



ROSE INSTITUTE
OF STATE AND LOCAL GOVERNMENT

CLAREMONT MCKENNA COLLEGE

THREE STRIKES ANALYSIS:

DEMOGRAPHIC CHARACTERISTICS OF STRIKE OFFENDERS

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INTRODUCTION

The career criminal sentencing law known as “Three Strikes and You’re Out” was enacted in California in 1994. The law doubled the minimum sentence for serious or violent felons convicted of a second felony offense and imposed a mandatory minimum prison sentence of 25-years-to-life for serious or violent felons upon conviction of a third felony offense. By isolating and incapacitating repeat offenders through long prison sentences, lawmakers hoped to lower the crime rate in California.

Although crime rates did fall after the Three Strikes law went into effect, analysts expressed concern that statute might negatively impact racial and ethnic minority groups. Men and racial and ethnic minorities are overrepresented in California’s correctional system when compared with the general population and it was unknown whether the Three Strikes law would exacerbate this effect. In the following report, we seek to assess whether Three Strikes contributes to the overrepresentation of racial and ethnic minorities and whether the racial/ethnic characteristics of the second and third strike offenders have changed over time.

METHODOLOGY

To answer this question, we first compiled data from the quarterly reports from the California Department of Corrections & Rehabilitation (CDCR). The “Second and Third Strike Inmate Population Report Archive” reports the prison population by offense, and Table 3 of the report presents information about second- and third-strikers in the adult institution population by gender, racial/ethnic group, and type of conviction.¹ From this table, which provides quarterly data from December 2001 through September 2015, we generated figures that displayed the numbers and percentage of each racial/ethnic group with respect to the overall “strike offender” population.

Second, we used the “Characteristics of Inmate Population Report Archive,” which provides a semi-annual report of the racial/ethnic groups of the total prison population from 2001 through 2015. From this, we generated the numbers and percentage of each racial/ethnic group with respect to the entire prison population. Each of the figures categorizes the racial/ethnic populations as “Black,” “Hispanic,” “White” and “Other.”

Finally, we graphed the data to display trends over time. The first set of graphs presents the distribution of racial/ethnic group as a percent within each greater population (second striker, third striker, second and third striker combined, and total prison population) over time. The second set of graphs looks at each racial/ethnic group individually, comparing the individual percentage breakdowns for each population to one another.

¹ Ideally, we would compare the demographic characteristics of strike offenders with regard to race and ethnicity with the overall population. However, because the U.S. Census Bureau measures race and ethnic populations as two separate categories, we cannot directly compare the data to statewide population trends. “Hispanic” cannot be measured in direct comparison to other racial groups like “black” or “white.” Therefore, our assessment will compare the demographic characteristics of strike offenders with those of the overall prison population.

OBSERVATIONS

The following set of graphs display the described trends over time.

The trend is relatively constant from 2001 through 2015. The gap in 2013 and 2014 is due to the change in the way “Hispanic/Latino” offenders were categorized by the state.

FIGURE 1: SECOND STRIKER POPULATION BY RACE/ETHNICITY (IN NUMBERS)

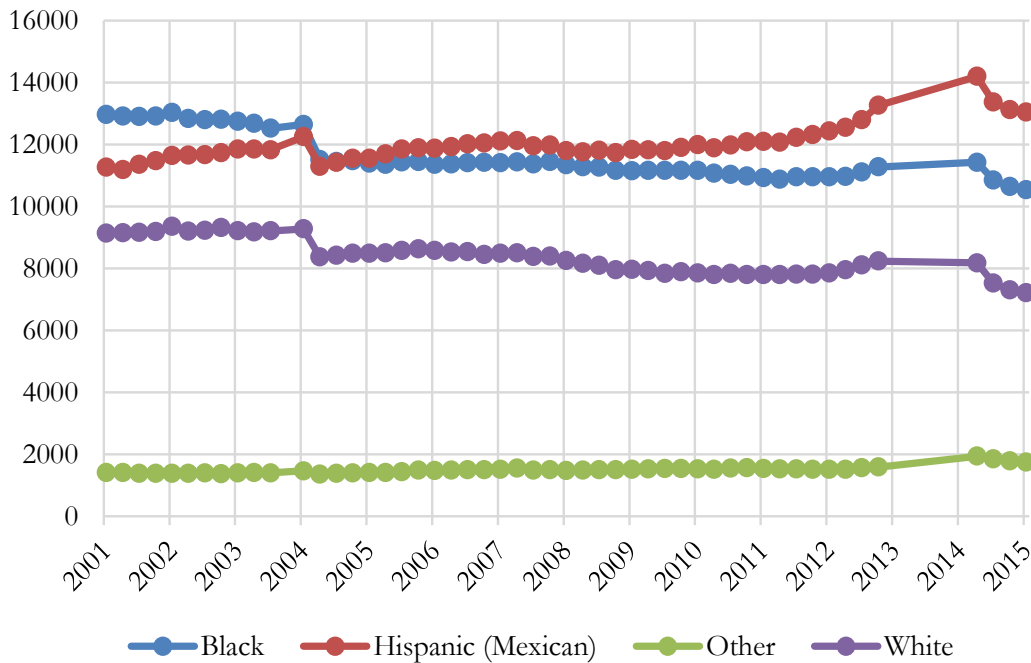
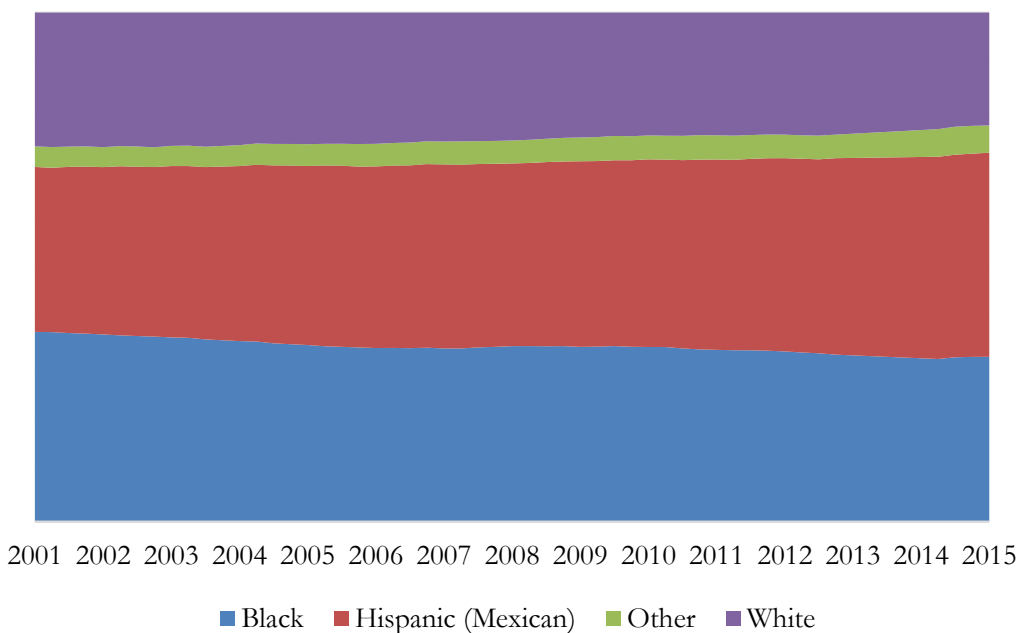


FIGURE 2: SECOND STRIKER RACIAL DISTRIBUTION



Over time, the demographic composition of the Second Strike prison population has roughly remained the same; however, there was a slight decrease in the number of Black and White second striker offenders and a measurable increase in the number of Hispanic second strike offenders.

This data exhibit the second striker racial breakdown from 2001 through 2015 in percentages. As noted previously, the percentage of Black and White second strike offenders declined slightly, while the number of Hispanic second strike offenders increased.

FIGURE 3: SECOND STRIKER POPULATION BY RACE/ETHNICITY (IN PERCENTAGE)

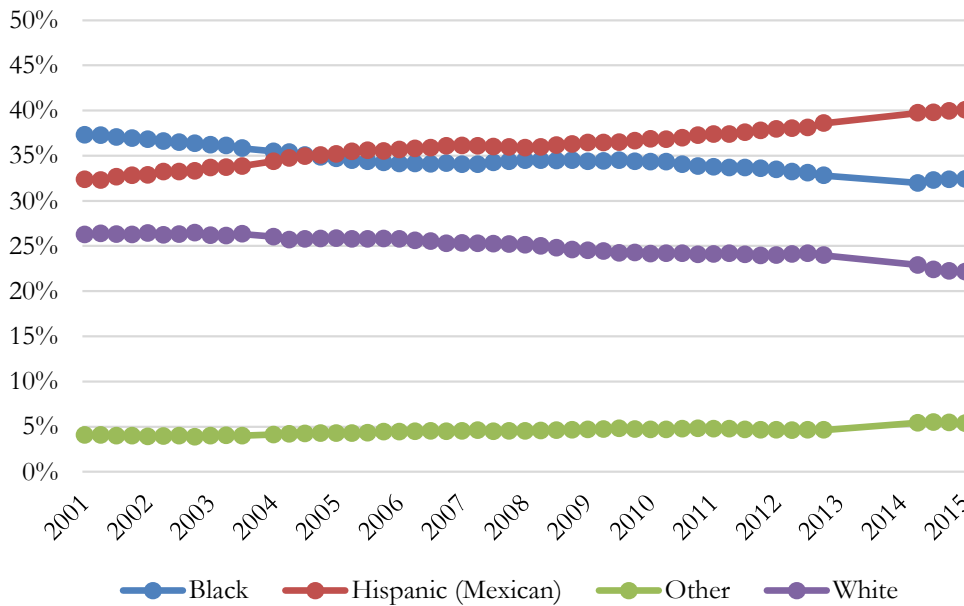
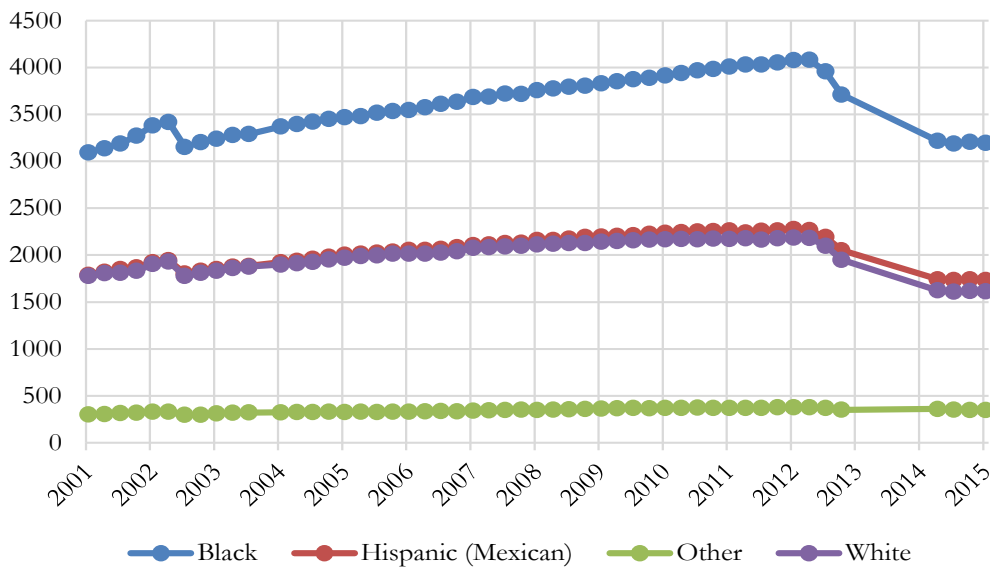


FIGURE 4: THIRD STRIKER POPULATION BY RACE/ETHNICITY (IN NUMBERS)



Unlike the data for second strikers, the number of White and Hispanic third strikers is nearly the same. The number of Black third strikers is considerably higher than those in the other racial/ethnic categories. Nearly all populations experience a measurable decrease in number between 2012 and 2015. This can be attributed to Proposition 36, the ballot initiative that modified the law in 2012 to restrict the third strike to only serious or violent felonies. In addition to changing

the conditions by which the sentence could be applied, the law allowed judges to resentence and/or release some third strikers who had been convicted of a non-serious or non-violent third strike. As a result, the overall population of three strikers declined.

As noted earlier, the number of Black offenders convicted of a third strike offense is greater than the number of Hispanic and White offenders.

FIGURE 5: THIRD STRIKER RACIAL DISTRIBUTION

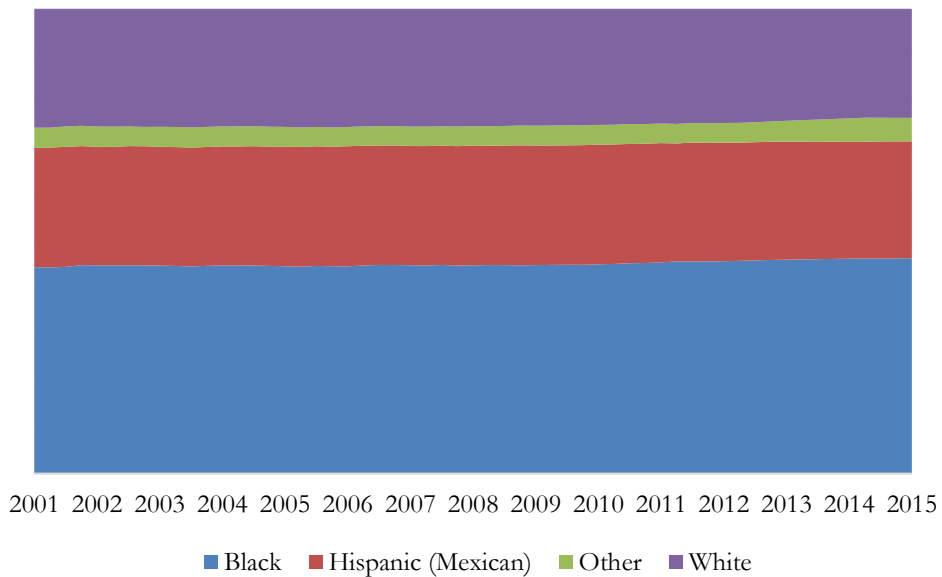
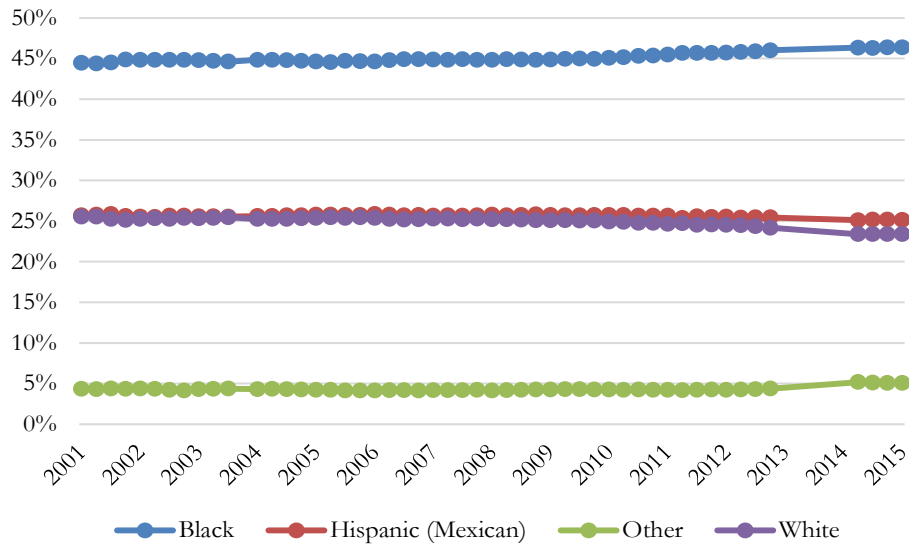


FIGURE 6: THIRD-STRIKER POPULATION BY RACE/ETHNICITY (IN PERCENTAGES)



According to this data, nearly half of all offenders sentenced for a third strike are Black. Combined, White and Hispanic offenders represent the other half. When the Second and Third Striker populations are combined, these charts reveal that the demographic characteristics have remained relatively stable over the past decade. Overall, there are more racial and ethnic minority offenders convicted of a strike offense than White offenders, and this trend has remained constant over time.

Based on these data, we can conclude that more racial and ethnic minority offenders have been sentenced under the Three Strikes law than White offenders. In 2001, 38% of all strike offenders were Black, 31% were Hispanic, and 26% were White. By 2015, these cumulative percentages had changed moderately: 35% of all strike offenders were Black, 37% were Hispanic, and the percentage of White offenders had dropped to 22%. Most of the change is attributed to the steady increase in Hispanic second strike offenders over time (see Figure 1).

FIGURE 7: TOTAL STRIKER POPULATION BY RACE AND ETHNICITY (IN NUMBERS)

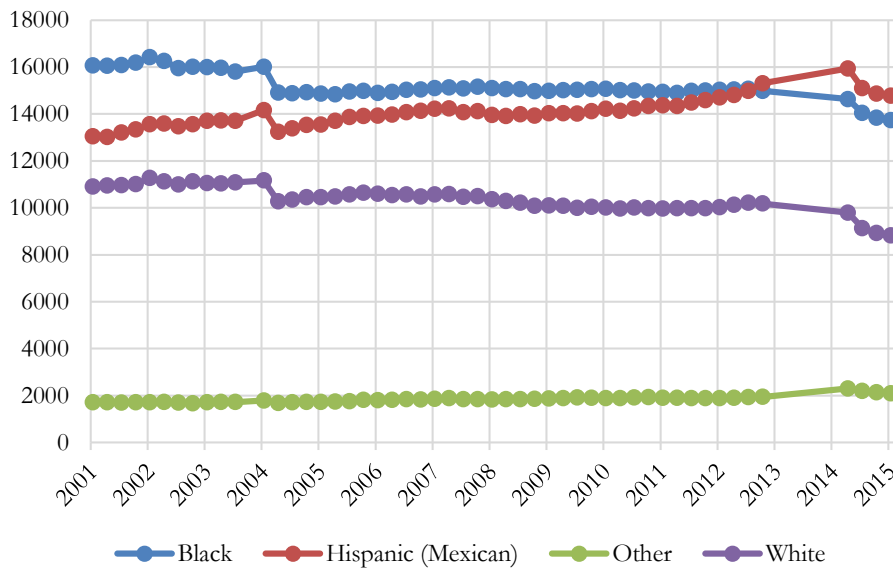


FIGURE 8: TOTAL STRIKER RACIAL DISTRIBUTION

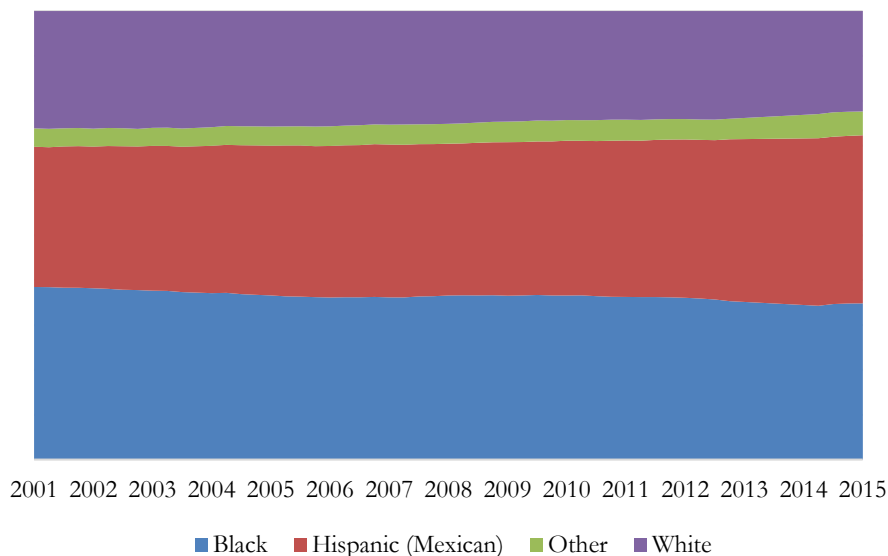
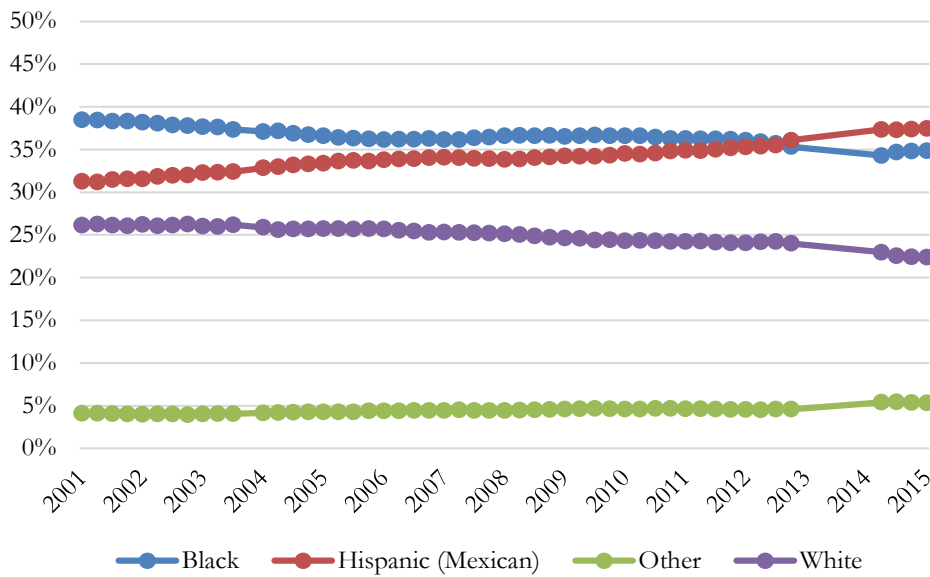


FIGURE 9: TOTAL STRIKER POPULATION BY RACE/ETHNICITY (IN PERCENTAGES)



These graphs show a few important trends over time. First, as was observed in Figure 9, the percentage of Hispanic inmates has increased over time. Some of this may be attributed to the increase in the number of Hispanic offenders sentenced for a second strike, but, since second-strike inmates represent only one-third of the total state prison population, we can conclude that non-strike Hispanic inmates have been increasing over time as well. Second, the percentage

of Black inmates in the overall prison population has remained relatively constant decreasing from 31% in 2001 to 30% in 2015. However, the percentage of Black strike offenders decreased by 3% during that same period, from 38% in 2001 to 35% in 2015. The percentages of Black two- and three-strike offenders are still higher than the percentage of Black inmates overall, but they are decreasing in number at a faster rate.

FIGURE 10: TOTAL PRISON RACIAL DISTRIBUTION

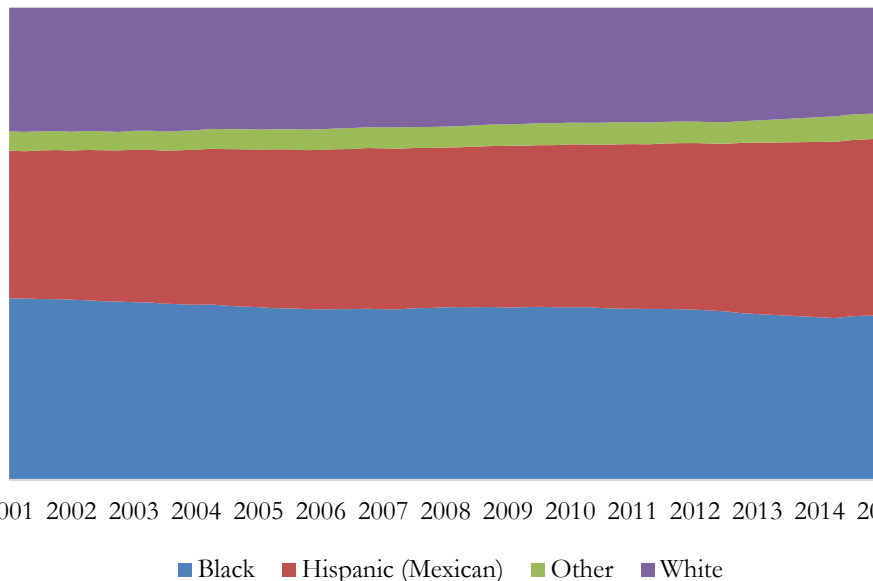
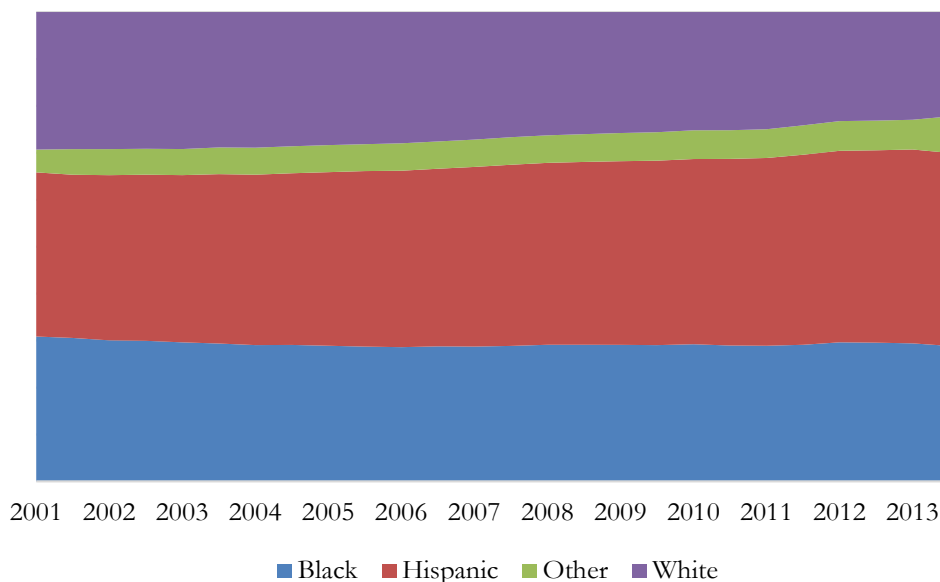


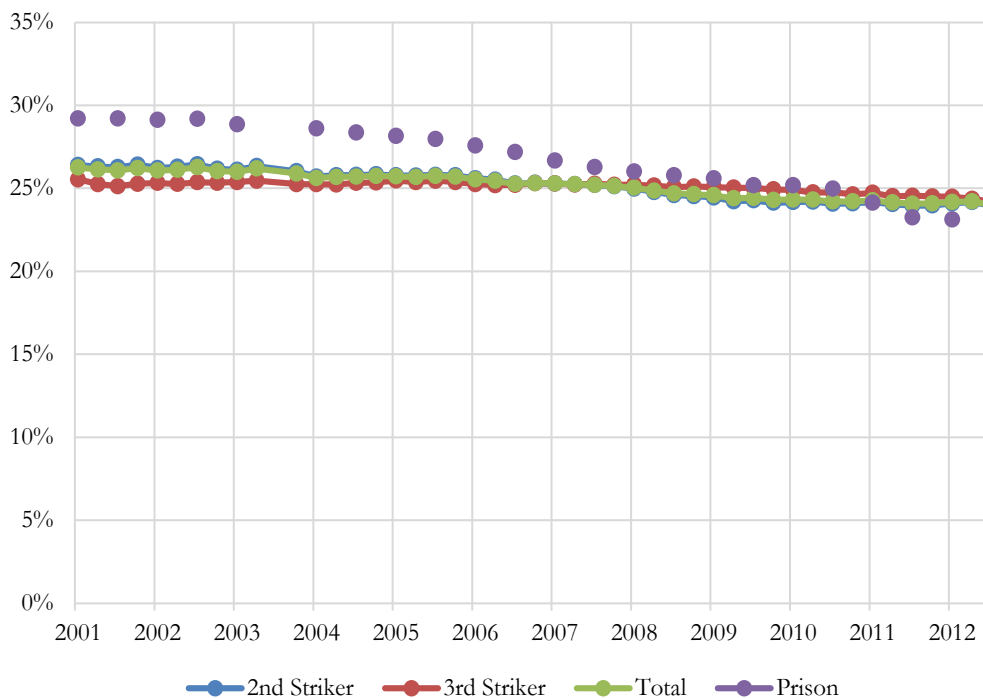
FIGURE 11: TOTAL PRISON POPULATION BY RACE/ETHNICITY (IN PERCENTAGE)



The percentage of decline is greatest among the White inmate population. As seen in Figure 11, White inmates represented approximately 29% of the total inmate population in 2001 and just slightly more than 22% in 2015. The percentage of White

strike offenders in Figure 9 also decreased over time, but at a slower rate: in 2001, White strike offenders represented 26% and in 2015 the percentage hovered just over 22%. These changes can be seen more clearly in the Figures below.

FIGURE 12: COMPARISON OF WHITE INMATE GROUPS



The percentage of White second strike offenders and White third strike offenders are nearly the same. Less than 1% separates the percentage of White strike offenders from non-strike offenders.

The percentage of “Other” second strike offenders and “Other” third strike offenders is nearly the same. The percentage of “Other” non-strike offenders in the prison population is double the percentage of “Other” third strikers.

FIGURE 13: COMPARISON OF OTHER INMATE GROUPS

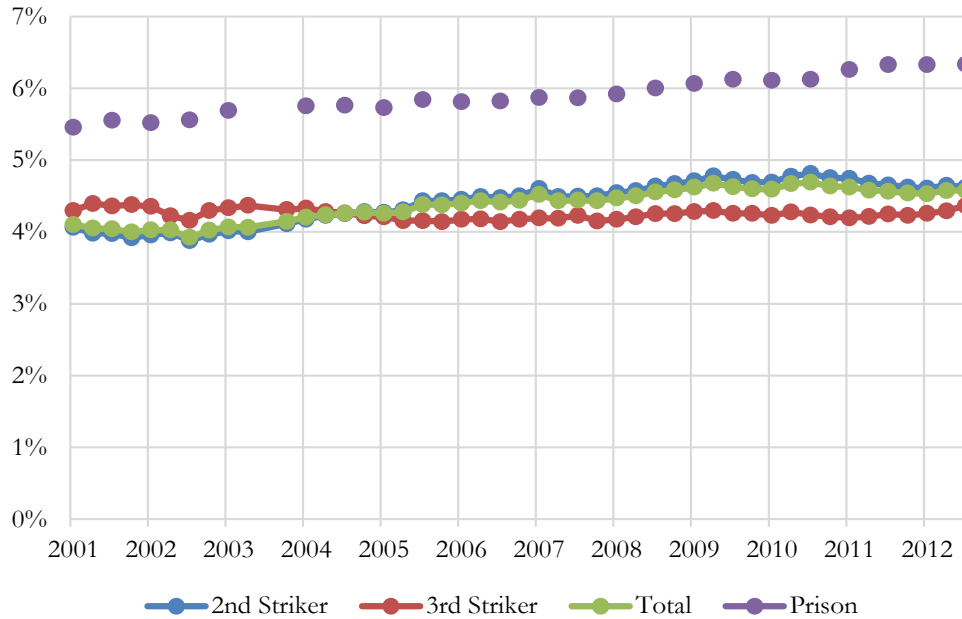
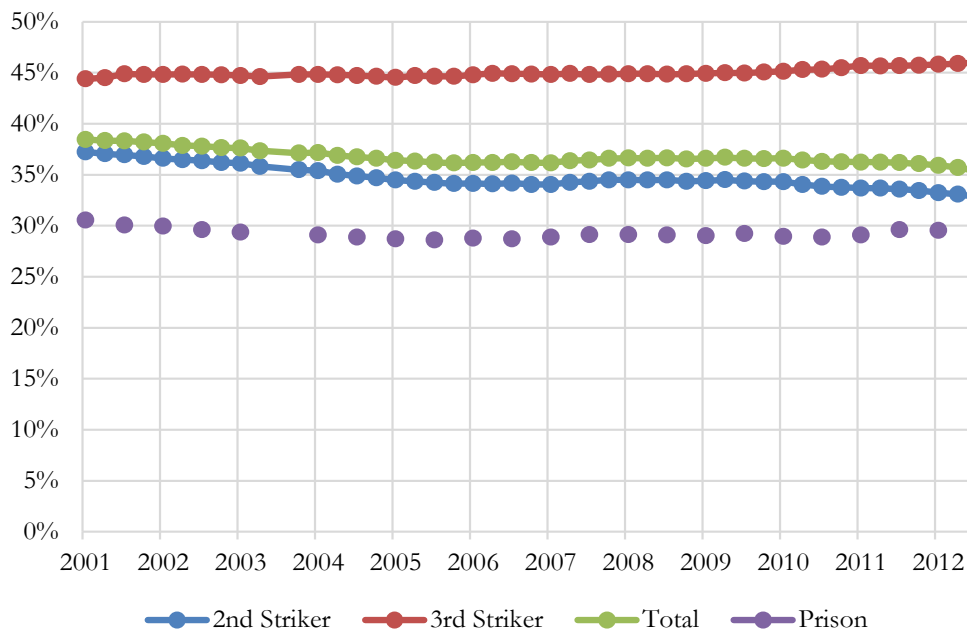


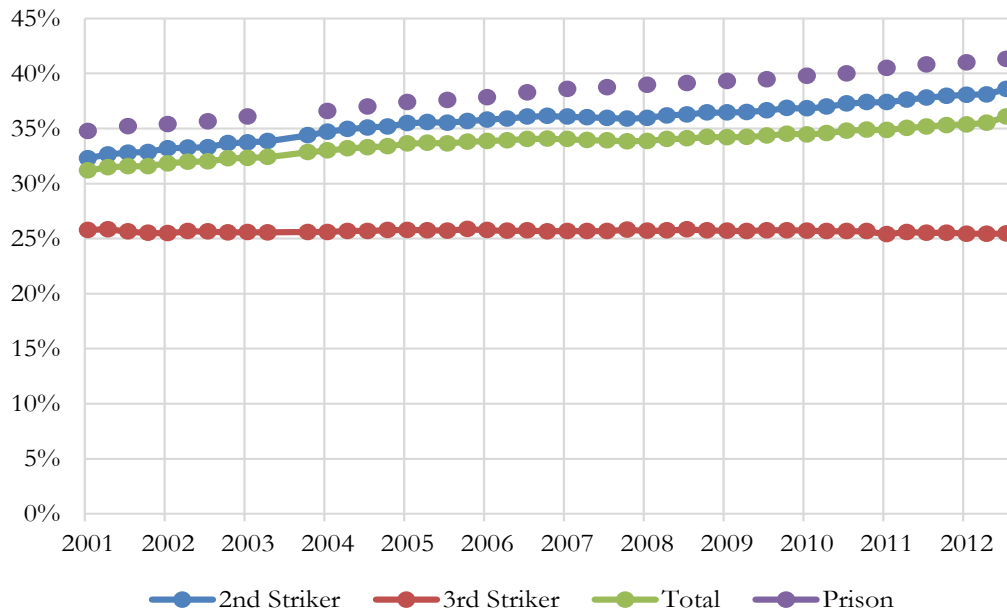
FIGURE 14: COMPARISON OF BLACK INMATE GROUPS



As discussed above, Blacks are overrepresented more prominently in the third strike inmate group when compared to other inmate populations. In 2015, they represented 46% of the state's third strike inmates, but only 29% of all inmates.

Overall, Hispanic inmates represent a sizeable percentage of each inmate group; however, they represent an even larger share of the total prison population.

FIGURE 15: COMPARISON OF HISPANIC INMATE GROUPS



ANALYSIS

The data displays a few notable trends. First, Black inmates are overrepresented by nearly 16% in the third striker population when compared to the total prison population. Although the percentage of representation was lower in the second striker population, their representation in the combined striker population was approximately 7.5% above the prison population as a whole. This trend is notable, given the prevailing concern that the three strikes law unequally affects minority groups. The pattern noted above seems to provide some evidence that claim.

In comparison, the total prison population had a higher percentage of Hispanics than the second and third striker populations (both individually and combined). From 2001 to 2015, the percent of Hispanics within second and third striker populations was on average 4.5% percentage less than the prison population as a whole. This pattern would suggest that Hispanics are not overrepresented in the second

and three striker population groups when compared to the overall prison population.

Trends in the percent of “white” and “other” populations were less notable; on average, both the percent of “white” and “other” in the second and third striker populations were around 1 percentage less than the prison population as a whole.

Thus, in conclusion, the data supports the idea that the three strikes law does disproportionately affect one minority racial/ethnic group: blacks. However, there is no evidence that the effects extend to other racial/ethnic groups, especially Hispanics. It will be important to continue to monitor these patterns to see how the effects of the law affect inmate groups over time. Additionally, it will be important, now that the Census Bureau has changed the way that they measure race and ethnicity, to track in the future how inmate populations compare with the overall demographic characteristics of California residents.