

Legislation Proposal

Addressing Destructive Three Strikes Laws

MAP

Mitty Advocacy Project



Abstract

This policy proposal addresses the ambiguous Three Strikes Law and its damaging impact to youth subject to it. The three-strikes law significantly increases the prison sentences of persons convicted of a felony who have been previously convicted of two or more felonies, and limits the ability of these offenders to receive a punishment other than a life sentence.

This proposal addresses the problems of the Three Strikes Law by allowing the First Step Act's Three Strikes Law sentence reduction to apply retroactively to those already convicted and given unfair sentences. In addition, it redefines and reduces the criteria of who falls under the Three Strikes Law, and repurposes the money saved from reduced sentencing to restorative justice programs aimed at preventing youth crime and rehabilitating prison inmates.

Youth Perspective

- A recent rise in incarceration and recidivism rates make the addressing criminal justice paramount.
- Additionally, a lack of fundamental education for inmates decreases hiring chances after their first offense, leading to increased recidivism rates.
- Our annual visit to Delancey Street inspired us to undertake the issue of inflated incarceration rates due to recidivism with a solution that tackles its root cause. As students, we understand how crucial education is in order to build a life. Thus, we want legislators to reevaluate the 3 strikes law in order to prevent people's offenses from permanently harming their chances of rehabilitation.

Catholic Perspective

Pope Francis has taken an active stance in favor of restorative justice where folks are being rehabilitated over being sent to prison for long periods of time. After visiting one correctional facility, "He urged the inmates, their families, and the correctional officers to believe in the possibility of rehabilitation, saying Christ 'comes to save us from the lie that says no one can change,'" according to Alan Yuhas of *The Guardian*. Pope Francis recognizes that we must "recognize that the [inmates'] weariness, pain, and wounds are also the weariness, pain, and wounds of society." In order for us to advance our society, it is clear that we must focus on rehabilitating those currently within our criminal justice system to offer them a chance at a better life, instead of relying on increased jail time to solve the issue.



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The Problem

The 3 Strikes Law has empirically proven to fail in all of its major goals. This piece of legislation is ineffective at deterring crime while also creating negative impacts in our communities as we push prisoners farther away from rehabilitation.

1. The clearest reason why the 3 Strikes Law is a failure is because of its inability to reduce crime.
 - Take California, for example. According to an article published by The American Bar Association in June of 2017, written by Michael Vitiello, “counties that aggressively enforce the [Three Strikes Law] ‘had no greater declines in crime than did counties that used it far more sparingly.’”
 - One study found that crime dropped by 21.3 percent in the six most lenient “three strikes” counties, compared to 12.7 percent drop in the toughest counties.” All this policy has done for California is ensure that more citizens are put in our already overcrowded jails—and not even for crimes that need punishing.
2. This problem affects the larger community as well.
 - As we place more undeserving citizens into our prisons, our prisons require more resources to continue to operate effectively. In fact, as a Hartford Business report by Albert Dichiara predicted, in California alone, the 2012 version of “three-strikes law [would] cost \$5.5 billion over a 20-year period.” This amount has massively skewed the California budget, sacrificing allocations intended for other important sectors such as education or welfare programs. Similar costs of the Three Strikes Law have affected the national budget.
 - Essentially, not only has this policy been statistically proven to be ineffective in deterring crime rates, but it also prevents the nation from spending its funding where it is needed most.
3. Although the First Step Act promised to grant early release for non-violent offenders, the crimes qualifying under that specification were never defined—an ambiguity that we seek to address through our solution.

MAP's Solution

Our solution comes in the form of a two-pronged approach:

1. We must address a key loophole in the First Step Act's approach to tackling the Three Strikes Law: a lack of retroactive forgiveness. It is imperative that we allow the sentence reductions offered by the First Step Act to retroactively forgive convicts with inflated sentences, in addition to future sentences of criminals.
2. Types of crimes that qualify as violent felonies must be specified. We propose two specifications: if no significant bodily harm is inflicted during the crime, and if a firearm or dangerous weapon is not actually used, the crime should not be classified as a violent felony to result in the third strike. The conserved revenue from these two specific sentencing reductions—over \$100 million annually according to the People's Fair Sentencing and Public Safety Act of 2018—should then be distributed as such: 25% should be delegated to programs aimed towards preventing youth crime, and 75% to better fund rehabilitative programs for prison inmates, leading to the second half of our solution. We must encourage the rehabilitation of prison inmates; therefore, each correctional facility should be paired with a rehabilitation program that includes education or job training.