Strategy: Three-strikes Laws  
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Abstract: Three-strikes legislation seeks to lower crime rates by deterring would-be criminals from committing crimes by increasing the perceived punishment for crimes, and incapacitating repeat offenders and career criminals. While numerous states have adopted three-strikes legislation and numerous studies have been conducted on the deterrent effects of said legislation, the results have been inconclusive. While some have found decreases in crime rates, others have found increases in crime rates for serious crimes, such as homicide.

1. Describe the Program or Strategy.

Three-strikes Laws are laws passed with the aim of increasing the severity of punishment, oftentimes increased sentence lengths or the removal of the possibility of parole, for repeat offenders. While practiced in multiple states, California has become infamous in its dealing with three-strikes laws, enhancing prison terms for second-felony convictions and granting district attorneys the power to seek, and courts the power to grant life in prison for third felony crimes (MacKenzie & Clear, 2002). California adopted three-strikes legislation in the early 90’s and other states followed suite, and although the effectiveness of such laws has been debated since their inception, recently we have witnessed some of the unforeseen consequences of such legislation, with California having been ordered by the United States Supreme Court to release tens of thousands of prisoners over the next two years.

2. What types of crime is it intended to prevent or reduce?

The crimes that three-strikes legislation aims to reduce varies from state to state, although most seek to reduce felony crimes, and were initially implemented in fear of rising violent crime rates. That being said, most forms of the legislation are aimed at deterring all crime types.
3. Is the program or something similar reviewed on Blueprints for Violence Prevention (http://www.colorado.edu/cspv/blueprints/) or Crime Solutions (www.crimesolutions.gov)?

Three strike laws and other repeat offender programs are present in multiple states. Another program aimed at increasing conviction and incarceration rates of repeat offenders is the Phoenix (Arizona) Repeat Offender Program. The program targets repeat offenders with “extensive” criminal histories using increased post-arrest case management and a Repeat Offender Unit to keep track of repeat offenders. Increased monitoring of repeat offenders combined with sharing of reports and interviews allows prosecutors to build stronger cases against repeat offenders. While similar in some aspects, this program is based upon better allocation of police resources and court efficiency, rather than deterrence, which is the major focus of three strike laws. One study (Abrahamse, Ebner, Greenwood, Fitzgerald and Kosin, 1991) found that the program was effective in increasing conviction rates, the likelihood of imprisonment for those involved and the length of prison terms imposed.

4. Is there a clear theoretical foundation?

Such legislation and programs have a clear theoretical foundation, based upon two theoretical principles. First is the idea that a small portion of the population is responsible for a majority of crimes that any community faces. Birth cohort studies, such as those conducted by Marvin E. Wolfgang, Robert Figlio and Thorsten Sellin in the middle of the 20th century revealed some interesting ideas for criminal justice. Firstly, these studies showed that there were two groups of criminals: there were those who committed crimes when young (generally late teens and early 20’s), but eventually fell out of such behavior as they grew older, and there were those who never grew out of crime. These career criminals were uncommon, but were also responsible for a majority of crimes committed in the community. If these career criminals could be incarcerated or treated, it stood to reason that crime rates would drop drastically. This is part of the theory behind three strike laws.
Another portion of the theory behind three strike laws is Deterrence Theory. This theory holds that humans are rational actors, ones that carefully weigh the possible outcomes and consequences of their actions and chose to engage in behavior they believe to be most beneficial to them. Deterrence works on altering the perceptions of those who would commit crimes, seeking to alter their ideas about the certainty, celerity and severity of punishment. Certainty refers to how likely would be offenders believe they are to be caught, celerity refers to how quickly they believe they will be caught and punished, and the severity of punishment is self-explanatory. Deterrence theory holds that by manipulating these three variables, it is possible to convince would-be criminals that they do not stand to benefit from committing crime, and thus deter them from it.

5. Is there a direct, indirect or no clear theoretical link to crime reduction?

There exists a clear theoretical link to crime reduction, in that if repeat offenders are incarcerated, they will be unable to commit any further crimes.

6. Describe the logic model. Diagram it. How is it intended to reduce crime?

Three strikes legislation is designed to remove repeat offenders from general society, such that they can no longer commit crimes. The logic model may be shown as such:

Repeat Offender \(\rightarrow\) Repeat Offenses

Incapacitation

Repeat offenders are more likely to commit crime (repeat offenses), but through imprisonment (incapacitation), they can be removed from the general public and denied the ability to commit further offenses amidst the general public (Crimes can and do still occur in prison).
7. Does this program or strategy exist in this community? If yes, what agency is it run through? How long has it been in existence here? How is it funded?

While New York State does not have three-strike legislation, it does have Persistent Felony Offender laws, which date back to the 1800’s. These laws do not carry mandatory minimums or the threat of life imprisonment, but do afford judges greater discretion in sentencing when dealing with repeat offenders.

8. Does it exist in other communities? If yes, where?

Three-strikes legislation and similar legislation have been passed in numerous states, including California, Texas, Washington, Arkansas, and many more.

9. Does research exist on its effectiveness? Briefly summarize the conclusions.

While numerous states have adopted three-strikes legislation and numerous studies have been conducted on the deterrent effects of said legislation, the results have been inconclusive. While some have found decreases in crime rates, others have found increases.

10. Provide a review of the research

Worrall

a. What was the research design

Worrall conducted a study into the effectiveness of such legislation, using time-series analysis on cross-sectional data from California for the years 1989 (four years before three-strikes legislation was voted into law) to 2001. Worrall looked to economic, demographic and deterrence variables in a series of regression models, seeking to identify and explain any observed variations in crime over the period of time.

b. Describe the data

Economic variables included per capita income for the state, per capita welfare and per capita unemployment, all of which provided Worrall with an idea about the state
of the state economy in at any given time. Demographic variables looked at the percentage of the population between the ages of thirteen and seventeen, between the ages of eighteen and twenty-five, the percentage of African American individuals in each county, percentage of homeowners, and high school dropout rate. Worrall also controlled for spatial autocorrelation in his models.

c. Summarize the findings

Worrall came to the conclusion that the deterrent effect of three-strikes legislation was fairly weak, but also did not cause a jump or increase in crime; that the legislation had no positive or negative effects (2004).

Marvell and Moody

a. What was the research design

Marvell and Moody conducted a study on the effectiveness of three-strikes laws, looking across all 50 states from 1970-1998, looking at crime rates as the dependent variable, with a particular emphasis on homicide (2001).

b. Describe the data

Marvell and Moody looked to age structure (percentage of the population between 15-19, 20-24, and 25-29), economic variables (unemployment rate, real personal income, poverty rates), demographic characteristics (percentage metropolitan, percentage African-American), and prison populations across states.

c. Summarize the findings

Marvell and Moody found that three-strikes laws were associated with a 10 to 12 percent increase in homicides in the short-term and a 23 to 29 percent increase in the long term. In the 24 states that had three-strikes laws in 2001, there was a mean number of 537 homicides prior to the enactment of the laws, and a mean number of 597 homicides shortly after the law came into effect, with a long-term impact of an rough 3,300 more homicides per year across the 24 states (Marvell & Moody, 2004). Marvell and Moody suggest that some criminals, in fear of a life sentence will simply escalate their offense to murder in an attempt to rid themselves of a witness (2004).
11. How would you rate this program or strategy?
   a. Generally recognized as effective
   b. Good likelihood that it is effective
   c. Inconclusive
   d. Probably not effective
   e. Generally recognized as not effective
   f. Harmful or likely to be harmful

12. Explain your Rating

   It is my conclusion that the studies surrounding three-strikes legislation are largely inconclusive, although there exists a very real possibility that such legislation may do more harm than good. Thus, I have given Three-strikes legislation the Harmful or likely to be harmful rating. Much of the research and studies into the effectiveness of three-strikes legislation seem unable to agree as to whether there is a significant decrease or increase in crime as a result of the legislation, and whether there is in fact a deterrent effect. However, some studies, such as the one conducted by Marvell and Moody, have found that there may be a negative correlation between the enactment of such laws and violent crimes, homicides in particular, and that this finding may be present across the states that have adopted three-strikes legislation.

13. One paragraph summary of the program, the findings and your recommendation.

   Three-strikes legislation seeks to lower crime rates by deterring would-be criminals from committing crimes by increasing the perceived punishment for crimes, and incapacitating repeat offenders and career criminals. While numerous states have adopted three-strikes legislation and numerous studies have been conducted on the deterrent effects of said legislation, the results have been inconclusive. While some have found decreases in crime rates, others have found increases, including a national study conducted by Marvell and Moody (2004). As such, I believe that such legislation carries with it a risk of harm, and that the benefits may be outweighed by the costs.
References

