3 Strikes Law – “Zero-Tolerance? Justice Essay, Research Paper

Three Strikes Law

In recent years the surge in the population of the world has brought about new areas of concern for sociologists and criminologists. With more and more people populated our nation there is greater need for government-regulated programs to adapt with the increase. One aspect of society that has had to rapidly adjust itself constantly is the Criminal Justice system. The growing population has put pressure on the criminal justice system to decide on a method of maintaining order. There are currently two broad scopes on dealing with the problem of population control; one is the idea that we need to establish a system that keeps offenders out of prison, offering alternative punishments than incarceration to keep prisons from overcrowding. Another idea is that we need to make an example that will deter others from committing similar acts of deviance. It is this ideology that has berthed the new wave of ?zero-tolerance? justice. A form of this is the new concept of mandatory minimums. These laws require a pre-defined punishment for certain crimes no matter what the situation. A subset of these laws is the ?three strikes laws? that are being adopted by more and more states. These laws give a three-time offender a very harsh punishment once convicted of his or her third crime regardless of any mitigating factors.

First I would like to explain the ideology behind mandatory minimum sentencing. It is based on the idea that if you take an offender off the street after committing multiple serious felonies then you stop him or her from committing more. Simple plan, difficult execution. For example a man writes two bad checks in two separate instances and is convicted on it each time?boom two strikes on his record. Now two months later he walks out of a restaurant without paying his bill, as he is leaving he runs into four policemen stopping by for a coffee and sweet, rounded pastry to quell their growling stomachs. The man is arrested for theft and waits his court date. The day comes and he stands in front of the judge preparing for his punishment. He hears it and falls to his knees, twenty-five years to life in prison?for stiffing and Eat-N-Park on a bill for $4.49.

The rest of his life has been decided for him, not by the prosecution, and not by the judge, but instead by the state government. Due to the ?three-strikes law? our friend has ?struck out?, his third offense lands him a strict punishment. Because he has already accrued two felony convictions prior to this one, regardless that they were non-violent, he is going to be sent up the river, sharing a sentence with serial killers, rapists, and bank robbers?only difference is that they all have a chance for parole.

So three strikes seems like a gross exaggeration of the law, a true abomination of the justice system, cruel and unusual even. It is not that easy. What about when a child molester gets out on parole and kidnaps another, putting them through the same hell that he did the last child. He is a man that was to be rehabilitated by a state institution, deemed ?safe for society, and yet he slides into society and rips from it the innocence of youth. When this man steps in front of the judge and his time is before him, 25 years to life, everyone agrees that the punishment is just. The idea behind mandatory minimum sentencing has positive possibilities but politicians and high-ranking officials skew these motives. A senator will push for mandatory minimums to look like he or she is taking a ?bite out of crime?, not standing for ?soft touch? treatment of criminals. But what are they really doing, do they really care about the population or are they just trying to push a program that sounds like the end of crime to secure votes. Instead of analyzing the subject politicians try to use mandatory minimum sentencing as a ?quick fix? to crime. But they are building their houses on a foundation of sand. Pushing these regulations through before they are ready is like a chef sending out a chicken breast half done, just to appease the customer for that moment. The chef gets paid; the customer goes home and a few hours later throws-up for a week. Mandatory minimum laws require intense study before applying them to society. Instead like we see with so many things, society acts as the guinea pig to government programs that have never left the drawing board before their implementation.

A major problem mandatory minimum sentencing regulations that I found in my research was the fact that they took judges discretion out of the equation. They were virtually handcuffed by the regulations. If a judge has no choice on the punishment then what is his or her purpose really? If a jury finds an offender guilty of their third felony then bang?twenty-five to life in prison. All the judge can do is sign the papers. This problem is being tended to in most states though. Judges are now being given the ability to ignore prior offenses of an offender in order to prevent three-strikes laws from coming into effect. But then are they really ?mandatory minimums?? By definition what made these regulations mandatory was that there was no option. Now the judge can utilize their discretion in deciding what cases will go to the mandatory minimum.

The second problem that I identified from the reading was the criminal population that was being effected most by mandatory minimum sentencing guidelines. The original idea was that these laws would keep serious and violent offenders off the streets, but in fact eighty-five percent of those who fall under the blanket of three-strikes laws are felons convicted of minor felonies such as drug possession, or petty theft. We are filling and overfilling our nations prisons with people, who are given sentences that deny rehabilitation, when the focus should be on punishing them and trying to prepare them for a functional existence in society. For mandatory minimum laws to be effective they need to have a clearly defined focus on crimes that have a clear victim, and committed in a violent manner, with serious results. If a man walks out on a four-dollar bill for lunch is he seriously injuring the restaurant? Is this an action deserving to be defined as a strike that two more like will send him to prison for the rest of his life? The answer is no. This focus on incarceration and exodus from the idea of rehabilitation is resulting in a massive overcrowding in United States prisons.

Incarceration is the dealing with criminals by taking them out of society. It is a method in which there is no focus on fixing the problem at its source, simply moving it to a secluded area. Out of sight out of mind. Rehabilitation is the method in which the institution attempts to change the offender?s outlook. They try to teach them functional manners for participating in society. An example could be educating criminals while they are in prison, giving them an opportunity to act in society without needing to rely on deviant routes. Mandatory minimum laws are an example of incarceration. They have the sole purpose of removing from society an offender that has proven that given the opportunity to exist in society they will abuse and injure other members, and will continue to do so at every chance. Now if you have a petty thief that is stealing because of they need to sustain an existence, then you have a good chance of rehabilitation if you present the opportunity to utilize socially functional means to attain economic stability. Many times opportunities are not offered to all people equally, this causes those who are shut out from legitimate chances to rely on anti-social acts to survive. By offering opportunity more evenly across the levels of society you take away the need for deviant routes of attaining goals.

In summary I feel that mandatory minimum sentencing laws are only truly effective on paper. There are too many mitigating factors that affect their true form when being exercised. Whether it be human bias, or prejudice there won?t be a means of ever having a regulation that works across the board. Problems with these regulations include the broad range of crimes it associates together, who it is really effecting, and is it really the best means of improving our society. These laws need to have a focus on only violent crimes against people to prevent abuse of the regulations and overcrowding in our prisons. I believe that those people who act against another in a way that injures the victim in a way that cannot be reversed belong locked away for a long time, but those who are merely trying to play the hand dealt to them by society simply need guidance. If society is going to punish someone for an act of deviance they must be sure that the individual is offered a chance at legitimate means, otherwise who is really to blame?

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