fingerprinting for check cashing. One response that really struck me as astounding was majority support for the use of fingerprints for buying airline tickets. We may have enhanced that response by connecting fingerprint use in this fashion to fighting terrorism, but it reveals the fragility of the "high privacy position" to have a majority of Americans say it is acceptable to fingerprint people who buy airline tickets.

A few other findings are worth noting. Ninety percent of the public say they would be opposed to putting what were called "open public records" on the Internet. Experts have recognized that putting open records on-line would increase access to the addresses of law enforcement officers, judges, mayors, and others in a potentially harmful way, and posting bankruptcy records would reveal things like Social Security numbers and risk identity thefts, and so forth. Whether members of the public had these or other aspects in mind, 9 in 10 Americans clearly feel that there is a tremendous difference between putting open records on the Internet and having them open only at their source.

We saw slim majorities in support of keeping restrictions on the disclosure of juvenile records, and that records should not be sealed but kept open for employers and licensing agencies. Two out of three respondents believe it would be better for the government to provide criminal history information for socially valuable uses than it would be to have this done by commercial services.

When we turn to privacy policies for organizations collecting and using personal information, it is clear that the public well understands and gives extraordinarily high support to what are known as fair information practices — the right to have information procedures explained and policies followed; the right to view records and have corrections made; the right to have an impartial dispute resolution procedure; and so on. That judgment was verified here. The fair information practices rules we presented for uses of criminal history records were overwhelmingly seen as “very important” or “important” (without the “somewhat” category), and the public wants commercial agencies to follow the same kinds of practices.

To summarize, the findings here are well supported by other privacy surveys that are being done and that have been done in the past. The survey shows that the majority of the public starts out as privacy pragmatists. They want to pick and choose what

uses seem to be legitimate or where the privacy risks seem to be too great. In no sense is there a kind of *carte blanche* attitude that “criminal history information is okay; let’s use it any place people want it.” The process of looking at the value, assessing the risk, checking for safeguards, and deciding whether they trust the people running the system is the process by which people make up their minds.

This leads me to draw two overarching conclusions from the survey. First, the public is indeed interested in these issues and will support the development of new rules for societal uses of criminal history information in an information-rich age when people are actively seeking more information on one hand, while also being very worried about inappropriate or dangerous uses of information.

Second, where that debate will go will depend on the process by which these issues are tested in legislative arenas, in executive agencies, in the media, and in public debate. What you have in the survey findings are some underlying attitude sets. How they will be focused depends on the play of debate, and on whether horror stories grip the public and drive decisionmaking, or whether the feeling is that there are workable solutions. We will have a major debate in this decade over reshaping the rules for criminal history information, both inside the criminal justice

system and in social uses outside. The survey offers a baseline of understanding about how the public will approach these issues when the political system and the media offer them up for general public response.

Detailed findings

Reading notes

The following pages present supporting tabulations of survey results. The data are percentaged vertically and, therefore, should be read from top-to-bottom. The total number of *unweighted* interviews appears at the top in parentheses. Percentages, however, are calculated on the *weighted* bases.

Percentages may not add to 100% due to weighting factors, rounding or multiple responses. Where a double asterisk (**) appears, it signifies any value of less than one-half of 1 percent.

Comparisons of independent subgroups have been made when those differences are mathematically significant. Significance testing is done to the 95% confidence level. Note that any statistical test becomes less reliable when the sample sizes are small. Even though the test can be mathematically performed on samples as low as 30, the reasonable lower boundary on the size of the sample is 60 respondents.

Foundations

Privacy concerns

Nearly all (90%) of adult Americans are concerned about the possible misuse of personal information. Almost two-thirds (64%) say they are “very concerned,” while another one-quarter (25%) report being “somewhat” or moderately concerned. Ten percent express either little or no concern about possible misuse of personal information.

There are some variations of the intensity of concern. Younger adults, Whites, those who are more affluent, and college graduates are less likely to report that they have a high level of concern (“very concerned”) about possible misuse of personal information.

Q21 How concerned are you about the possible misuse of your personal information in America today?
Are you . . .

	AGE		RACE		EDUCATION		HH INCOME	
(n) =	Under 65 (899) %	65 and older (124) %	White (836) %	African-Amer. (102)* %	College Grad (366) %	Non-Grad (651) %	\$50K or higher (321) %	LT \$50K (516) %
Total (1030)								
<i>Very/Somewhat concerned (net)</i>								
Very concerned								
Somewhat concerned								
<i>Not very/Not concerned at all (net)</i>								
Not very concerned								
Not concerned at all								
Don't know								
<i>Very/Somewhat concerned (net)</i>	89	91	89	93	88	91	89	90
Very concerned	63	73 [^]	62	79 [^]	58	67 [^]	57	67 [^]
Somewhat concerned	27 [^]	18	28 [^]	14	30 [^]	23	32 [^]	22
<i>Not very/Not concerned at all (net)</i>	10	7	10	5	12	8	11	9

[^](^{^^}) = Significantly higher than corresponding column(s) at the 95% confidence level

* = Small Base

Experience with invasions of privacy

The high level of concern about privacy invasion is not, however, totally based on personal experience. To the extent personal experience influences concerns, perceived privacy invasions by the private sector are most frequent.

- When asked if they have ever been victims of an improper invasion of privacy by specific types of organizations, a total of 38% say that they have been victimized by at least one of four entities.

- 25% of respondents said that they have been victimized by a business collecting and using information
- 13% had been victimized by a charitable, political, or nonprofit organization
- 12% by a law enforcement agency
- 10% by a government tax, social service, welfare, or licensing agency.

Not surprisingly, adults who have a high level of concern about the possible misuse of personal information are more likely to report having been victims of an invasion.

African-Americans are nearly twice as likely to feel that they have been victimized by a law enforcement agency (21% vs. 11%).

More men than women perceive that they have been a “privacy victim” of a law enforcement agency (16% vs. 9%).

Q22 Have you personally ever been the victim of what you felt was an improper invasion of privacy by any of the following?

“Yes” summary

	TOTAL	LEVEL OF CONCERN ABOUT MISUSE OF PERSONAL INFORMATION			GENDER		RACE	
		High	Medium	Low	Male	Female	White	Afr.-Amer.
(n) =	(1030)	(666)	(261)	(97)*	(520)	(510)	(836)	(102)*
	%	%	%	%	%	%	%	%
<i>Any invasion (net)</i>	38	44 [^]	30	19	43 [^]	34	37	45
A business collecting and using information about you	25	30 ^{^^}	19 [^]	8	27	22	24	28
A charitable, political, or nonprofit organization	13	15 [^]	12 [^]	4	16 [^]	11	13	14
A law enforcement agency	12	14	10	7	16 [^]	9	11	21 [^]
A government tax, social service, welfare, or license agency	10	12 ^{^^}	7	3	12	8	9	14

[^](^{^^}) = Significantly higher than corresponding column(s) at the 95% confidence level

* = Small Base

Internet usage

Sixty percent of adults report using the Internet from any location (home, work, school, or some other place).

- In general, Internet users are more likely to be men, younger, upper income, White, and college graduates.

Q27 Do you use the Internet today from home, work, school, or any other place?

	TOTAL	<u>GENDER</u>		<u>RACE</u>		<u>EDUCATION</u>		
		Male	Female	White	African-Amer.	College Grad	Some College	No College
(n) =	(1030)	(520)	(510)	(836)	(102)*	(366)	(241)	(410)
	%	%	%	%	%	%	%	%
YES	60	66^	54	61^	50	82^^	64^	39
NO	40	34	46^	39	49	18	36^	60^^
DON'T KNOW/REFUSED	**	1	**	**	1	0	0	1

	<u>HH INCOME</u>			<u>AGE</u>		
	LT \$25K	\$25K-LT \$50K	\$50K or higher	18-34	35-54	55+
(n) =	(228)	(288)	(321)	(326)	(440)	(257)
	%	%	%	%	%	%
YES	32	59^	84^^	76^^	65^	33
NO	68^^	40^^	16	24	35^	66^^
DON'T KNOW/REFUSED	1	**	0	0	0	1

^(^^) = Significantly higher than corresponding column(s) at the 95% confidence level

* = Small Base

** = Less than one-half of 1%

Perceptions of personal information available on the Internet

About one-half of adults believe that anyone's credit reports (52%) or criminal conviction record (49%) may be purchased via the Internet.

Approximately 4 in 10 adults believe that they can obtain anyone's Social Security number (42%), credit card number (39%), or arrest record (38%). Thirty-six percent believe that bank balances are for sale on line.

- Internet users are significantly more likely than nonusers to believe that it is true that credit reports (56% vs. 47%) and criminal conviction records (53% vs. 45%) are available on-line.

Q20 For each of the following types of personal records, please indicate whether you think it is true or false that anyone using the Internet can PURCHASE this kind of record from PRIVATE SERVICES on any person they are interested in, for any purpose that they have in mind.

"True" summary

(n) =	TOTAL (1030) %	<u>USE THE INTERNET</u>	
		Yes (630) %	No (397) %
Anyone's credit bureau report	52	56 [^]	47
Anyone's criminal conviction record	49	53 [^]	45
Anyone's Social Security number	42	44	38
Anyone's credit card numbers	39	39	40
Anyone's arrest record, even if not convicted	38	39	36
Anyone's bank checking account balance	36	36	35

^{^(^)} = Significantly higher than corresponding column(s) at the 95% confidence level

Experience with the American legal and criminal justice systems

Seven percent report that they have had some sort of legal training and/or exposure (lawyers, work for a law firm or legal department, or have had some sort of legal training).

Nine percent of adults report that they work or have worked for some sort of criminal justice agency — including police, prosecutors, courts, or a corrections agency.

- Nearly half (48%) of those with legal training work or have worked for some sort of criminal justice agency.

Q26 Are you a lawyer, do you work for a law firm or legal department, or have you had legal training?

(n) =	TOTAL (1030)
	%
YES	7
NO	93
DON'T KNOW/REFUSED	**

Q25 Do you now work or have you ever worked for any kind of criminal justice agency, such as the police, prosecutors' offices, courts, or corrections agency?

(n) =	TOTAL (1030)	LAW TRAINED (70)*
	%	%
YES	9	48
NO	91	52
DON'T KNOW/REFUSED	**	0

* = Small Base

** = Less than one-half of 1%

Experience with the American legal and criminal justice systems (continued)

Seven percent — 16% of those working for a criminal justice agency and 17% of those with legal training — have ever personally sought the criminal conviction records of someone

else, excluding inquiries made as part of their employment.

One out of 10 respondents reports having been arrested for a criminal offense (other than

driving convictions) — and of those persons, 57% admit to having been convicted.

Q28 Have you personally ever sought to obtain the criminal conviction record about another person, for any reason, apart from any such inquiry in your duties at work?

	TOTAL (1030) %	LAW TRAINED (70)* %	WORK(ED) IN CRIMINAL JUSTICE AGENCY (98)* %
(n) =			
YES	7	17	16
NO	93	83	84
DON'T KNOW/REFUSED	**	0	0

Q29 Have you ever been arrested for a criminal offense, other than driving violations?

	TOTAL (1030) %
(n) =	
YES	10
NO	90
DON'T KNOW/REFUSED	1

Q30 Were you convicted for that offense or not?

Base = Have been arrested for a criminal offense

	TOTAL (101) %
(n) =	
YES	57
NO	41
DON'T KNOW/REFUSED	3

* = Small Base

** = Less than one-half of 1%

Experience with the American legal and criminal justice systems (continued)

Six out of 10 adults report having had their fingerprints taken for some sort of identification purpose, such as military service or a job application or government license.

- Most (87%) felt that the fingerprinting was an appropriate requirement.

Q23 Have you ever had your fingerprints taken, for example, for military service, applying for a job or a government license, or for any other identification purpose?

(n) =	TOTAL (1030) %
YES	61
NO	38
DON'T KNOW/REFUSED	1

Q24 Did you feel that doing this was an appropriate requirement or not an appropriate requirement?
Base = Ever had fingerprints taken for military service, applying for a job or a government license, or for any other identification purpose?

(n) =	TOTAL (631) %
APPROPRIATE	87
NOT APPROPRIATE	12
DON'T KNOW/REFUSED	1

Knowledge of the criminal justice system

Thirteen percent say that they “know a great deal” about the American criminal justice system — defined as the way police, prosecutors, courts, and defense counsel work. Most adults (57%) report that they “know the basics.” The balance either “don’t know very much” (23%) or “don’t know about this area at all” (6%).

- Men claim to be more knowledgeable than do women, with 17% of men asserting a high degree of knowledge, as compared to 9% of women.
- Although age, education, and income clearly have a relationship to knowledge about the system, it is

interesting that the primary difference lies between the proportions claiming “average” knowledge — “knowing the basics” — and those claiming little or no knowledge.

Q1 How much do you know about the American system of criminal justice — the way police, prosecutors, courts, and defense counsel work? Would you say you know a great deal, know the basics, don’t know very much, or don’t know about this area at all?

(n) =	TOTAL (1030) %	GENDER	
		Male (520) %	Female (510) %
<i>Know a great deal/Just the basics (net)</i>	70	79^	62
Know a great deal	13	17^	9
Know the basics	57	62^	53
<i>Don't know very much/Don't know at all (net)</i>	30	21	38^
Don't know very much	23	16	30^
Don't know about this area at all	6	5	8
Don't know	**	**	**

(n) =	HH INCOME			AGE		
	LT \$25K (228) %	\$25K- LT \$50K (288) %	\$50K or higher (321) %	18-34 (326) %	35-54 (440) %	55+ (257) %
<i>Know a great deal/Just the basics (net)</i>	58	69^	81^^	72^	75^	62
Know a great deal	12	12	13	14	14	11
Know the basics	46	56^	68^^	58^	61^	51
<i>Don't know very much/Don't know at all (net)</i>	41^^	31^	19	28	25	38^

Knowledge of the criminal justice system (continued)

	<u>EDUCATION</u>			
	College Grad (366) %	Some College (241) %	HS Grad (326) %	HS Inc. (84)* %
<i>Know a great deal/Just the basics (net)</i>	81^^	76^^	61^	47
Know a great deal	17^	12	9	13
Know the basics	64^^	64^^	52^	34
<i>Don't know very much/Don't know at all (net)</i>	19	24	38^	53^^

^(^)= Significantly higher than corresponding column(s) at the 95% confidence level

* = Small Base

** = Less than one-half of 1%

Attitudes toward the criminal justice system

Overall, Americans give the criminal justice system fair grades in executing key functions.

- Majorities rate the system as “very or somewhat effective” in:

- investigating and arresting persons suspected of committing crimes (79%)

- prosecuting accused persons (73%)

- reaching a just outcome in criminal trials (68%).

- Fewer than 2 out of 10 adults rate the system as very effective in any of these areas.

A substantial group of adults — approximately one-quarter of the population — sees the criminal justice system as not very or not effective at all.

- About one-half (53%) give the system a very or somewhat effective rating in all three areas; 24% gave that rating in two areas, while another 24% said the system is very or somewhat effective in either only one (10%) or none (14%) of these areas.

Q2 From what you have read or heard, or any personal experiences, how effective do you think the overall American criminal justice system is in each of the following areas? Do you think it is very effective, somewhat effective, not very effective, or not effective at all?

(n) = (1030)

In investigating and arresting persons suspected of committing crimes		In prosecuting accused persons		In reaching just outcomes at criminal trials	
	%		%		%
<i>Very/Somewhat effective (net)</i>	79	<i>Very/Somewhat effective (net)</i>	73	<i>Very/Somewhat effective (net)</i>	68
Very effective	18	Very effective	15	Very effective	13
Somewhat effective	61	Somewhat effective	58	Somewhat effective	55
<i>Not very/Not effective at all (net)</i>	18	<i>Not very/Not effective at all (net)</i>	24	<i>Not very/Not effective at all (net)</i>	28
Not very effective	14	Not very effective	19	Not very effective	22
Not effective at all	4	Not effective at all	5	Not effective at all	5
Don't know	3	Don't know	4	Don't know	5

Overall view of effectiveness of criminal justice system	%
High (all three elements very/somewhat effective)	53
Moderate (two out of three elements very/somewhat effective)	24
Low (one or none of the three elements very/somewhat effective)	24

Attitudes toward the criminal justice system (continued)

As the accompanying table illustrates, race and education tend to impact one's views on the effectiveness of the criminal justice system.

Q2 From what you have read or heard, or any personal experiences, how effective do you think the overall American criminal justice system is in each of the following areas? Do you think it is very effective, somewhat effective, not very effective, or not effective at all?

Very/Somewhat effective summary

	<u>RACE</u>		<u>EDUCATION</u>	
	White (836) %	African- Amer. (102)* %	No College (410) %	Some College (607) %
In investigating and arresting persons suspected of committing crimes	82 [^]	65	72	85 [^]
In prosecuting accused persons	74	66	69	76 [^]
In reaching just outcomes at criminal trials	69	65	64	70

Overall view of effectiveness of criminal justice system

	<u>RACE</u>		<u>EDUCATION</u>	
	White (836) %	African- Amer. (102)* %	No College (410) %	Some College (607) %
High (all three elements very/somewhat effective)	55	45	50	55
Moderate (two out of three elements very/somewhat effective)	24	21	20	27 [^]
Low (one or none of the three elements very/somewhat effective)	24	34 [^]	30 [^]	18

^{^(^)} = Significantly higher than corresponding column(s) at the 95% confidence level

* = Small Base

Attitudes toward the criminal justice system (continued)

The proportions are similar when it comes to perceptions about how well the system respects the civil liberties and constitutional rights of suspects.

- Seventy percent say the system does either very well (24%) or somewhat well (46%), while about one-quarter say it does not do very well (19%) or not well at all (8%).

- Race (most notably), income, and education influence views of how well rights and liberties are respected.

Q3 How well do you think the criminal justice system as a whole respects the civil liberties or constitutional rights of persons who become involved as suspects? Would you say very well, somewhat well, not very well or not well at all?

(n) =	(1030)
	%
<i>Very/Somewhat well (net)</i>	70
Very well	24
Somewhat well	46
<i>Not very/Not well at all (net)</i>	26
Not very well	19
Not well at all	8
Don't know	4

	<u>RACE</u>		<u>HH INCOME</u>		<u>EDUCATION</u>	
	White	African-	LT	\$50K or	No	Some
(n) =	(836)	(102)*	(516)	higher	College	College
	%	%	%	%	%	%
Very/Somewhat well (net)	74 [^]	46	67	77 [^]	66	73 [^]
Not very/Not well at all (net)	23	52 [^]	30 [^]	21	29	25
Don't know	4	2	3	3	6 [^]	2

^{^(^)} = Significantly higher than corresponding column(s) at the 95% confidence level

* = Small Base

**Attitudes toward uses of
criminal history record information
outside the criminal justice system**

Awareness and general attitudes

Slightly fewer than one-half of adults (45%) say that they have read or heard about the criminal history records system.

Overall, Americans view government criminal history records as confidential information and favor some restriction.

- When given a choice of three systems, 47% prefer what was labeled as a “partially open system,” where conviction records are freely available to everyone.

Another 37% favor a restricted system, where access is limited only to selected users.

- Only 12% favor a completely open system — one with both arrest and conviction records freely available.

Race and education appear to be significant demographic factors in determining attitudes insofar as preference for a partially open system (open access to conviction records) versus a selected-user system.

- Whites favor a partially open system over one limited to select users by 49% to 35%, while African-American respondents favor the selected user system by a similar margin of 47% to 35%.
- Those with at least a high school diploma favor the partially open system, while those who did not complete high school favor a selected-user system to a partially open system by 48% to 30%.

Q4 Government agencies collect and store the criminal history records of persons arrested, prosecuted, and convicted or acquitted in the State and Federal criminal justice systems. They store these records in computerized record systems. Police, prosecutors, defense counsel, and court officers use these records to carry out their missions. Have you read or heard about this criminal history record system?

(n) = (1030)	%
YES	45
NO	54
DON'T KNOW/REFUSED	1

Awareness and general attitudes (continued)

Q5 Under American law and practice, government criminal history records are made available to some government and private users outside the criminal justice system. Please listen to three different policies for making such government records available and indicate which ONE you would prefer.

(n) =	TOTAL (1030) %	RACE			EDUCATION		
		White (836) %	African- Amer. (102)* %	College Grad (366) %	Some College (241) %	HS Grad (326) %	HS Inc. (84)* %
A COMPLETELY OPEN SYSTEM, where anyone can obtain either the conviction or the arrest-without-conviction record about an individual, because such broad access helps protect society	12	12	11	9	13	12	18 [^]
A PARTIALLY OPEN SYSTEM, where anyone can obtain CONVICTION records but NOT records of arrests WITHOUT CONVICTIONS, because persons not convicted are presumed innocent in our constitutional system	47	49 [^]	35	52 [^]	49 [^]	45 [^]	30
A system OPEN ONLY TO SELECTED USERS for either conviction or nonconviction records, such as employers or government licensing authorities, because society feels certain users have a valid need but others do not have a valid need	37	35	47 [^]	37	35	36	48 [^]
DON'T KNOW/NONE OF THESE	4	4	7	2	3	7 [^]	4

^{^(^)} = Significantly higher than corresponding column(s) at the 95% confidence level

* = Small Base

Access by employers and government licensing agencies

Access to conviction records

Although most adults would allow some employer access to the conviction records of job applicants, a majority (55%) believes that right of access should be linked to whether the position involves sensitive work, such as handling money, dealing with children, or serving

as security guards. Four out of 10 (40%) would grant access to all employers, regardless of the position, while only 1 out of 20 (4%) would bar all employer access.

Attitudes are similar when it comes to government occupational licensing agencies

having access to conviction records. A majority (57%) believes that access should be limited to occupations involving sensitive work and 35% would grant access to all agencies. Again, only 4% would prohibit access to all occupational licensing agencies.

-
- Q6 How do you feel about EMPLOYERS being able to obtain from government agencies the conviction records of persons applying to them for jobs? Do you feel ALL employers should be able to get such records, NO employers should be able to get these, or it should DEPEND ON WHETHER THE JOB INVOLVES SENSITIVE WORK, such as handling money, dealing with children, or serving as security guards?
- Q7 How do you feel about GOVERNMENT AGENCIES THAT ISSUE OCCUPATIONAL LICENSES obtaining CONVICTION records from the record agencies? Do you feel that ALL license agencies should have access, NONE should have access, or it should DEPEND ON WHETHER THE LICENSE WILL BE FOR JOBS INVOLVING SENSITIVE WORK?

(n) = (1030)	<u>EMPLOYERS</u>	<u>GOVERNMENT OCCUPATIONAL LICENSING AGENCIES</u>
	%	%
All	40	35
None	4	4
Depends on job	55	57
Don't know	1	3

Access by employers and government licensing agencies (continued)

Access to conviction records (continued)

As the accompanying tables illustrate, those most likely to favor blanket access to either

employers or licensing agencies are persons aged 25 years and older, Whites, individuals in more affluent households, those with at least some college, those

who feel the criminal justice system respects civil rights, and those who report never having been arrested.

Q6 How do you feel about EMPLOYERS being able to obtain from government agencies the conviction records of persons applying to them for jobs? Do you feel ALL employers should be able to get such records, NO employers should be able to get these, or it should DEPEND ON WHETHER THE JOB INVOLVES SENSITIVE WORK, such as handling money, dealing with children, or serving as security guards?

Q7 How do you feel about GOVERNMENT AGENCIES THAT ISSUE OCCUPATIONAL LICENSES obtaining CONVICTION records from the record agencies? Do you feel that ALL license agencies should have access, NONE should have access, or it should DEPEND ON WHETHER THE LICENSE WILL BE FOR JOBS INVOLVING SENSITIVE WORK?

EMPLOYERS	AGE		RACE		EDUCATION		HH INCOME		CIVIL RIGHTS		ARRESTED	
	Under 25	25 and Older	White	African-Amer.	No College	Some College	LT \$50K	\$50K or higher	Respects	Not Respect	Yes	No
(n) =	(111)	(912)	(836)	(102)*	(410)	(607)	(516)	(321)	(726)	(268)	(101)*	(923)
	%	%	%	%	%	%	%	%	%	%	%	%
All	29	41 [^]	43 [^]	27	33	45 [^]	35	47 [^]	43 [^]	34	30	41 [^]
None	2	4	4	6	5	3	5	3	4	5	6	4
Depends on job	69 [^]	53	53	65 [^]	60 [^]	51	59 [^]	50	53	60	62	54
Don't know	0	1	1	2	2	*	1	**	1	1	2	1

LICENSING AGENCIES	AGE		RACE		EDUCATION		HH INCOME		CIVIL RIGHTS		ARRESTED	
	Under 25	25 and Older	White	African-Amer.	No College	Some College	LT \$50K	\$50K or higher	Respects	Not Respect	Yes	No
(n) =	(111)	(912)	(836)	(102)*	(410)	(607)	(516)	(321)	(726)	(268)	(101)*	(923)
	%	%	%	%	%	%	%	%	%	%	%	%
All	21	37	38 [^]	21	26	41	30	43 [^]	39 [^]	27	29	36
None	4	4	4	8 [^]	6	3	5	4	3	8 [^]	9 [^]	4
Depends on job	71 [^]	55	56	68 [^]	63	53	61 [^]	52	55	64 [^]	60	57
Don't know	4	4	3	3	5	2	4	1	3	2	2	3

[^](^{^^}) = Significantly higher than corresponding column(s) at the 95% confidence level

* = Small Base

** = Less than one-half of 1%

Access by employers and government licensing agencies (continued)

Access to arrest-only records

A large majority of Americans distinguish between access to conviction records and access to records of persons arrested but not convicted.

- Sixty-six percent say that they would take a different position regarding access to arrest records than they do conviction records.
- While there is some fluctuation among

demographic groups examined, that fluctuation lies only in the strength of the majority, ranging from a low of 60% among those who did not attend college and a high of 73% among residents of the Northeast.

Q9 Now, please think about government records of persons ARRESTED BUT NOT CONVICTED. Would you take the SAME position on groups having access to those records as you just did for CONVICTION records, or would you take some DIFFERENT positions as to records of ARRESTS WITHOUT CONVICTIONS?

	TOTAL	NO	NORTH-
(n) =	(1030)	COLLEGE	EAST
	%	(410)	(201)
		%	%
Same position	29	34	24
Different positions	66	60	73
Don't know	4	6	3

Access by employers and government licensing agencies (continued)

Access to arrest-only records (continued)

The shift in opinion when it comes to arrest-only records is clearly in favor of less access. Approximately 3 out of 10 adults would bar any access to arrest-only records to any employer or governmental licensing agency.

About one-half would allow limited access based on the sensitivity of the position, while only 15% would grant all employers or government licensing agencies access to arrest-only records.

Q10 How do you feel about EMPLOYERS being able to obtain from government agencies the arrest-without-conviction records of persons applying to them for jobs? Do you feel ALL employers should be able to get such records, NO employers should be able to get these, or it should DEPEND ON WHETHER THE JOB INVOLVES SENSITIVE WORK, such as handling money, dealing with children, or serving as security guards? (Asked of those stating that they would take a different view of arrest records. Results combined with those saying they view access to conviction and arrest records the same.)

Q11 How do you feel about GOVERNMENT AGENCIES THAT ISSUE OCCUPATIONAL LICENSES obtaining the arrest-without-conviction records from the record agencies? Do you feel that ALL license agencies should have access, NONE should have access, or it should DEPEND ON WHETHER THE LICENSE WILL BE FOR JOBS INVOLVING SENSITIVE WORK? (Asked of those stating that they would take a different view of arrest records. Results combined with those saying they view access to conviction and arrest records the same.)

(n) = (1030)

	<u>EMPLOYERS</u>		<u>GOVERNMENT OCCUPATIONAL LICENSING AGENCIES</u>	
	Conviction %	Arrest w/o Conviction %	Conviction %	Arrest w/o conviction %
All	40	15	35	15
None	4	31	4	29
Depends on job	55	49	57	50
Don't know	1	5	3	6

Access to criminal history records by organizations other than employers and licensing agencies

Substantial majorities favor at least some access to conviction records for private organizations, such as the Boy Scouts of America, that work with children (88%), for the military to evaluate potential recruits (82%), and for insurance companies investigating fraud (76%).

- Support drops below a majority, however, for reporters wanting to find out about political candidates (44%), banks deciding on

personal loan applications (41%), individuals wanting to learn if a neighbor has any criminal record (38%), and companies that issue credit cards (38%).

When the subject turns to arrest-only records, however, support for access again plummets. Only when the interests of children are involved does a majority (59%) favor access. About one-half (49%) would allow the military to see arrest-only records of potential recruits, and

45% would allow access to insurance companies investigating fraud.

- Fewer than one-quarter of adults favor access to arrest-only records for reporters wanting to find out about political candidates (23%), banks deciding on personal loan applications (22%), individuals wanting to learn if a neighbor has any criminal record (23%), and companies that issue credit cards (21%).

Q8 Here are some other groups that might want to get CONVICTION records. For each, would you favor them having access or not?

Q12 Here are some other groups that might want to get ARREST-WITHOUT-CONVICTION records. For each, would you favor them having access or not? (Asked of those stating that they would take a different view of arrest records. Results combined with those saying they view access to conviction and arrest records the same.)

FAVOR GROUPS HAVING ACCESS SUMMARY

(n) = (1030)	RECORD TYPE	
	CONVICTION %	ARREST (W/O CONVICTION) %
Private organizations, like the Boy Scouts, that work with children	88	59
The military services, in screening persons seeking to enlist	82	49
Insurance companies investigating claims for possible fraud	76	45
Reporters wanting to find out about political candidates	44	23
Banks deciding on personal loan applications	41	22
Individuals wanting to learn if a neighbor has any criminal record	38	23
Companies that issue credit cards	38	21

Fair information practices

The study reveals extremely strong support for the implementation of three “fair information practices” governing maintenance and use of criminal history records.

- Nearly 9 out of 10 adults (89%) consider it very important to have a right to review their records, coupled with the right to have suspected errors investigated and, if indeed erroneous, corrected.

- Approximately three-quarters (74%) see it as very important that there be an impartial procedure to receive, investigate, and resolve complaints concerning misuse of one’s criminal history records and/or the failure of the relevant agency to follow appropriate policies.
- Over one-half (55%) believe it very important that each

person be informed when a criminal history record is created, how it will be used within the criminal justice system, and the policies governing the record’s availability outside the system.[†]

- Ninety percent or more consider each of these practices to be either very or somewhat important.

Q13 Here are some policies that could be set to protect individual rights of persons having a criminal history record in government files. For each of these, indicate whether you think requiring such a policy is very important, somewhat important, not too important, or not important at all.

(n) = (1030)	VERY IMPORTANT %	VERY OR SOMEWHAT IMPORTANT %
Each person would have the right to see his or her record, and to have items felt to be incorrect re-checked by the recordkeeping agency and corrected, if in error	89	98
An impartial procedure would be available for receiving, investigating, and resolving complaints by individuals about misuse of their records or failure to follow agency policies	74	94
Each person would be informed when a record is created, what the record is, how it will be used inside the criminal justice system, and what policies will be followed in making the record available outside the criminal justice system	55	90

[†] One should be cautious in interpreting the relatively low level of support as lessening the importance of making individuals aware of the policy(ies) governing record use and availability outside the criminal justice system. In light of the higher support for an impartial review system to investigate and correct the improper use of records, a reasonable conclusion is that some respondents focused more on the first two components of this practice, which relate to record creation and their use *within* the criminal justice system.

Use and distribution of criminal justice records by commercial enterprises and other organizations

A majority of adults are concerned about the system of collecting, maintaining, and distributing criminal history records by private companies and would prefer that the government maintain such a system.

- Asked which statement best reflects their own view:

—Sixty-nine percent of the respondents chose, “It worries me that this is being done by commercial organizations and I favor this being done only by the government.”

—Twenty-two percent said their views are best reflected by the statement, “This commercial system provides relevant information from public record sources for many important business, social, and governmental purposes and is OK.”

—Nine percent declined to choose between these two points of view.

- Once again, while there are some differences among demographic groups that rise to the level of statistical significance, those differences tend to be small and at least partially attributable to variations in the proportions of those unable to choose between the two alternatives. Two of the more notable variations — between men and women and between Whites and African-Americans — are illustrated in the following table.

Q14 Turning from government record systems to the private sector, there are private companies that collect reports of arrests and trial outcomes from newspaper stories and from various public records, such as criminal court files. These companies sell this information to private parties, such as private employers, insurance companies investigating fraud, or lawyers checking out parties or witnesses in civil litigation. The companies also provide criminal history reports to government licensing agencies, government employers, and other government agencies. Which ONE of the following judgments about this system of private information suppliers of criminal history records would you agree with MOST?

(n) =	TOTAL (1030) %	GENDER		RACE	
		Male (520) %	Female (510) %	White (836) %	African- Amer. (102)* %
It worries me that this is being done by commercial organizations and I favor this being done only by the government	69	64	74 [^]	69	69
This commercial system provides relevant information from public record sources for many important business, social, and governmental purposes and is OK	22	25 [^]	19	23 [^]	13
Don't know/None of these	9	11	7	8	17 [^]

^{^(^)} = Significantly higher than corresponding column(s) at the 95% confidence level

* = Small Base

Use and distribution of criminal justice records by commercial enterprises and other organizations (continued)

Eighty-five percent of adults feel that commercial companies maintaining and distributing criminal history records should follow the same rules and procedures regarding fair information practices as would

bind government criminal history agencies.

One out of 10 adults (11%) feels that “such rules are not important for private businesses.”

Again, the few demographic differences that exist tend to be small. In this instance, two of the starkest differences (illustrated below) are between Internet users and nonusers and (again) between Whites and African-Americans.

Q15 Do you feel that these commercial companies should follow the SAME rules and procedures for giving individuals they report on fair information and fair procedure practices that government criminal history agencies follow, or do you think such rules are NOT IMPORTANT where private businesses are involved?

	TOTAL (1030) %	INTERNET		RACE	
		Use (630) %	Don't Use (397) %	White (836) %	African- Amer. (102)* %
Commercial companies follow the same rules and procedures as government agencies	85	90 [^]	78	87 [^]	74
Such rules are not important for private businesses	11	8	15 [^]	9	19 [^]
Don't know	4	2	7 [^]	4	7

[^](^{^^}) = Significantly higher than corresponding column(s) at the 95% confidence level

* = Small Base

Juvenile records

Opinion is more closely divided when it comes to the access and publication of juvenile court records. About one-half of adults (53%) favor keeping disclosure restrictions, “because giving juvenile offenders the chance to overcome a bad record is a sound approach.” Four of 10 adults (40%) favor opening juvenile records to the same entities that have access to adult records, “since protecting society and the public should be the primary concern.”

Differences based on education, race, perceptions of the system’s respect for civil rights, and employment within the criminal justice system appear to affect views on juvenile records.

- Individuals with at least some college education are more likely to favor keeping restricted access than those who have not attended (56% vs. 50%). In addition, African-Americans are more likely than Whites to favor restrictions (69% vs. 51%).

- Similarly, individuals who have ever worked for a criminal justice agency and those who feel the criminal justice system does not do well when it comes to respecting the civil rights of suspects are more likely to favor the current policy of keeping juvenile records confidential (64% and 59%, respectively).

Q16 Today, many States limit the availability of records about juveniles charged and processed in juvenile courts; for example, not allowing access to employers, government licensing agencies, or military enlistment offices. This is based on a judgment that juveniles should be given an opportunity to overcome youthful criminal behavior. Out of concern over current juvenile crimes, some people would open juvenile records to greater access. Please listen to the following two policies and indicate which ONE you think would be BEST.

	TOTAL	EDUCATION		RACE	
		No College	Some College	White	African-Amer.
(n) =	(1030)	(410)	(607)	(836)	(102)*
	%	%	%	%	%
Keep restrictions on disclosure of juvenile court records, because giving juvenile offenders the chance to overcome a bad record is a sound approach	53	50	56 [^]	51	69 [^]
Open juvenile records to the same government and private organizations that can get adult criminal records, since protecting society and the public should be the primary concern	40	44 [^]	37	43 [^]	22
Don’t know/None of these	6	6	7	6	8

^{^(^^)} = Significantly higher than corresponding column(s) at the 95% confidence level

* = Small Base

Juvenile records (continued)

	TOTAL	CIVIL RIGHTS		<u>WORK(ED) IN CRIM.</u> <u>JUSTICE AGENCY</u>	
		Respects	Not Respect	Yes	No
(n) =	(1030)	(726)	(268)	(98)*	(930)
	%	%	%	%	%
Keep restrictions on disclosure of juvenile court records, because giving juvenile offenders the chance to overcome a bad record is a sound approach	53	51	59 [^]	64 [^]	52
Open juvenile records to the same government and private organizations that can get adult criminal records, since protecting society and the public should be the primary concern	40	43 [^]	35	32	41
Don't know/None of these	6	6	5	4	7

^{^(^)} = Significantly higher than corresponding column(s) at the 95% confidence level

* = Small Base

Sealing the records of ex-offenders

Although a small majority favors sealed juvenile records, a comparable proportion (52%) favors keeping criminal records *available* to employers and licensing agencies regardless of the length of time that has passed since the individual's conviction or release. Forty-three percent believe access should not be granted if a person convicted of a crime

serves his or her sentence and then does not violate the law for a period, such as 5 years.

- In this case, some of the differences among subgroups that do arise reverse the order of preference. Favoring sealed records are majorities of African-Americans (60%), of those ever arrested (55%), and of those who feel the

criminal justice system does not respect civil rights (52%).

- In addition, those residing in less affluent households (under \$50,000 annual income) are evenly split, with 48% favoring sealing the records of ex-offenders and 47% favoring continued access.

Q17 Some people believe that if a person convicted of a crime serves his or her sentence and then does not violate the law for a period, such as 5 years, government record agencies **SHOULD NOT** make that criminal record available to employers or licensing agencies. Other people believe employers and government licensing agencies **SHOULD HAVE** access to such government records, and be able to consider the fact of a conviction in the hiring or licensing process. Overall, which of these two approaches do you prefer?

	TOTAL	HH INCOME		RACE	
		LT \$50K	\$50K or higher	White	African-Amer.
(n) =	(1030)	(516)	(321)	(836)	(102)*
	%	%	%	%	%
Should not make criminal records available after period of time	43	48 [^]	37	40	60 [^]
Should make criminal records available	52	47	58 [^]	55 [^]	33
Don't know	6	5	5	5	7

	TOTAL	CIVIL RIGHTS		ARRESTED	
		Respects	Not Respect	Yes	No
(n) =	(1030)	(726)	(268)	(101)*	(923)
	%	%	%	%	%
Should not make criminal records available after period of time	43	39	52 [^]	55 [^]	41
Should make criminal records available	52	55 [^]	43	38	53 [^]
Don't know	6	5	5	7	5

^{^(^)} = Significantly higher than corresponding column(s) at the 95% confidence level

* = Small Base

Uses of fingerprinting

Overall, American adults appear to consider fingerprinting for certain governmental purposes acceptable. However, once private-sector entities require fingerprinting, attitudes become more ambiguous.

- Approximately three-quarters of adults find fingerprinting “very acceptable” when a person is arrested (78%) and when someone is applying for a sensitive job, such as teacher, nursing home

worker, or security guard (77%). Ninety-four percent and 93%, respectively, think these practices are either very or somewhat acceptable.

- Six out of 10 respondents think it a very acceptable practice to fingerprint welfare program recipients (62%), or to require a thumbprint on drivers’ licenses (60%), with 86% and 80%, respectively, responding very or somewhat acceptable.

- On the other hand, fewer than one-half of adults find it very acceptable to require fingerprints to cash a check (45%), buy an airline ticket (45%), or apply for a job (37%).

There appears to be no significant difference in attitudes based on whether or not someone has been fingerprinted.

Q18 Identifying a person accurately is a major concern in many areas of life today. In each of the following situations, how acceptable is it to you that persons be required to give their FINGERPRINTS? Is it very acceptable, somewhat acceptable, not very acceptable, or not acceptable at all?

(N) = (1030)	VERY	VERY/ SOMEWHAT	NOT VERY/ NOT AT ALL
	<u>ACCEPTABLE</u>	<u>ACCEPTABLE</u>	<u>ACCEPTABLE</u>
	%	%	%
When individuals are arrested for a criminal offense, so that a check can be made against criminal history and wanted persons records	78	94	4
When applying for a government license for sensitive jobs, such as teachers, nursing home workers, or security guards	77	93	6
For government welfare program recipients, to detect double registrations or ineligible persons	62	86	12
To put a thumbprint on drivers’ licenses, to make successful counterfeiting of drivers’ licenses more difficult	60	80	18
To cash a check, to help reduce check-cashing fraud	45	71	27
When buying an airline ticket, because of terrorism threats	45	70	27
When applying for a job, so that the employer could check for a criminal history record	37	68	31

Uses of fingerprinting (continued)

As the following tables illustrate, women tend to be more favorable toward fingerprinting requirements. Similarly, the acceptability of fingerprinting appears to increase with age.

African-Americans are far less inclined to see fingerprinting as very acceptable in the context of government welfare programs (47% vs. 64% among Whites),

but are more likely to see the requirement as very acceptable step to reduce check-cashing fraud (57% vs. 44%).

Q18 Identifying a person accurately is a major concern in many areas of life today. In each of the following situations, how acceptable is it to you that persons be required to give their FINGERPRINTS? Is it very acceptable, somewhat acceptable, not very acceptable, or not acceptable at all?

VERY ACCEPTABLE SUMMARY

(n) =	<u>GENDER</u>		<u>AGE</u>			<u>RACE</u>	
	Male (520) %	Female (510) %	18-34 (326) %	35-54 (440) %	55+ (257) %	White (836) %	Afr.-Amer. (102)* %
When individuals are arrested for a criminal offense, so that a check can be made against criminal history and wanted persons records	77	79	75	79	79	79^	70
When applying for a government license for sensitive jobs, such as teachers, nursing home workers, or security guards	71	81^	76	76	79	77	78
For government welfare program recipients, to detect double registrations or ineligible persons	59	65	58	63	66^	64^	47
To put a thumbprint on drivers' licenses, to make successful counterfeiting of drivers' licenses more difficult	55	65^	53	61^	68^	60	66
To cash a check, to help reduce check-cashing fraud	42	49^	42	44	52^	44	57^
When buying an airline ticket, because of terrorism threats	40	50^	36	46^	56^^	45	50
When applying for a job, so that the employer could check for a criminal history record	32	41^	30	34	49^^	37	35

^(^)= Significantly higher than corresponding column(s) at the 95% confidence level

* = Small Base

Posting of information on the Internet

Most adults (90%) say that they prefer that State agencies not use the Internet to post criminal history information that is already a matter of public record.

There is no indication that attitudes toward Internet posting will substantially change in the near future. Even among younger adults (under 35), current Internet users, and those

with a low concern about the misuse of personal information, opposition exceeds 80%.

Q19 Some people believe that State government agencies that maintain criminal history records that are open to the general public under their State law should post these on the Internet, so that anyone who wanted to could check whether someone had such a record. Other people feel that even though such records could be obtained by applying to the government record agency for a copy, it isn't a good idea to put all those records on the Internet for anyone to obtain.

Which would you prefer: State agencies putting all these records on the Internet, or not doing that?

	TOTAL (1030)	<u>AGE</u>			<u>INTERNET</u>		<u>LEVEL OF CONCERN ABOUT MISUSE OF PERSONAL INFORMATION</u>		
		18-34 (326)	35-54 (440)	55+ (257)	Use (630)	Don't Use (397)	High (666)	Med. (261)	Low (97)*
(n) =	%	%	%	%	%	%	%	%	%
Putting records on the Internet	9	13^^	8^	4	11^	5	7	11	15^
Not putting records on the Internet	90	87	90	94^	88	93^	92^^	88	82
Don't know	1	**	1	3	1	2	1	2	3^

^(^^) = Significantly higher than corresponding column(s) at the 95% confidence level

* = Small Base

** = Less than one-half of 1%

**Summary of factors influencing attitudes
toward the use of criminal history records**

Overview

The survey instrument was designed to capture demographic, experiential, and attitudinal characteristics that were thought likely to have an impact on or a relationship to respondents' views on the use of criminal history records outside the criminal justice system. Throughout the detailed findings are references to key differences where those differences are statistically significant at the 95% confidence level.⁵ In many cases, differences either do not exist or were marginal.⁶ However, a few patterns do emerge.

- Attitudes toward access to criminal history records tend to correlate somewhat to age, income, education, and race.
 - Younger adults, persons with less education, and those in lower-income households tend to favor less access to criminal history records.

- African-Americans often demonstrate a greater preference for less access compared to those who identified themselves as White.
- In terms of attitudes, the perception of how well the criminal justice system respects the civil rights of suspects and the general level of concern about the misuse of personal information also shows some correlation with attitudes toward criminal history information.
 - Those who feel the system does not respect civil rights very well and those who have a high level of concern about the misuse of personal information tend to show greater likelihood of preference for restrictions on access to criminal history information.

The following tables summarize the experiential, attitudinal, and demographic factors examined.

⁵ See Appendix 1 for notes on significance testing between independent subgroups.

⁶ Several groupings that would self-evidently seem to have a bearing on attitudes (for example, legal and/or criminal justice experience, whether the individual was ever arrested, and so on) yielded unweighted base sizes below 100. At that level, differences need to be extremely great. Accordingly, these groups are cited infrequently herein.

Experience/Attitudinal summary

The following tables summarize the experience and attitudinal factors examined.

(n) =		TOTAL (1030) %	GENDER		RACE	
			Male (520) %	Female (510) %	White (836) %	Afr.-Amer. (102)* %
KNOWLEDGE OF CRIMINAL JUSTICE SYSTEM						
	High	13	17 [^]	9	14	7
	Moderate	57	62 [^]	53	59 [^]	44
	Low	30	21	38 [^]	27	47 [^]
OVERALL EFFECTIVENESS OF CRIMINAL JUSTICE SYSTEM						
	High	53	52	54	55	45
	Moderate	24	25	23	24	21
	Low	24	23	24	22	34 [^]
SYSTEM RESPECTS CIVIL RIGHTS						
	Respects	70	70	70	74 [^]	46
	Doesn't Respect	26	27	26	23	52 [^]
LEVEL OF CONCERN ABOUT MISUSE OF PERSONAL INFORMATION						
	High	64	61	67	62	79 [^]
	Moderate	25	27	24	28 [^]	14
	Low	10	11	8	10	5

^{^(^)} = Significantly higher than corresponding column(s) at the 95% confidence level

(Categories may not add to 100% due to either rounding or the option to decline to respond to some questions)

* = Small base

Experience/Attitudinal summary (continued)

(n) =		TOTAL (1030) %	<u>AGE</u>					65+ (124) %
			18-24 (111) %	25-34 (215) %	35-44 (224) %	45-54 (216) %	55-64 (133) %	
KNOWLEDGE OF CRIMINAL JUSTICE SYSTEM								
	High	13	11	15	13	15	13	9
	Moderate	57	57	59	63 [^]	57 [^]	62 [^]	43
	Low	30	31	26	23	27	24	48 [^]
OVERALL EFFECTIVENESS OF CRIMINAL JUSTICE SYSTEM								
	High	53	56	53	54	53	58	45
	Moderate	24	29	25	22	23	21	22
	Low	24	14	22	24	25	20	32
SYSTEM RESPECTS CIVIL RIGHTS								
	Respects	70	71	72	68	70	75	64
	Doesn't Respect	26	27	26	28	25	22	29
LEVEL OF CONCERN ABOUT MISUSE OF PERSONAL INFORMATION								
	High	64	57	64	60	65	69	73 [^]
	Moderate	25	27	26	30 [^]	26	24	18
	Low	10	16 [^]	9	10	9	7	7

[^](^{^^}) = Significantly higher than corresponding column(s) at the 95% confidence level

(Categories may not add to 100% due to either rounding or the option to decline to respond to some questions)

* = Small base

Experience/Attitudinal summary (continued)

(n) =	TOTAL (1030) %	<u>GENDER</u>		<u>RACE</u>	
		Male (520) %	Female (510) %	White (836) %	Afr.-Amer. (102)* %
PRIVACY VICTIM OF LAW ENFORCEMENT					
Yes	12	16^	9	11	21^
No	87	83	90^	88^	78
EVER BEEN FINGERPRINTED					
Yes	61	72^	51	60	67
No	38	27	48^	39	32
WORK(ED) FOR CRIMINAL JUSTICE AGENCY					
Yes	9	12^	7	10	4
No	91	88	93^	90	94
LAW TRAINED					
Yes	7	8	6	7^	2
No	93	92	94	93	97
EVER ARRESTED					
Yes	10	15^	5	9	16^
No	90	84	95^	91^	83

^(^)= Significantly higher than corresponding column(s) at the 95% confidence level

(Categories may not add to 100% due to either rounding or the option to decline to respond to some questions)

* = Small base

Experience/Attitudinal summary (continued)

(n) =	TOTAL (1030) %	<u>AGE</u>					
		18-24 (111) %	25-34 (215) %	35-44 (224) %	45-54 (216) %	55-64 (133) %	65+ (124) %
PRIVACY VICTIM OF LAW ENFORCEMENT							
Yes	12	23^^	13^	15^	11^	8	3
No	87	77	87^	84	88^	90^	94^
EVER BEEN FINGERPRINTED							
Yes	61	58	63	63	60	56	64
No	38	42	36	37	37	43	35
WORK(ED) FOR CRIMINAL JUSTICE AGENCY							
Yes	9	3	13^	10^	13^	7	6
No	91	97^	87	90	87	93	93
LAW TRAINED							
Yes	7	6	8	8	5	6	8
No	93	94	92	92	95	94	91
EVER ARRESTED							
Yes	10	15^	14^	15^	5	5	2
No	90	85	86	85	94^	95^	98^

^(^^) = Significantly higher than corresponding column(s) at the 95% confidence level

(Categories may not add to 100% due to either rounding or the option to decline to respond to some questions)

* = Small base

Experience/Attitudinal summary (continued)

(n) =		TOTAL (1030) %	<u>HH INCOME</u>				\$50K or Higher (321) %
			LT \$15K (102)* %	\$15K-LT \$25K (126) %	\$25K-LT \$35K (144) %	\$35K-LT \$50K (144) %	
KNOWLEDGE OF CRIMINAL JUSTICE SYSTEM							
	High	13	11	14	14	11	13
	Moderate	57	49	43	51	62 [^]	68 ^{^^}
	Low	30	39 [^]	43 [^]	35 [^]	27 [^]	19
OVERALL EFFECTIVENESS OF CRIMINAL JUSTICE SYSTEM							
	High	53	51	56	49	52	59
	Moderate	24	17	19	30	26	23
	Low	24	32	25	21	22	17
SYSTEM RESPECTS CIVIL RIGHTS							
	Respects	70	61	68	71	66	77 [^]
	Doesn't Respect	26	33	28	24	33	21
LEVEL OF CONCERN ABOUT MISUSE OF PERSONAL INFORMATION							
	High	64	72 [^]	69 [^]	65	63	57
	Moderate	25	15	23	24	27 [^]	32 [^]
	Low	10	9	7	11	10	11

[^](^{^^}) = Significantly higher than corresponding column(s) at the 95% confidence level

(Categories may not add to 100% due to either rounding or the option to decline to respond to some questions)

* = Small base

Experience/Attitudinal summary (continued)

(n) =		TOTAL (1030) %	EDUCATION			
			HS Incomplete (84)* %	HS Grad (326) %	Some College (241) %	College Grad (366) %
KNOWLEDGE OF CRIMINAL JUSTICE SYSTEM						
	High	13	13	9	12	17 [^]
	Moderate	57	34	52 [^]	64 ^{^^}	64 ^{^^}
	Low	30	53 ^{^^}	38 [^]	24	19
OVERALL EFFECTIVENESS OF CRIMINAL JUSTICE SYSTEM						
	High	53	43	52	54	57
	Moderate	24	24	18	28 [^]	26 [^]
	Low	24	33	30 [^]	19	17
SYSTEM RESPECTS CIVIL RIGHTS						
	Respects	70	57	68	70 [^]	76 [^]
	Doesn't Respect	26	35 [^]	27	28	22
LEVEL OF CONCERN ABOUT MISUSE OF PERSONAL INFORMATION						
	High	64	68	66 [^]	70 [^]	58
	Moderate	25	20	25	23	30
	Low	10	10	8	8	12

[^](^{^^}) = Significantly higher than corresponding column(s) at the 95% confidence level

(Categories may not add to 100% due to either rounding or the option to decline to respond to some questions)

* = Small base

Experience/Attitudinal summary (continued)

(n) =		TOTAL (1030) %	<u>HH INCOME</u>				
			LT \$15K (102)* %	\$15K-LT \$25K (126) %	\$25K-LT \$35K (144) %	\$35K-LT \$50K (144) %	\$50K or Higher (321) %
	PRIVACY VICTIM OF LAW ENFORCEMENT						
	Yes	12	19^	9	14	20^	9
	No	87	78	88	84	80	91^
	EVER BEEN FINGERPRINTED						
	Yes	61	54	57	63	66	63
	No	38	44	43	37	34	36
	WORK(ED) FOR CRIMINAL JUSTICE AGENCY						
	Yes	9	3	4	8	10^	13^
	No	91	96^	96^	92	90	87
	LAW TRAINED						
	Yes	7	2	2	5	7	9^
	No	93	96	98^	95	93	91
	EVER ARRESTED						
	Yes	10	21^	12	7	12	8
	No	90	77	88^	93^	88^	92^

^(^)= Significantly higher than corresponding column(s) at the 95% confidence level

(Categories may not add to 100% due to either rounding or the option to decline to respond to some questions)

* = Small base

Experience/Attitudinal summary (continued)

(n) =	TOTAL (1030) %	HS Incomplete (84)* %	EDUCATION		
			HS Grad (326) %	Some College (241) %	College Grad (366) %
PRIVACY VICTIM OF LAW ENFORCEMENT					
Yes	12	18^	12	17^	8
No	87	79	86	82	92^
EVER BEEN FINGERPRINTED					
Yes	61	64	56	65	62
No	38	34	43^	34	36
WORK(ED) FOR CRIMINAL JUSTICE AGENCY					
Yes	9	3	6	11^	13^
No	91	96^	94^	89	87
LAW TRAINED					
Yes	7	1	2	7^	13^^
No	93	97	98^	93^	87
EVER ARRESTED					
Yes	10	19^	10	11^	6
No	90	80^	89^	89	93^

^(^)= Significantly higher than corresponding column(s) at the 95% confidence level

(Categories may not add to 100% due to either rounding or the option to decline to respond to some questions)

* = Small base

Demographic profile

The following table summarizes the demographic factors examined

(n) = (1030)

	%		%
GENDER		HOUSEHOLD INCOME	
Male	48	Less than \$25,000	24
Female	52	\$25,000 to less than \$50,000	28
		\$50,000 or higher	30
AGE		EDUCATION	
18-24	13	High School Incomplete	9
25-34	20	High School Graduate	32
35-44	22	Some College	23
45-54	17	College Graduate	34
55-64	11		
65 and older	16	GEOGRAPHIC REGION	
RACE/ETHNICITY		Northeast	20
White	83	North Central (Midwest)	23
Black/African-American	12	South	36
Asian/Asian-American	1	West	22
Some other race	4		
Hispanic household (any race)	7		
INTERNET			
Users	60		
Non-users	40		

(Categories may not add to 100% due to either rounding or the option to decline to respond to some questions)

**Appendix 1:
Sampling variations and tolerances**

Reliability of survey percentages

Results of any sample are subject to sampling variation. The magnitude of the variation is measurable and is affected by the number of interviews and the level of the percentages expressing the results.

The table below shows the possible sample variation that applies to percentage results reported herein. The chances are 95 in 100 that a survey result does not vary, plus or minus, by more than the indicated number

of percentage points from the result that would be obtained if interviews had been conducted with all persons in the universe represented by the sample.

Size of Sample on which Survey Results are Based	Approximate Sampling Tolerances Applicable to Percentages At or Near These Levels				
	<u>10% or 90%</u>	<u>20% or 80%</u>	<u>30% or 70%</u>	<u>40% or 60%</u>	<u>50%</u>
1,000 interviews	2%	2%	3%	3%	3%
500 interviews	3%	4%	4%	4%	4%
250 interviews	4%	5%	6%	6%	6%
100 interviews	6%	8%	9%	10%	10%

Additional Sampling Tolerances for Samples of 1,000 Interviews

<u>9% or 91%</u> 2%	<u>8% or 92%</u> 2%	<u>7% or 93%</u> 2%	<u>6% or 94%</u> 1%	<u>5% or 95%</u> 1%
<u>4% or 96%</u> 1%	<u>3% or 97%</u> 1%	<u>2% or 98%</u> 1%	<u>1% or 99%</u> .2%	

Sampling tolerances when comparing two samples

Tolerances are also involved in the comparison of results from independent parts of the sample. A difference, in other words, must be of at least a certain number of percentage points to be considered statistically

significant — that is, not due to random chance. The table below is a guide to the sampling tolerances in percentage points applicable to such comparisons, based on a 95% confidence level.

Size of Samples Compared	Differences Required for Significance At or Near These Percentage Levels				
	<u>10% or 90%</u>	<u>20% or 80%</u>	<u>30% or 70%</u>	<u>40% or 60%</u>	<u>50%</u>
1,000 and 1,000	3%	4%	4%	4%	4%
1,000 and 500	3%	4%	5%	5%	5%
1,000 and 250	4%	6%	6%	7%	7%
1,000 and 100	6%	8%	9%	10%	10%
500 and 500	4%	5%	6%	6%	6%
500 and 250	5%	6%	7%	7%	8%
500 and 100	6%	9%	10%	11%	11%
250 and 250	5%	7%	8%	9%	9%
250 and 100	7%	9%	11%	11%	12%
100 and 100	8%	11%	13%	14%	14%

**Appendix 2:
Questionnaire**

OPINION RESEARCH CORPORATION INTERNATIONAL

FEBRUARY 22, 2000

PRIVACY & CRIMINAL JUSTICE

32632

BALLOT #
TELEPHONE #
STATE
COUNTY
METRO
SURVEY # (LAST 3 DIGITS)
CALL

TELEPHONE NUMBER: (_____) _____ TIME ENDED: _____

TIME STARTED: _____

349-352

LENGTH: _____ (MINUTES)

SEX OF RESPONDENT:

DATE: _____

372 1 MALE

INTERVIEWER: _____

 2 FEMALE

I.D.: _____

Hello, I'm _____ calling from Opinion Research Corporation International of Princeton, New Jersey. We're conducting a national survey of people's opinions on privacy and criminal justice and would like to have your household participate. We are not selling any products or services. We are only asking your opinions.

Now, may I please speak to a (male/female) 18 years of age or older who lives in this household?

First of all . . .

Q1 How much do you know about the American system of criminal justice — the way police, prosecutors, courts, and defense counsel work? Would you say you know a great deal, know the basics, don't know very much, or don't know about this area at all?

- 1 KNOW A GREAT DEAL
- 2 KNOW THE BASICS
- 3 DON'T KNOW VERY MUCH
- 4 DON'T KNOW ABOUT THIS AREA AT ALL
- 5 DON'T KNOW

Q2 From what you have read or heard, or any personal experiences, how effective do you think the overall American criminal justice system is in each of the following areas? Do you think it is very effective, somewhat effective, not very effective, or not effective at all? (READ LIST)

- 1 Very effective
- 2 Somewhat effective
- 3 Not very effective
- 4 Not effective at all
- 5 DON'T KNOW

In investigating and arresting persons suspected of committing crimes

In prosecuting accused persons

In reaching just outcomes at criminal trials

Q3 How well do you think the criminal justice system as a whole respects the civil liberties or constitutional rights of persons who become involved as suspects? Would you say . . . (READ LIST)

- 1 Very well
- 2 Somewhat well
- 3 Not very well
- 4 Not well at all
- 5 DON'T KNOW

Q4 Government agencies collect and store the criminal history records of persons arrested, prosecuted, and convicted or acquitted in the State and Federal criminal justice systems. They store these records in computerized record systems. Police, prosecutors, defense counsel, and court officers use these records to carry out their missions. Have you read or heard about this criminal history record system?

- 1 YES
- 2 NO
- 3 DON'T KNOW/REFUSED

Q5 Under American law and practice, government criminal history records are made available to some government and private users outside the criminal justice system. Please listen to three different policies for making such government records available and indicate which ONE you would prefer. (READ ENTIRE LIST BEFORE RECORDING ONE ANSWER)

- 1 A COMPLETELY OPEN SYSTEM, where anyone can obtain either the conviction or the arrest-without-conviction record about an individual, because such broad access helps protect society
- 2 A PARTIALLY OPEN SYSTEM, where anyone can obtain CONVICTION records but NOT records of arrests WITHOUT CONVICTIONS, because persons not convicted are presumed innocent in our constitutional system
- 3 A system OPEN ONLY TO SELECTED USERS for either conviction or nonconviction records, such as employers or government licensing authorities, because society feels certain users have a valid need but others do not have a valid need
- 4 DON'T KNOW/NONE OF THESE

Regardless of the view you just expressed, we'd like to explore some issues of criminal history record use in greater detail, starting with CONVICTION records.

Q6 How do you feel about EMPLOYERS being able to obtain from government agencies the conviction records of persons applying to them for jobs? Do you feel ALL employers should be able to get such records, NO employers should be able to get these, or it should DEPEND ON WHETHER THE JOB INVOLVES SENSITIVE WORK, such as handling money, dealing with children, or serving as security guards?

- 1 ALL
- 2 NONE
- 3 DEPENDS ON JOB
- 4 DON'T KNOW

Q7 How do you feel about GOVERNMENT AGENCIES THAT ISSUE OCCUPATIONAL LICENSES obtaining CONVICTION records from the record agencies? Do you feel that ALL license agencies should have access, NONE should have access, or it should DEPEND ON WHETHER THE LICENSE WILL BE FOR JOBS INVOLVING SENSITIVE WORK?

- 1 ALL
- 2 NONE
- 3 DEPENDS ON JOB
- 4 DON'T KNOW

Q8 Here are some other groups that might want to get CONVICTION records. For each, would you favor them having access or not? (READ AND ROTATE ITEMS)

- 1 Favor groups having access to CONVICTION records
- 2 Do not favor groups having access to CONVICTION records
- 3 DON'T KNOW

Banks deciding on personal loan applications

Reporters wanting to find out about political candidates

Individuals wanting to learn if a neighbor has any criminal record

Insurance companies investigating claims for possible fraud

Private organizations, like the Boy Scouts, that work with children

The military services, in screening persons seeking to enlist

Companies that issue credit cards

Q9 Now, please think about government records of persons ARRESTED BUT NOT CONVICTED. Would you take the SAME position on groups having access to those records as you just did for CONVICTION records, or would you take some DIFFERENT positions as to records of ARRESTS WITHOUT CONVICTIONS?

- 1 SAME POSITION -->SKIP TO Q13
- 2 DIFFERENT POSITIONS -->CONTINUE
- 3 DON'T KNOW -->SKIP TO Q13

Q10 How do you feel about EMPLOYERS being able to obtain from government agencies the arrest-without-conviction records of persons applying to them for jobs? Do you feel ALL employers should be able to get such records, NO employers should be able to get these, or it should DEPEND ON WHETHER THE JOB INVOLVES SENSITIVE WORK, such as handling money, dealing with children, or serving as security guards?

- 1 ALL
- 2 NONE
- 3 DEPENDS ON JOB
- 4 DON'T KNOW

Q11 How do you feel about GOVERNMENT AGENCIES THAT ISSUE OCCUPATIONAL LICENSES obtaining the arrest-without-conviction records from the record agencies? Do you feel that ALL license agencies should have access, NONE should have access, or it should DEPEND ON WHETHER THE LICENSE WILL BE FOR JOBS INVOLVING SENSITIVE WORK?

- 1 ALL
- 2 NONE
- 3 DEPENDS ON JOB
- 4 DON'T KNOW

Q12 Here are some other groups that might want to get ARREST-WITHOUT-CONVICTION records. For each, would you favor them having access or not? (READ AND ROTATE ITEMS)

- 1 Favor groups having access to ARREST-WITHOUT-CONVICTION records
- 2 Do not favor groups having access to ARREST-WITHOUT-CONVICTION records
- 3 DON'T KNOW

Banks deciding on personal loan applications

Reporters wanting to find out about political candidates

Individuals wanting to learn if a neighbor has any criminal record

Insurance companies investigating claims for possible fraud

Private organizations, like the Boy Scouts, that work with children

The military services, in screening persons seeking to enlist

Companies that issue credit cards

(ASK EVERYONE)

Q13 Here are some policies that could be set to protect individual rights of persons having a criminal history record in government files. For each of these, indicate whether you think requiring such a policy is very important, somewhat important, not too important, or not important at all. (READ LIST)

- 1 Very important
- 2 Somewhat important
- 3 Not too important
- 4 Not important at all
- 5 DON'T KNOW

Each person would be informed when a record is created what the record is, how it will be used inside the criminal justice system, and what policies will be followed in making the record available outside the criminal justice system

Each person would have the right to see his or her record, and to have items felt to be incorrect re-checked by the recordkeeping agency and corrected, if in error

An impartial procedure would be available for receiving, investigating, and resolving complaints by individuals about misuse of their records or failure to follow agency policies

- Q14 Turning from government record systems to the private sector, there are private companies that collect reports of arrests and trial outcomes from newspaper stories and from various public records, such as criminal court files. These companies sell this information to private parties, such as private employers, insurance companies investigating fraud, or lawyers checking out parties or witnesses in civil litigation. The companies also provide criminal history reports to government licensing agencies, government employers, and other government agencies. Which ONE of the following judgments about this system of private information suppliers of criminal history records would you agree with MOST? (READ LIST)
- 1 This commercial system provides relevant information from public record sources for many important business, social, and governmental purposes and is OK
 - 2 It worries me that this is being done by commercial organizations and I favor this being done only by the government
 - 3 DON'T KNOW/NONE OF THESE
- Q15 Do you feel that these commercial companies should follow the SAME rules and procedures for giving individuals they report on fair information and fair procedure practices that government criminal history agencies follow, or do you think such rules are NOT IMPORTANT where private businesses are involved?
- 1 COMMERCIAL COMPANIES FOLLOW THE SAME RULES AND PROCEDURES AS GOVERNMENT AGENCIES
 - 2 SUCH RULES ARE NOT IMPORTANT FOR PRIVATE BUSINESSES
 - 3 DON'T KNOW
- Q16 Today, many States limit the availability of records about juveniles charged and processed in juvenile courts; for example, not allowing access to employers, government licensing agencies, or military enlistment offices. This is based on a judgment that juveniles should be given an opportunity to overcome youthful criminal behavior. Out of concern over current juvenile crimes, some people would open juvenile records to greater access. Please listen to the following two policies and indicate which ONE you think would be BEST. (READ LIST)
- 1 Keep restrictions on disclosure of juvenile court records, because giving juvenile offenders the chance to overcome a bad record is a sound approach
 - 2 Open juvenile records to the same government and private organizations that can get adult criminal records, since protecting society and the public should be the primary concern
 - 3 DON'T KNOW/NONE OF THESE

Q17 Some people believe that if a person convicted of a crime serves his or her sentence and then does not violate the law for a period, such as 5 years, government record agencies SHOULD NOT make that criminal record available to employers or licensing agencies.

Other people believe employers and government licensing agencies SHOULD HAVE access to such government records, and be able to consider the fact of a conviction in the hiring or licensing process.

Overall, which of these two approaches do you prefer?

- 1 SHOULD NOT MAKE CRIMINAL RECORDS AVAILABLE AFTER PERIOD OF TIME
- 2 SHOULD MAKE CRIMINAL RECORDS AVAILABLE
- 3 DON'T KNOW

Q18 Identifying a person accurately is a major concern in many areas of life today. In each of the following situations, how acceptable is it to you that persons be required to give their FINGERPRINTS? Is it very acceptable, somewhat acceptable, not very acceptable, or not acceptable at all? (READ AND ROTATE ITEMS)

- 1 Very acceptable
- 2 Somewhat acceptable
- 3 Not very acceptable
- 4 Not acceptable at all
- 5 DON'T KNOW

When individuals are arrested for a criminal offense, so that a check can be made against criminal history and wanted persons records

To put a thumbprint on drivers' licenses, to make successful counterfeiting of drivers' licenses more difficult

To cash a check, to help reduce check-cashing fraud

When applying for a job, so that the employer could check for a criminal history record

When applying for a government license for sensitive jobs, such as teachers, nursing home workers, or security guards

When buying an airline ticket, because of terrorism threats

For government welfare program recipients, to detect double registrations or ineligible persons

- Q19 Some people believe that State government agencies that maintain criminal history records that are open to the general public under their State law should post these on the Internet, so that anyone who wanted to could check whether someone had such a record.

Other people feel that even though such records could be obtained by applying to the government record agency for a copy, it isn't a good idea to put all those records on the Internet for anyone to obtain.

Which would you prefer: State agencies putting all these records on the Internet, or not doing that?

- 1 PUTTING RECORDS ON THE INTERNET
- 2 NOT PUTTING RECORDS ON THE INTERNET
- 3 DON'T KNOW

- Q20 For each of the following types of personal records, please indicate whether you think it is true or false that anyone using the Internet can PURCHASE this kind of record from PRIVATE SERVICES on any person they are interested in, for any purpose that they have in mind. (READ AND ROTATE ITEMS)

- 1 True
- 2 False
- 3 DON'T KNOW

Anyone's criminal conviction record
Anyone's arrest record, even if not convicted
Anyone's credit bureau report
Anyone's Social Security number
Anyone's bank checking account balance
Anyone's credit card numbers

- Q21 How concerned are you about the possible misuse of your personal information in America today? Are you...(READ LIST)

- 1 Very concerned
- 2 Somewhat concerned
- 3 Not very concerned
- 4 Not concerned at all
- 5 DON'T KNOW

Q22 Have you personally ever been the victim of what you felt was an improper invasion of privacy by any of the following? (READ AND ROTATE ITEMS)

- 1 Yes
- 2 No
- 3 DON'T KNOW

A business collecting and using information about you

A law enforcement agency

A government tax, social service, welfare, or license agency

A charitable, political, or nonprofit organization

Q23 Have you ever had your fingerprints taken, for example, for military service, applying for a job or a government license, or for any other identification purpose?

- 1 YES -->CONTINUE
- 2 NO
- 3 DON'T KNOW/REFUSED -->SKIP TO Q25

Q24 Did you feel that doing this was an appropriate requirement or not an appropriate requirement?

- 1 APPROPRIATE
- 2 NOT APPROPRIATE
- 3 DON'T KNOW/REFUSED

Just for background purposes, please answer the following questions about yourself.

Q25 Do you now work or have you ever worked for any kind of criminal justice agency, such as the police, prosecutor's offices, courts, or corrections agency?

- 1 YES
- 2 NO
- 3 DON'T KNOW/REFUSED

Q26 Are you a lawyer, do you work for a law firm or legal department, or have you had legal training?

- 1 YES
- 2 NO
- 3 DON'T KNOW/REFUSED

Q27 Do you use the Internet today from home, work, school, or any other place?

- 1 YES
- 2 NO
- 3 DON'T KNOW/REFUSED

Q28 Have you personally ever sought to obtain the criminal conviction record about another person, for any reason, apart from any such inquiry in your duties at work?

- 1 YES
- 2 NO
- 3 DON'T KNOW/REFUSED

Q29 Have you ever been arrested for a criminal offense, other than driving violations?

- 1 YES -->CONTINUE
- 2 NO
- 3 DON'T KNOW/REFUSED -->SKIP TO S7

Q30 Were you convicted for that offense or not?

- 1 YES
- 2 NO
- 3 DON'T KNOW/REFUSED

S7 What was the last grade in school you completed?

- 1 8TH GRADE OR LESS
- 2 HIGH SCHOOL INCOMPLETE (GRADES 9, 10, 11)
- 3 HIGH SCHOOL COMPLETE (GRADE 12)
- 4 SOME COLLEGE
- 5 COLLEGE GRADUATE
- 6 POSTGRADUATE WORK/DEGREE
- 7 TECHNICAL SCHOOL/PROFESSIONAL BUSINESS SCHOOL
- 8 REFUSED/NR

S8 What is your age?

- 1 18-20
- 2 21-24
- 3 25-29
- 4 30-34
- 5 35-39
- 6 40-44
- 7 45-49
- 8 50-54
- 9 55-59
- 10 60-64
- 11 65 OR OLDER
- 12 REFUSED/NR

S9 Which of the following best describes your race? (READ LIST)

- 1 White/Caucasian
- 2 Black/African-American
- 3 Asian/Asian-American, or
- 4 Some other race
- 5 REFUSED/NR

S9A Are you, or is anyone else in your household Hispanic? That is, from a Spanish-speaking country, or the descendent of someone from a Spanish-speaking country.

- 1 YES
- 2 NO
- 3 REFUSED/NR

S10 Was your TOTAL household income BEFORE taxes for 1999 less than \$25,000 or \$25,000 or more?

- 1 LESS THAN \$25,000 --> Was that . . . ? (READ CHOICES.)
 - 1 Under \$10,000
 - 2 \$10,000 but less than \$15,000
 - 3 \$15,000 but less than \$20,000
 - 4 \$20,000 but less than \$25,000
 - 5 REFUSED
- 2 \$25,000 OR MORE --> Was that . . . ? (READ CHOICES.)
 - 1 \$25,000 but less than \$30,000
 - 2 \$30,000 but less than \$35,000
 - 3 \$35,000 but less than \$40,000
 - 4 \$40,000 but less than \$50,000
 - 5 \$50,000 but less than \$75,000
 - 6 \$75,000 but less than \$100,000
 - 7 \$100,000 or more
 - 8 REFUSED (UNSPECIFIED AFTER \$25,000 LESS OR MORE)
- 3 DON'T KNOW/REFUSED/NR

Thank you very much for your time. May I please verify that I reached you by dialing . .

(AREA CODE) (TELEPHONE NUMBER)