



For immediate release... **Monday, April 2, 2012**

4 pp.

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Nation Sides with New Jersey Motorist Against Court, Automatic Strip Searches

Regarding a case decided today by the U.S. Supreme Court that originated in the Garden State, US voters say strip searching shouldn't be for everyone who winds up in jail. According to a national study by Fairleigh Dickinson University's PublicMind™, 65% of voters say prison officials need to have a reasonable suspicion before they strip search anyone in jail, especially if the offense is minor, such as failing to pay a traffic ticket. Just 31% of voters say prisons should have the option of strip searching everyone admitted to jail, regardless of the offense.

"While most Americans aren't sympathetic to hardened criminals, they can imagine getting into minor scrapes with the law," said [Bruce Peabody](#), a professor of political science at FDU, and editor of *The Politics of Judicial Independence*. "Here we have a perfect storm of public opinion that combines people's misgivings about government power with the great invasiveness of personal searches, and the fact that such searches could occur even after small matters like ticket violations."

Democrats and Republicans agree on the case by similar two-to-one margins. But men are more likely than women to give prison guards more latitude: 37% of men say automatic strip searches are OK, compared to 25% of women.

More than four of five voters nationwide (82%) say they had not heard anything about the case that originated with a stop of a driver in New Jersey, yet only 4% were unsure or mixed in their opinion when asked to decide.

"Clearly, this is not just a Jersey thing," said Peabody. "The public is able to wrestle with and weigh in on arguments involving important constitutional questions, even if they are not familiar with the technical aspects of the Supreme Court case. The fact that so few people are unsure how to decide this case suggests that the underlying issue is clear cut in the public's mind."

Albert Florence, a black motorist, was stopped in his BMW in Burlington County, NJ in March of 2005. He was arrested for an outstanding bench warrant from Essex County, NJ for failing to pay a court fine (which, in fact, he had paid, but the records were not updated). Thus began a week long ordeal in which Florence was strip-searched twice, first at the Burlington County jail, then at the Essex Country jail to which he was transferred, before being released by a judge on the grounds that he was not wanted for arrest in the first place.

Voters nationwide expressed their opinions *before* the Supreme Court issued their 5 to 4 decision today allowing routine searches of anyone in the general prisoner population. The [Fairleigh Dickinson University](#) poll of 855 registered voters nationwide was conducted by telephone using both landlines and cell phones from November 29 through December 5, 2011, and has a margin of error of +/-3.5 percentage points.

Methodology, questions, and tables on the web at: <http://publicmind.fdu.edu>
For more information, please call 201.692.7032

Methodology, Questions, and Tables

The most recent survey by Fairleigh Dickinson University's PublicMind was conducted by telephone from Nov. 29 through Dec. 5, 2011, using a randomly selected national sample of 855 registered voters contacted on both landlines and cell phones to comprise all voters. The margin of error for a sample of 855 randomly selected respondents is +/- 3.5 percentage points. The margin of error for subgroups is larger and varies by the size of that subgroup. Survey results are also subject to non-sampling error. This kind of error, which cannot be measured, arises from a number of factors including, but not limited to, non-response (eligible individuals refusing to be interviewed), question wording, the order in which questions are asked, and variations among interviewers. PublicMind interviews are conducted by Opinion America of Cedar Knolls, NJ, with professionally trained interviewers using a CATI (Computer Assisted Telephone Interviewing) system. Random selection is achieved by computerized random-digit dialing. This technique gives every person with a land-line phone number (including those with unlisted numbers) an equal chance of being selected. Landline households are supplemented with a separate, randomly selected sample of cell-phone-only-households, interviewed in the same time frame. The total combined sample is mathematically weighted to match known demographics of age, race and gender among the voting population.

In this case, the Supreme Court is being asked about strip searching everyone sent to jail. Have you heard or read about this case?

	All
Yes	17%
No	82%
Don't Know	1%

Some people argue that... ROTATE. Others argue that...ROTATE. Which comes closer to your view?
 ...prison officials can automatically strip search any person admitted to a jail, even if it is for a minor offense like failing to pay a traffic ticket.
 ...prison officials need to have a reasonable suspicion before they strip search any person admitted to a jail, especially if it is for a minor offense like failing to pay a traffic ticket.

Rotate order	All	gender		party ID			ideology		
		men	women	D	I	R	Lib	mod	con
Search	31%	37	25	30	31	31	22	34	33
Don't search	65%	61	70	67	63	65	75	63	64
Unsure	4%	2	5	3	6	4	3	3	3

Exact Question Wording and Order for this US Supreme Court Series

US1-4, D1, USP1a-b released 12.7.11.

USP2. Released 12.14.11.

Now let me ask you about some cases that the US Supreme Court is considering...

SC1a. In one case, the question is whether police need a warrant—like a search warrant—in order to put a GPS tracking device on a suspect's car... Have you heard or read about this case...?

- YES
- NO
- DK

SC1b. Some people argue ... Other people argue... Which comes closer to your view?

...once you drive your car, your movements are public anyway. Using a tracking device just saves police the expense and difficulty of following the car with detectives.

...the car is private property. Police need permission from the owner, or from a judge, to put a tracking device on personal property.

[Lafler v. Cooper, 10-209, orals Oct. 31, 2011, linked with Missouri v. Frye 10-444]

SC2. Are you aware or not aware that the US Constitution gives people the right to a lawyer in criminal cases....

Aware
Not aware
Dk

ROTATE 2a and 2b with 2aa and 2bb

SC2a. In one case, a defendant turned down a plea bargain with the prosecutor because his lawyer told him to hold off for a better deal. But instead of getting a better deal, he got a long jail term. Have you heard about this case...?

Yes/no/dk

SC2b. Some people argue ... Other people argue... Which comes closer to your view?

ROTATE

...the defendant has a right to good advice from his lawyer and this was a case of unfair legal procedure and should be a do-over.

...You can't jam up the legal system with re-trials just because lawyers sometimes give bad advice.

SC2aa. In one case, the defendant found out after he pleaded guilty in court and was sentenced, that the prosecutor had offered him a deal –a reduced sentence in return for a guilty plea. But the defendant's lawyer didn't tell him about the deal. Have you heard about this case...?

Yes/no/dk

SC2bb. Some people argue ... Other people argue... Which comes closer to your view?

ROTATE

...the defendant's sentence should be overturned because he never got a chance to consider a lesser sentence.

...the defendant doesn't have a right to a plea bargaining, only a right to a fair trial.

[Hosanna-Tabor Church v. EEOC 10-760 Orals Oct 5, 2011.]

SC3a. Are you aware or not that there are a lot of court cases about the Constitution's First Amendment and the separation of church and state....?

Yes/no/dk

SC3b. Some people argue ... Other people argue... Which comes closer to your view?

[ROTATE]

...to protect religious freedom, churches have the right to hire and fire employees for religious reasons without interference from government rules.

...to protect individual rights, churches have to follow the same rules as government and business when it comes to hiring and firing.

[Florence v. Board of Freeholders]

SC4a. In this case, the Supreme Court is being asked about strip searching everyone sent to jail. Have you heard or read about this case...?

Yes/no/dk

SC4b. Some people argue ... Other people argue... Which comes closer to your view?

...prison officials can automatically strip search any person admitted to a jail, even if it is for a minor offense like failing to pay a traffic ticket.

...prison officials need to have a reasonable suspicion before they strip search any person admitted to a jail, especially if it is for a minor offense like failing to pay a traffic ticket.

Sample Characteristics %

Gender

Male	48
Female	52

Party ID

Democrat	34
Ind. Lean Dem.	14
Independent	12
Ind. Lean Rep.	13
Republican	23
Other/ref.	3

Age

18-29	12
30-44	26
45-59	32
60+	28
ref.	2

In addition to being American, would you say you are...?

White	67
Black	13
Hispanic or Latino	11
Asian	5
Other/ref.	4

Census regions

Northeast	19
North central	22
South	34
West	25

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