

Reasons to Support Three Strikes Reform

A. Three Strikes Lie

California's Three Strikes initiative became law on March 7, 1994. As of September 2007, California had incarcerated 41,724 people under Three Strikes.

Voters were told the law was intended to put hard-core violent criminals in prison for 25 years to life, but 60 percent of those imprisoned have been sentenced for nonviolent offenses. California's Three Strikes law is the harshest in the country.

Prior to California's Three Strikes law, no one in the history of the nation had received a life sentence for shoplifting.

B. Economic/Taxes

Costs about \$43,287.00 a year per prisoner.

Costs from \$85,000 to over \$100,000 a year per prisoner over 55.

Costs about an additional \$15,000 a year to put a child of a prisoner in foster care.

Costs about \$222,000 to build a new prison bed for each prisoner.

California spends more than \$10 billion a year on incarceration.

Incarcerating nonviolent offenders under Three Strikes has cost California taxpayers over \$13 billion dollars since the law was enacted.

C. Better Alternatives

Rand Corporation estimates crime would decrease 15 times as much if additional monies were spent on drug rehab programs rather than prisons.

Rand Corporation estimates crime would decrease 3 to 4 times as much if additional monies were spent on a voucher program to entice youth to graduate.

D. Targets the Poor, White Collar Criminals

Get off Free

Savings and Loan crisis was caused by many bankers who intentionally defrauded the public and drove their banks into bankruptcy while they became multi-millionaires. Estimated cost to taxpayers is \$200 billion to \$1.4 trillion by the year 2021. Very few bankers were prosecuted. Medicare and Medicaid fraud costs the taxpayers millions of dollars a year with relatively minor sentences given to those who are convicted for it.



FACTS

Families to Amend

California's Three Strikes

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GET INVOLVED

JOIN NOW

- Reverse the cruel Three Strikes Law.
- Stop the passage of future "tough on crime" legislation.
- Become a part of the solution.

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Three Strikes Law in Retrospect

- The California prison population increased by 22.6% between 1994 and 2003, a large percentage of that increase is attributable to 2nd and 3rd strike sentences.
- As of 2010 53% of 2nd and 3rd strikers were serving time for nonviolent offenses. There were more third strikers serving life sentences for drug possession than 3rd strikers serving sentences for second degree murder, assault with a deadly weapon and rape **combined**.
- Counties that used the 3 strikes law at a higher rate did NOT experience greater reductions in crime than counties that used the law less frequently. The six large counties using the Three Strikes Law less frequently had a decline in violent crime that was **22.5% greater** compared to those counties using the Three Strike Law **most** frequently.
- Non Three Strikes states had a violent crime rate that was **29.5% lower** than California in 2002, despite eight years of Three Strikes use.
- African American incarceration rate for third strikes is 12 times higher than the third strike incarceration rate for whites. Blacks are 6.5% of the state's population and 45% of the third strike population.

...Statistics drawn from the 2004 Justice Policy Institute Report and the CDCR website.

Still Striking Out: 17 Years of California's Three Strikes

~Short History~

In September of 1996, a coalition of organizations from the Los Angeles area came together with the intent of abolishing the Three Strikes Law, or at a minimum amending it to apply to violent offenses only. While we did not achieve our goal during the first year, we did succeed in forming a statewide organization named *Families to Amend California's Three Strikes* – *FACTS*. We now have chapters in many cities across the state and have also reached into the prisons with the formation of *Inside FACTS chapters*.

FACTS membership is made up of Strikers, family members, community leaders and activists, attorneys, students, professors, clergy and people of conscience that want to see an end to this atrocious law. Our members are organized into chapters reaching as far north as Marysville all the way to the San Diego border. We are reaching out widely into the prisons to inform and encourage the thousands of men and women who have had their lives stolen from them by this unjust law. We represent many thousands of 2nd and 3rd strikers.

And, the will of the people is on our side. All public opinion polls taken since 2001 have shown over 60% support for Three Strikes reform.

Legislation which started it all

Proposition 184, Nov. 1994

Enacted AB 971 (Jones/Costa) March 1994 - Three Strike law passes.

Legislation Seeking to Amend the Law

- SB 2089 (Marks) 1995 - Failed
 - AB 1444 (Kuehl) 1996 - Failed
 - SB 1317 (Lee) 1997 - Failed
 - SB 2048 (Vasconcellos) '98 - Study bill, Wilson vetoed
 - SB 79 (Hayden) 1999 - Failed on Senate floor
 - AB 2447 (Wright) 2000 - Failed on the Assembly floor
 - AB 1652 (Goldberg) 2001 - Pulled, no support
 - AB 1790 (Goldberg) 2002 - Pulled, lack of votes.
 - AB 112 (Goldberg) 2003 - Pulled
 - Prop 66 2004 - Lost our chance to right a wrong
- Due to Governor's misinformed TV ads.
- SB 1642 (Romero) 2006 - She did not have the votes
 - AB 1133 (Dymally) 2007 - Mirrors Romero Bill
- Our goal for 2012 is to put a reform measure on the ballot!

~We will not give up ~

Three-Strikes:

Bad Law Bad Justice

- Brian Smith is serving **25 years to life** for walking out of a store next to a woman who had shoplifted bed sheets.
- Leandro Andrade, a Vietnam Vet with a drug problem, is serving **51 years to life** for taking \$153.00 worth of video tapes from a K-Mart.
- Fifty years to life at a minimum cost of \$3 Million for stealing \$153 worth of video tapes is overkill, absurd and an abuse of the taxpayer's money. Aging in prison is an expensive investment for the taxpayers.
- **Twenty-five years to life, with added medical costs, is easily \$1.5 Million dollars at the end of 25 years** for stealing a bike, a battery, a tire, or having in your possession \$5, \$10, \$20 of drugs and hundreds of other offenses such as these. It is an injustice to the offender, the victim, (if there is one) and the taxpayer. This is injustice at all levels.
- 17,041 nonviolent Strikers serving 10, 15, and the outrageous 25 to life terms costs taxpayers close to a **Billion Dollars** every year. Dollars that could be used to educate, provide health care, drug treatment, build housing, provide jobs, job training enrich the lives of many thousands of people and hundreds of communities. Everyone loses except those who profit from "crime control."

SUPPORT PROP 36 -THE THREE STRIKES REFORM ACT OF 2012

Whereas, the state of California has legislated and initiated a Three Strike Law which allows nonviolent and non-serious offenders to receive 25 years-to-life sentences or greater in prison; and

Whereas, such sentences are cruel and unjust, upheld primarily against the poor and minority populations; and

Whereas, these draconian sentences for nonviolent and non-serious offenses are increasing the State of California's tax burden by billions of dollars when spending in other areas such as education, healthcare, job training, youth centers, libraries, etc. which are in desperate need of increased funding is being cut; and

Whereas, studies done indicate that there is no correlation between the decrease in crime and the Three Strikes Law; and

Whereas, drug addiction is the overwhelming cause of nonviolent crimes and drug addiction is a treatable sickness,

Therefore, be it resolved that _____
will endorse Prop 36 -The Three Strikes Reform Act of 2012, to confine the application of the law to violent and serious crimes only, and which grants re-sentencing hearings to the over 3,000 Third Strikers currently serving life sentences for nonviolent, non-serious Third Strike offenses

Name of authorized party

Date

Signature of authorized party

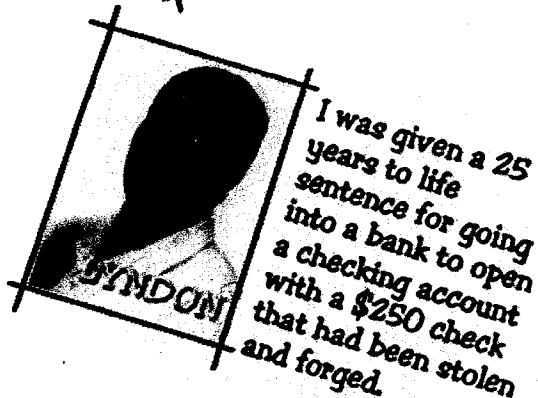
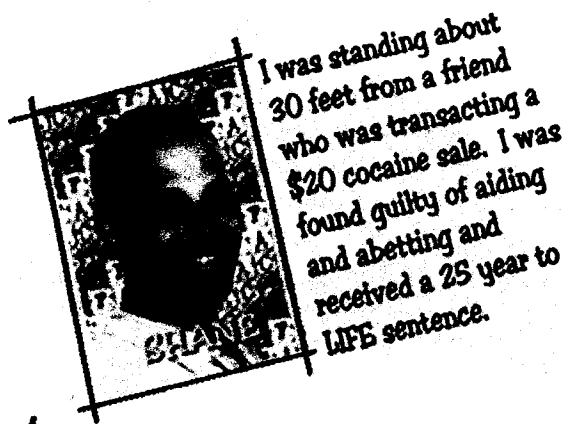
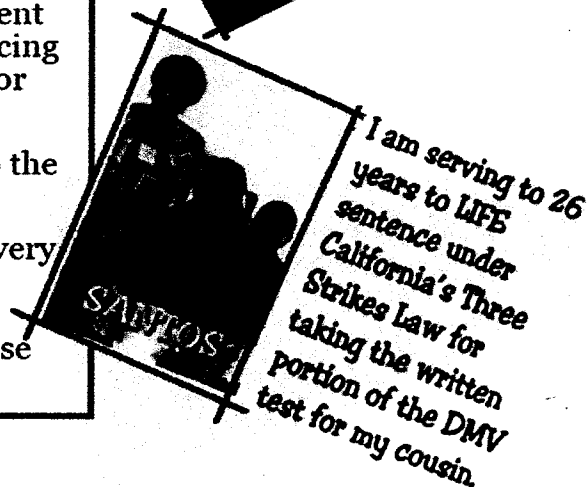
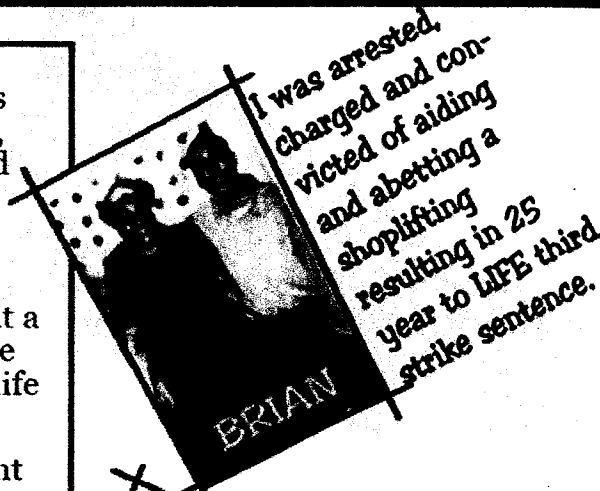
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THE THREE STRIKES REFORM ACT OF 2012

WHAT THE 2012 INITIATIVE SAYS

- The Three Strikes Act of 2012, eliminates life sentences for most minor, non-violent, non-serious crimes, such as petty theft and simple drug possession. Defendants who commit violent or serious crimes will continue to receive life sentences.
- Provides that repeat offenders who commit a new non-violent, non-serious crime receive double the ordinary sentence instead of a life term.
- Prisoners whose third strike was nonviolent and non-serious may apply for re-sentencing unless their priors include murder, rape or child molestation.
- This ballot measure makes no changes to the rules for "second strike" sentences.
- The State will save over \$100,000,000 every year. This is money which can be used to educate our children and to help provide drug and mental health programs for those in need!!



AMEND THREE STRIKES

- A conservative estimate of the cost to house one prisoner for the period of one year is \$50,000.
- Under the Three Strikes Law over 4,000 prisoners were given life sentences for minor drug possession and property offenses.
- Studies have shown that the Three Strikes Law as it stands has not been a deterrent to crime.
- Why are elected officials calling for massive cuts to programs people depend on for their very lives when the solution is in front of their faces? Reduce the prison population and reinvest the savings in education, health care, social services and comprehensive reentry programs for these prisoners!

FAMILIES TO AMEND CALIFORNIA'S THREE STRIKES - FACTS

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What sentence will be imposed for minor third strikes?

Twice the ordinary sentence.

Who's behind it?

The Reform Act is supported by a broad bipartisan group of law enforcement leaders, academics, taxpayer advocates, civil rights organizations, and retired judges and prosecutors. The Initiative was drafted by lawyers at the NAACP Legal Defense Fund and Stanford Law School, in consultation with top law enforcement officers in the state. The legislation was modeled after the sentencing policy implemented in Los Angeles County by District Attorney Steve Cooley.

Resources

Stanford Three Strikes Project — Three Strikes Basics

California's "Three Strikes and You're Out" Law was passed by both the California state legislature and the people of California through a voter initiative in 1994. California was one of the first states to pass such a sentencing scheme, which is now viewed as the harshest (non-capital) sentencing law in the United States. According to official ballot materials promoting the law, the Three Strikes scheme was intended to "keep murders, rapists, and child molesters behind bars, where they belong." However, today, more than half of inmates sentenced under the law are serving sentences for nonviolent crime. The Three Strikes Project exclusively represents these individuals.

Legislative Analyst's Report

The LAO estimates that the reform could save more than \$100 million per year: State savings related to prison and parole operations that potentially range in the high tens of millions of dollars annually in the short run, possibly exceeding \$100 million annually in the long run.

California State Auditor Report

The California State Auditor projects the state will pay at least \$4.8 billion to house and pay health care costs for the currently contingent of non-violent three strikes inmates. And, the state found that non-violent three strikes inmates are the least likely to commit new crimes if released; they are also the biggest financial strain on the prison because of their age and increasing health care costs.

To get involved, call
Families to Amend California's Three Strikes – FACTS at 213.746.4844



Frequently Asked Questions About the Three Strikes Reform Initiative for 2012

What is the current Three Strikes law?

The current Three Strikes law imposes a life sentence for any felony — even minor nonviolent crimes such as shoplifting or simple drug possession — if the defendant has two prior serious or violent felony convictions.

How will the initiative reform the Three Strikes law?

The Reform Act will close a loophole in the Three Strikes law so that it reflects voters' original intent to put violent and dangerous criminals behind bars forever. In the current system, defendants can receive life sentences for almost any crime. People have been sentenced to life in prison for shoplifting a pair of socks or stealing bread. Under the Reform Act, repeat criminals will get life in prison for serious or violent third strike crimes, and double the ordinary sentence if the third strike is not serious or violent. The Reform Act brings California in line with other states' repeat offender laws.

Are there any exceptions?

Defendants who have ever been convicted of an extremely violent crime — such as rape, murder, or child molestation — will receive a life sentence no matter how minor their third strike crime. These dangerous criminals will receive no benefit whatsoever from the Reform Act.

How will the Reform Act impact crime and prisons?

The U.S. Supreme Court has ordered California's overflowing prisons to release tens of thousands of inmates. Under the Reform Act, prisoners currently serving life sentences for non-serious, non-violent third strikes could have their life sentences reduced to a term of years no less than double an ordinary sentence if a judge determines that there is no risk to public safety. This will help ensure that there is room in our prisons for truly dangerous criminals and that the punishment fits the crime for non-violent offenses. Los Angeles' District Attorney has effectively implemented this reform for a decade and crime rates in Los Angeles have dropped to historic lows.

What will be the fiscal impact?

The non-partisan Legislative Analyst's Office calculated that the Reform Act could save over \$100 million every year to fund schools, prevent crime, and decrease the need for tax increases by reducing the costs of incarcerating and providing health care for aging non-violent inmates.

The Reform Act will not change the law for people convicted of a second strike.

Famous Quote from Rev. Dr. Martin Luther King, Jr. _____

"I am not unmindful that some of you have come here out of great trials and tribulations. Some of you have come fresh from narrow cells. Some of you have come from areas where your quest for freedom left you battered by the storms of persecution and staggered by the winds of police brutality. You have been the veterans of creative suffering. Continue to work with the faith that unearned suffering is redemptive."



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The
LONG BEACH CHAPTER
of **FACTS** meets at 2:30 P.M.
on the 2ND Saturday of each month
at St. Luke's Church
525 East 7th St.
(Corner of Atlantic Ave. & 7th Street)
(562) 537-1743

Quote from Rev. Dr. Martin Luther King, Jr. _____

**"Injustice anywhere is a threat to justice everywhere.
We are caught in an inescapable network of mutuality,
tied in a single garment of destiny.
Whatever affects one directly, affects all indirectly."**

Are blacks treated equally under the Three Strikes Law and in the criminal justice system?

A few statistics say no.

- Blacks are under 7% of the population in California, yet they comprise 45% of the Third Strike population
- Whites are close to 50% of the state's population, yet comprise 25% of the Third Strikers.

Is that because Blacks commit more crimes, or is it because they are punished at a greater and harsher rate? According to the arrest statistics:

- Blacks are 22% of the felony arrests
- Whites are 37% of the felony arrests.

But, it's after the arrest that things change.

- There are seven (7) times more whites in the state than blacks. They (whites) are 28% of the prison population.
- Blacks, with less than 7% of the state's population, are 30% of the prison population.

As cases move through the process into progressively harsher punishment, the proportion of whites diminishes while the proportion of blacks increases!

Let's begin to challenge these injustices by reforming the barbaric Three Strikes Law. Call 562.338.3021 and get involved. Join the Long Beach Families to Amend California's Three Strikes - FACTS chapter. We meet the 2nd Saturday of every month at 2:30 pm at St Luke's Church - Atlantic and 7th. Call the State office at 213.746.4844

OTHER RESOURCES

Isaac Ontiveros
Communications Director

Critical Resistance
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Cell: 510.517.6612
www.criticalresistance.org

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PROP 36 ENDORSEMENTS

Law Enforcement Leaders

Steve Cooley District Attorney of Los Angeles County
George Gascón District Attorney of San Francisco City and County
Jeffrey Rosen District Attorney of Santa Clara County
Charlie Beck Police Chief of Los Angeles
Jackie Lacy Chief Deputy District Attorney of Los Angeles County
Bill Bratton Fmr. Chief of Police of Los Angeles
Joseph McNamara Fmr. Chief of Police of San Jose
Jeanne Woodford Fmr. Director California Dept. of Corrections and Warden of San Quentin State Prison
Michael Hennessey Sheriff of San Francisco (Ret.)
Wendy Still Chief Adult Probation Officer of San Francisco
Matha Boersch Fmr. Federal Prosecutor
James Brosnahan Fmr. Federal Prosecutor
Angela Chan Police Commissioner of San Francisco
LaDoris H. Cordell Superior Court Judge of Santa Clara County (Ret.)
Petra DeJesus Police Commissioner of San Francisco
Stephen Downing Fmr. Deputy Chief of Police of Los Angeles
David Doddridge Fmr. Detective, Los Angeles Police Department
Percy Duran Deputy District Attorney of Los Angeles County
Gail Ehrlich Deputy District Attorney of Los Angeles County
Darryl Stallworth Fmr. Deputy District Attorney, Alameda County
Miles Ehrlich Fmr. Federal Prosecutor
Miguel Espinoza Deputy District Attorney of Los Angeles County
James P. Gray Superior Court Judge of Orange County (Ret.)
Eugene M. Hyman Superior Court Judge of Santa Clara County (Ret.)
Donald Horgan Fmr. Deputy District Attorney of Contra Costa County
Laurie Levenson Fmr. Federal Prosecutor and Professor of Law, Loyola Law School
Rory Little Fmr. Federal Prosecutor and Professor of Law, U.C. Hastings Law School
Suzy Loftus Police Commissioner of San Francisco
Thomas Mazzucco President, Police Commission of San Francisco
Kevin McCarthy Superior Court Judge of San Francisco County (Ret.)
William Alfred Newsom III California Court of Appeals Judge (Ret.)
David Onek Fmr. Police Commissioner of San Francisco
Ismail Ramsey Fmr. Federal Prosecutor
R. James Slaughter Fmr. Police Commissioner of San Francisco
Ronald Tochtermann Superior Court Judge of Sacramento County (Ret.)
Mario Trujillo Deputy District Attorney of Los Angeles County
L. Julius M. Turman San Francisco Police Commissioner
Elizabeth de la Vega Fmr. Chief of the U.S. Attorney's Office, San Jose Division
Eric Woodford California Department of Corrections Parole Administrator (Ret.)
Bruce Enos Fmr. Deputy District Attorney of Sonoma County

Other Elected Officials

Antonio Villaraigosa Mayor of Los Angeles
Kevin Johnson Mayor of Sacramento
Ed Lee Mayor of San Francisco
Gavin Newsom Lt. Governor of California
Karen Bass United States Congresswoman
Bill Bradley United States Senator (Ret.)
Cory Booker Mayor of Newark, New Jersey
Loni Hancock California State Senator, Chair of Senate Public Safety Committee
Mark Leno California State Senator, Chair of Senate Budget & Fiscal Review Committee
Tom Bates Mayor of Berkeley
Martha M. Escutia California State Senator (Ret.)

Jackie Goldberg California State Assemblymember(Ret.)
Barbara Parker City Attorney of Oakland
Gloria Romero California State Senate Majority Leader (Ret.)
Alan Sieroty California State Senator (Ret.)
Scott Wiener Supervisor of San Francisco
Betty T. Yee Member State Board of Equalization

Civil Rights Organizations

NAACP Legal Defense and Educational Fund, Inc.
Families to Amend California's Three Strikes (FACTS)
California Attorneys for Criminal Justice (CACJ)
Drug Policy Alliance
Ella Baker Center
Equal Justice Society (EJS)

Other Organizations

Californians United for a Responsible Budget (CURB)
San Diego County Taxpayers Association
Anti-Recidivism Coalition (ARC)
Mexican American Bar Association
California Nurses Association
LA Progressive – Social Justice Magazine
A New PATH (Parents for Addiction Treatment and Healing)
Community Legal Research Center
Community Works West
Youthful Offender Resource Network
Restoration House

Faith Based Leadership

People Improving Communities Through Organizing (PICO)
Lutheran Office of Public Policy
Rabbi Steven B. Jacobs
Progressive Christians Uniting
Justice Fellowship
Justice Ministries
Reverend Paul A. Hill, Grace United Methodist Church
Reverend Cecil Murray, Cecil Murray Center for Community Engagement
Peter Laarman, Executive Director, Progressive Christians Uniting
Pastor Rev. Dr. Lewis E. Logan II
Pilgrim United Church of Christ, Carlsbad

Labor Organizations

San Francisco Labor Council
San Diego and Imperial Counties Labor Council
Los Angeles County Federation of Labor, AFL-CIO
California Nurses Association
California Labor Federation
American Federation of State, County and Municipal Employees, California
American Federation of State, County and Municipal Employees, District Council 57

Newspapers

Oakland Tribune
Contra Costa Times
San Jose Mercury News
San Francisco Examiner
La Prensa San Diego

San Diego Free Press

Resolutions Passed by City Councils

Carson City Council
Los Angeles City Council
Inglewood City Council

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Frank Wu Dean of U.C. Hastings Law School

Political Parties

California Democratic Party
California Young Democrats
City of Alameda Democratic Club
Escondido Democratic Club
Peace and Freedom Party
San Francisco Green Party
Santa Clara County Democratic Party
Democratic Alliance For Action

Other Community, State and National Leaders

Grover Norquist President of Americans for Tax Reform
Geoffrey Canada, President and CEO of the Harlem Children's Zone in Harlem, New York
George Shultz Fmr. U.S. Secretary of State
Joe Klaas (Polly Klaas' grandfather)
John L. Burton Fmr. State Senator, Chair of California Democratic Party
Kim Brettschneider State Coordinator for the Children's Defense Fund California
Sergio Carrillo California Democratic Party Officer, Region 17
Ryan Fernandez Member of Alameda Democratic Central Committee
Cristina Garcia Candidate for State Assembly, District 58
Royce Kelley California Democratic Party Director, Region 6
John Burton Civil rights lawyer
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Barry Krisberg, Professor of U.C. Berkeley Law School

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**APRIL 2011
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Research Brief

**Striking Out: California's "Three Strikes And You're Out"
Law Has Not Reduced Violent Crime.
A 2011 Update.**

by

Mike Males, Ph.D

**Senior Research Fellow, Center on Juvenile and Criminal Justice
Content Director, YouthFacts.org**

Summary

- Both direct county comparisons and statewide correlational analysis shows the 1994 “Three Strikes” law has had no demonstrable effect on violent crime levels or trends.
- Analysis of strike sentencing and crime trends by age group and county consistently found no evidence supporting the law’s deterrent or selective incapacitation effect on targeted populations or in the jurisdictions most affected.
- The populations that demonstrated the greatest decline in violent crime rates since 1994 were youths and young adults, which experienced the least strike sentencing, while those ages 40-59, which experienced much heavier strike sentencing, have shown little or no improvement in violent crime rates.
- The eight largest counties that applied the law the most (Kern, Sacramento, Los Angeles, Tulare, San Bernardino, Riverside, San Diego, and Stanislaus), incarcerated strike offenders at a rate averaging 2.2 times greater than the eight major counties that invoked the law least (San Francisco, Contra Costa, Alameda, Ventura, Orange, Santa Clara, San Joaquin, and Fresno). Yet, counties that vigorously enforced the “Three Strikes” law did not experience declines in violent crime relative to counties that used the law sparingly.
- Despite their nearly six-fold greater use of three strikes law, Kern and Sacramento (the highest strike-sentencing counties) experienced lesser reductions in violent crime trends than Contra Costa and San Francisco counties (which rarely use the law).

Introduction

In March 1999, the Center on Juvenile and Criminal Justice (CJCJ) released a report through the Justice Policy Institute (JPI) that investigated the effects of the “Three Strikes” Law. It noted,

In the wake of the widely publicized 1993 kidnapping and murder of 12-year-old Polly Klaas, California Governor Pete Wilson signed into law on March 7, 1994, one of the most punitive sentencing statutes in recent history. The law was dubbed “Three Strikes and You’re Out” because of its provision requiring 25-years-to-life prison terms for defendants convicted of any felony (or misdemeanor such as petty theft reclassified as a felony) after having previously been convicted of two specified “serious” or “violent” felonies. The law was affirmed by three-fourths of California voters through a statewide initiative in November of that year.

The Three Strikes law promised to reduce violent crime by putting repeat violent offenders behind bars for life. The severe nature of the law was intended to maximize the criminal justice system’s deterrent and selective incapacitation effect. Under deterrence theory, individuals are dissuaded from criminal activity through the threat of state-imposed penalties. Selective incapacitation suggests that crime can be reduced by incapacitating the small group of repeat offenders who are responsible for a large portion of serious crime (Males, Macallair, & Taqi-Eddin, 1999).

As of December 31, 2010, 40,998 Californians were behind bars for strike offenses, including 8,727 for third strikes (California Department of Corrections and Rehabilitation, 2011). While the second strike population in prisons actually declined over the 1999-2010 period, the third strike population, due to very lengthy sentences, nearly doubled. At an average of \$46,700 per inmate per year (Legislative Analyst's Office, 2011), a 25-year sentence costs the State \$1.1 million per inmate; a life sentence, assuming incarceration at age 43 (the average third strike commitment age) and death at 82 (the average life expectancy for a male alive at age 43) costs \$1.8 million per inmate, even without adding the higher medical costs of aged prisoners. Thus, just imprisoning the current third-strike population will cost taxpayers at least \$10 billion in 2010 dollars over the next 25 years.

Despite its high costs, candidates of both major parties have credited the "Three-Strikes" law with reducing crime in California. However, national crime trends show that crime has been dropping in every region regardless of incarceration practices since the early 1990s. An earlier JPI (Schiraldi & Ambrosio, 1997) study found that California's declining crime rates were no different than in states without a Three Strikes law, while a CJCJ study found California counties that used the law the least had reductions in crime slightly larger than counties that used the law the most (Males, Macallair, & Taqi-Eddin, 1999). Other early research found similar results (i.e., Stolzenberg & D'Alessio, 1997; Schiraldi, Colburn, & Lottke, 2009), while some other studies have disagreed (i.e., Helland & Tabarrok, undated), and other recent reviews such as by the University of California, Berkeley, School of Law have found only mixed results (Shapiro, 2011).

The crime control impact of the "Three Strikes and You're Out" law is an important subject to analyze. Under deterrence and incapacitation theories, counties that most heavily used the "Three Strikes" law, thereby removing larger proportions of their criminal population from public, should experience greater crime declines than more lenient counties. Because of its broad applications and disparate enforcement, California's "Three Strikes" law provides a rare opportunity to analyze these theories. This report updates the 1999 Center on Juvenile and Criminal Justice report using 2009 and 2010 data to examine crime trends in California counties with widely varying "Three Strikes" imprisonment levels.

Method

Since California counties use the "Three Strikes" law in radically different ways, it was initially hypothesized that counties that applied the law the most would experience the highest levels of crime reduction. It was also hypothesized that certain populations (especially the over-30 age group) most targeted by the "Three Strikes" law would show greater decreases in crime relative to age groups less affected by the law.

To test these theories, CJCJ examined law enforcement-reported crime and arrest statistics. Annual county-by-county statistics for violent crime, property crime, and all index offenses along with arrests for felony and violent offenses were obtained from the California Department of Justice's Criminal Justice Statistics Center (2011) for the 1990-2009 period. Cumulative county-by-county "Three Strikes" sentencing statistics were obtained from the Data Analysis Unit, California Department of Corrections and Rehabilitation (2011) for the latest period available (December 31,

2010) at the time of this publication. Annual populations by county, including 2010 Census tabulations, were available from the Department of Finance (2011).

California's 58 counties ranked by cumulated strike imprisonment rates per 100,000 population (2010) and per 1,000 felonies (2009) are shown in the Appendix. Two analyses were performed. First, a simple correlation compared the rate of strike sentencing with changes in violent, property, and all felony rates for the 1994-2009 period (using rates for 1993, the last full year before the law took effect, as the base) for all counties, the 40 most populous counties, and the 16 largest counties. Second, to avoid radical values produced by small-population counties, the 16 counties with 2,000 or more adult felony arrests in 2010 were targeted for further study. These counties account for 83% of the state's population, 90% of its felony violent crimes, and 88% of its strike sentencings. Crime trends for the eight populous counties with the highest rates of strike sentencing were compared to those for the eight populous counties with the lowest strike sentencing rates. Finally, crime trends by age were compared, using Criminal Justice Statistics Center (2011) violent crime arrest statistics and Department of Finance (2011) population estimates.

Did counties enforcing "Three Strikes" have greater reductions in crime?

California counties have radically different rates of sentencing under the "Three Strikes" law. At the end of 2010, the sentencing rate ranged from 13 "strikers" (2nd or 3rd strike offenders) in prison per 1,000 annual adult felony arrests in San Francisco to 301 "strikers" per 1,000 annual adult felony arrests in Kings County. The highest strike-sentencing counties invoked the law at rates 10 times¹ to 25 times² more than the lowest-sentencing counties.

Simple correlation analysis shows that for all 58 counties, higher rates of imprisonments for all strikes or third strikes were not associated with any significant reductions in all felonies or violent felonies. This was also true for the 40 counties with more than 1,000 annual adult felony arrests and for the 16 counties with 2,000 or more adult felony arrests annually. In fact, the correlations were very near to zero in all cases,³ indicating strike sentencing levels have no measurable effect on crime trends.

¹ Based on sentencing per 100,000 population.

² Based on sentencing per 1,000 felony arrests.

³ Ranging from -0.09 to +0.04 depending on the type of strike sentence and offense category, which is far from statistically significant.

Table 1. Strike imprisonments per 100,000 population through 2010 and change in violent crime rates, 1994-2010, in highest and lowest strike-sentencing major counties.

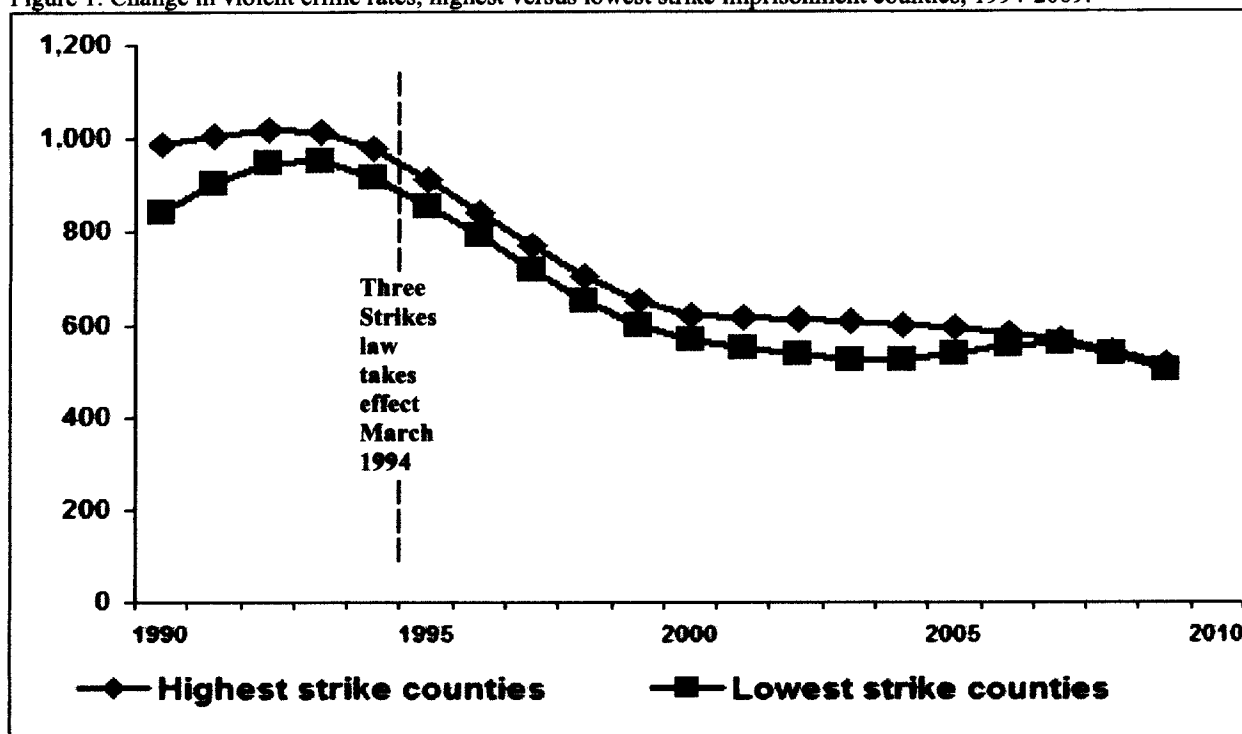
	Strike imprisonments per 100,000 population*			Change in violent crime rate, 2009 vs. 1993
	All strikes	2 nd strikes	3 rd strikes	
Highest				
Kern	160.7	111.6	49.1	-31%
Sacramento	158.6	119.3	39.3	-33%
Los Angeles	155.3	122.9	32.5	-63%
Tulare	149.0	124.8	24.2	-33%
San Bernardino	136.1	105.6	30.5	-48%
Riverside	133.9	111.0	23.0	-69%
San Diego	123.0	101.1	21.9	-54%
<u>Stanislaus</u>	<u>115.5</u>	<u>93.9</u>	<u>21.6</u>	<u>-45%</u>
Average, 8 highest	141.5	111.3	30.2	-47%
Lowest				
Fresno	105.5	84.5	21.1	-59%
San Joaquin	98.1	82.2	15.9	-23%
Santa Clara	91.2	62.1	29.1	-51%
Orange	60.2	47.1	13.1	-55%
Ventura	52.7	43.6	9.1	-48%
Alameda	40.7	31.6	9.1	-39%
Contra Costa	30.1	21.6	8.5	-45%
<u>San Francisco</u>	<u>25.3</u>	<u>20.0</u>	<u>5.3</u>	<u>-49%</u>
Average, 8 lowest	63.0	49.1	13.9	-46%

*Number imprisoned for strike offenses through December 31, 2010, divided by 2010 county population.

Sources: Criminal Justice Statistics Center (2011); California Department of Corrections and Rehabilitation (2011).

The lack of relationship between strike imprisonments and crime is shown in Table 1, which ranks the 16 large counties with 2,000 or more annual adult felony arrests by rate of strike sentencing over the 1994-2010 period. Kern and Sacramento counties had lesser reductions in violent crime than San Francisco and Contra Costa counties, whose strike sentencing levels were only one-fifth to one-sixth as high. In particular, San Francisco experienced a 68% decline in homicides, a 49% decline in all violent crimes, and a 38% decline in index crime rates—among the largest drops in the state (Criminal Justice Statistics Center, 2011). This compares to Kern, a similarly populated large county, which had the highest rate of third strike commitments, yet experienced only a 25% decline in homicides, a 30% decline in violent crimes, and a 24% decline in index crime rates, improvements considerably behind the state average (Criminal Justice Statistics Center, 2011).

Figure 1. Change in violent crime rates, highest versus lowest strike imprisonment counties, 1994-2009.



Sources: Criminal Justice Statistics Center (2011); California Department of Corrections and Rehabilitation (2011).

Overall, the eight counties with the highest rates of strike imprisonment—more than twice the level of the eight counties with the lowest rates—had nearly identical trends in violent crime rates. Note also that crime declines began approximately three years before “Three Strikes” took effect, as shown in Figure 1. Data clearly show that counties that vigorously and strictly enforced the “Three Strikes” law did not experience a decline in violent crime relative to counties that used the law sparingly. The absence of any difference in violent crime trends over the 1994-2010 period occurred despite the fact that the eight largest counties that applied the law the most, incarcerated strike offenders at a rate averaging 2.2 times greater than the eight major counties that invoked the law least.

Even more remarkable, the nearly six-fold greater use of “Three Strikes” in the highest strike-sentencing counties, Kern and Sacramento, was associated with considerably more disappointing violent crime trends than in Contra Costa and San Francisco counties, which rarely use the law. Overall, both direct county comparisons and statewide correlational analysis shows the “Three Strikes” law has had no demonstrable effect on violent crime levels or trends.

Strike commitments and crime trends by age

According to deterrence and incapacitation theories, a “Three Strikes” law should reduce violent crime among older ages more than younger ones. First, strikes accumulate over criminal careers, so that the median age at time of commitment to prison for second strike offenders is 38-years, and for third strikers, 43-years (California Department of Corrections and Rehabilitation, 2011). The latest, 2010 figures show that ages over 40 now represent a record 53% of the strike population,

including 87% of third strikers. On the other hand, those over age 60 or under age 30 have very low rates of strike sentencing (at least for now), and those under 18, no strike commitments to date. Thus, we would expect that a “Three Strikes” law would most reduce serious crime among ages 40-59, since a larger proportion of the population of that age group than any other is being incarcerated, especially for third strikes, and because those receiving enhanced sentences under strike laws at younger ages remain in prison into older age.

However, since the implementation of the “Three Strikes” law in 1994, older ages have shown little or no improvement in violent crime rates, with declines of only 3% for ages 40-59 (Table 2). The population that showed the greatest decline was under age 18, which did not experience any strike sentencing, followed by young adults, who were less affected by the law than older ages.

Table 2. Strike sentencing and violent crime trends by age group.

Age	<18	18-39	40-59	60+
	Strike commitment rate per 100,000 population, 2010			
3rd strike	0.0	9.9	64.3	22.2
All strikes	0.0	161.3	191.8	45.5
	Violent crime rate per 100,000 population			
1993	610.1	952.1	256.5	64.9
<u>2009</u>	<u>339.0</u>	<u>672.0</u>	<u>249.7</u>	<u>64.8</u>
Change	-44%	-29%	-3%	0%
	Strike imprisonments (raw numbers), 2010			
3rd strike	0	1,177	6,849	701
All strikes	0	19,132	20,427	1,439
	Violent crime arrests (raw numbers)			
1993	21,590	109,690	17,317	1,338
<u>2009</u>	<u>15,387</u>	<u>79,728</u>	<u>26,594</u>	<u>2,047</u>

Note: arrest rates per 100,000 population are adjusted to reflect changes in populations by age from 1993 to 2009 and 2010. The population used for “<18” is 10-17, and for “60+” is 60-69, consistent with Department of Justice definitions of juvenile and adult.

Sources: Criminal Justice Statistics Center (2011); California Department of Corrections and Rehabilitation (2011); Department of Finance (2011).

Conclusion

The draconian nature of the “Three Strikes and You’re Out” law offers a unique opportunity to test the selective incapacitation effect of massive incarceration. The results of this 2011 analysis, updated from the original 1999 report, continue to present a startling departure from traditional assumptions about crime and crime control.

The effects of more imprisonments for lengthier terms should be greatest in counties and within population groups where the “Three Strikes” law was most invoked. However, analyses of strike sentencing and crime trends by age group and county consistently showed this was not the case. Virtually no evidence could be found supporting the law’s deterrent or selective incapacitation effect on targeted populations or in the jurisdictions most affected. Further, many counties use the “Three Strikes” law to sentence mainly non-violent offenders, which is possible given the flaws in the current law but is not consistent with its intent as publicized by advocates. Among the major counties, the proportion of non-violent strike prisoners ranges from 25% in Alameda and San Francisco to 71% in Placer (see Appendix).

This study suggests that researchers examining recent declines in crime rates across the country must broaden their analysis to include non-criminal justice related causes. Based on these findings, the Center on Juvenile and Criminal Justice continues to recommend that the “Three Strikes” law be amended to require that the third strike must be a serious violent crime and that the legislature research the crime control impact of the “Three Strikes” law and its financial impact on California’s budget.

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Appendix. Counties, ranked by strike sentencing rate per 100,000 population as of December 31, 2010

County	Strike sentencings per		Percent for violent crimes	Number of strikes		Change, violent crime, 1994-2009
	100,000 pop	1,000 felonies		Second	Third	
Counties with 1,000 or more adult felony arrests, 2009						
Kings	252.3	300.6	42.5%	259	127	-37%
Shasta	224.0	235.7	37.0%	320	77	30%
Kern	160.7	98.8	37.8%	937	412	-31%
Sacramento	158.6	128.1	50.8%	1,693	557	-33%
Los Angeles	155.3	135.9	46.0%	12,063	3,190	-63%
Tulare	149.0	95.4	39.3%	552	107	-33%
Tehama	137.1	80.4	47.1%	67	20	-39%
San Bernardino	136.1	92.1	40.5%	2,150	620	-48%
Riverside	133.9	141.0	40.5%	2,430	503	-69%
Yolo	128.5	119.3	36.0%	231	27	-56%
San Diego	123.0	139.7	43.1%	3,129	678	-54%
Lake	116.0	73.6	50.7%	63	12	-54%
Stanislaus	115.5	72.4	33.8%	483	111	-45%
Fresno	105.5	74.9	51.9%	786	196	-59%
Madera	103.4	116.1	42.3%	116	40	-43%
San Joaquin	98.1	70.9	54.3%	563	109	-23%
Merced	91.9	62.9	42.6%	194	41	23%
Santa Clara	91.2	113.8	49.9%	1,106	518	-51%
Placer	89.5	96.2	29.2%	261	51	-49%
Monterey	88.9	94.5	51.5%	331	38	-33%
Yuba	81.8	51.5	66.1%	46	13	-76%
Butte	74.5	83.7	51.2%	122	42	-12%
Santa Barbara	73.4	86.6	46.0%	223	88	-5%
San Luis Obispo	69.7	91.8	54.3%	131	57	-60%
Napa	65.2	67.5	44.9%	68	21	-16%
Orange	60.2	82.4	40.3%	1,418	395	-55%
Solano	58.3	52.1	69.7%	205	36	-41%
San Mateo	55.4	83.6	51.0%	308	90	-43%
Ventura	52.7	55.5	47.0%	359	75	-48%
El Dorado	45.3	43.6	51.2%	65	17	-21%
Sonoma	43.8	45.4	54.7%	185	27	-18%
Marin	43.6	72.8	40.9%	62	48	-41%
Alameda	40.7	38.5	75.1%	477	138	-39%
Mendocino	38.7	23.3	55.9%	32	2	5%
Santa Cruz	37.4	36.1	50.0%	85	13	-34%
Humboldt	31.2	20.7	54.8%	40	2	-26%
Sutter	30.6	27.6	44.8%	22	7	-46%
Contra Costa	30.1	30.5	67.4%	227	89	-45%
Imperial	27.5	20.4	47.9%	35	13	-53%
San Francisco	25.3	13.1	74.5%	161	43	-49%
Counties with fewer than 1,000 adult felony arrests in 2009						
Amador	133.9	116.7	49.0%	38	13	23%
Tuolumne	124.6	86.3	37.7%	63	6	-14%
Siskiyou	109.1	78.7	49.0%	41	8	80%
Lassen	88.8	122.0	64.5%	17	14	-43%
Trinity	72.5	42.7	50.0%	6	4	-30%
Mariposa	71.2	70.7	61.5%	8	5	-80%
Del Norte	62.9	43.8	72.2%	12	6	-26%
Sierra	61.7	50.0	50.0%	1	1	40%
Glenn	53.3	39.0	53.3%	13	2	-54%
Plumas	45.0	29.3	55.6%	9	0	117%
Mono	42.2	38.5	50.0%	4	2	-35%
Modoc	41.3	33.6	100.0%	4	0	-80%
Colusa	32.7	27.3	71.4%	4	3	-46%
Inyo	32.4	29.9	83.3%	5	1	11%
San Benito	30.8	33.9	47.1%	11	6	-35%
Calaveras	28.5	30.0	61.5%	13	0	-30%
Nevada	23.3	34.8	69.6%	17	6	-19%
Alpine	0.0	0.0	100.0%	0	0	38%
Statewide	110.1	100.5	45.7%	32,271	8,727	-54%

Sources: Criminal Justice Statistics Center (2011); California Department of Corrections and Rehabilitation (2011); Department of Finance (2011).

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