

# Three-Strikes Laws and Police Officer Murders: Do the Data Indicate a Correlation?<sup>1</sup>

James E. Guffey, James G. Larson, Chandrika Kelso

Twenty-four states passed three-strikes laws between December 1993 and January 1996. The intent of these laws is to ensure that felons who are convicted of second or third felonies or violent felonies serve long or even life-in-prison terms. These laws fall under mandatory sentencing guidelines, which do not give judges discretion to modify the sentences as they may with non-mandatory sentencing. One untoward result of three-strikes laws is the possibility that police officer murders will increase because felons facing a third strike might decide to use deadly force rather than possibly return to prison for life. This study analyzes the Uniform Crime Reports (UCR) *Law Enforcement Officers Killed or Assaulted* data for the period 1987 through 2007 to determine whether a correlation exists.

**Key Words:** three-strikes legislation • police officer murders • correlation

The three-strikes laws have been in effect in 24 states and the federal government since their passage between December 1993 and January 1996. Three-strikes laws rank among the top in controversial laws passed in the 20<sup>th</sup> century and have been attacked and vilified by criminal justice pundits from their inception. Among the evils the pundits predicted the laws would produce are: (1) immediate overcrowding of prisons with taxpayers asked to pay for additional prisons, (2) clogging of courts as defendants charged with a second or third strike demand court trials, (3) increase in homicides overall in the U.S. because three strikers would murder to silence victims and witnesses, and (4) more assaults and murders of police officers as three strikers attempt to avoid apprehension.

This research paper focuses on (4) above—the contention that police officer murders would increase significantly—and addresses the following research questions. Do three-strikes laws result in more second- and third-strike offenders resorting to assault and murder of police officers to avoid capture and almost certain life in prison? Is there a statistical correlation between three-strikes laws and the murder of police officers? If a

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statistical correlation exists, does this provide a substantive argument in favor of the repeal of three-strikes legislation?

The authors undertook this study to obtain results to compare with the results of previous studies. The 24 states that passed three-strikes legislation did so between December 1993 and January 1, 1996. Moody, Marvell, and Kaminski (2002) examined Uniform Crime Reports (UCR) panel data<sup>2</sup> for the period 1973 to 1998. Since their study, nine more years (1999–2007) of panel data has been compiled since the passage of the three-strikes laws. Johnson and Saint-Germain (2005) limited their study to the effects of California's three-strikes law. Therefore, the authors of this paper expand on both of these studies by examining UCR panel data from 1987 through 2007 and including all 24 three-strikes states. The period 1987 through 2007 provides a more balanced time series design because it offers nine years of data before the passage of three-strikes laws in 24 states and 11 years of data after the passage of three-strikes laws in 24 states. Moody et al.'s study examines only three years of data after the passage of three-strikes laws in all 24 states (1996–1998). In addition, the authors examine UCR panel data for the 26 non-three-strikes states, which serve as a 26-state control group with which to compare the results of the 24-state three-strikes experimental group. A more detailed explanation of the specific methodology the authors used appears in the Methods section of this paper.

The importance of this study lies in the fact that further research is necessary to examine the effects of three-strikes laws in the 24 states that have adopted it. Politicians often do not look at the long-term effect of laws they pass with the exception of the fiscal impact. Politicians are supposed to implement the policies they champion during their campaigns. Stricter laws aimed at fighting crime are often among the promises. However, "collateral damage" such as increased workloads on law enforcement, the courts, and corrections are often overlooked due to time constraints, lack of staff to delve into the unintended consequences of tough crime legislation, and the influence of special interest groups and lobbyists who tell them only one side of the story. Another of the potential collateral damages, according to pundits who attack three-strikes laws, is the increased danger to law enforcement personnel.

The primary limitation of this study is the inability of the researchers to control for possible rival causal factors. The authors examine the UCR panel data for police officer murders by state for the period 1987 through 2007. By using simple regression analysis, the authors look for statistically significant increases in police officer murders after the passage of the three-strikes laws. Significant findings are assumed to be due to three-strikes legislation; however, other factors could cause a spike in police murders such as poor training that makes the officer more vulnerable, more handguns or lethal weapons in the hands of dangerous parolees, or increased violence in general due to social factors.

Nevertheless, these other factors were extant before and after the passage of the three-strikes laws so the only variant in effect during the period December 1993 through January 1996 is the passage of three-strikes laws in 24 states.

The null hypothesis for this study is there is a positive correlation between the passage of three-strikes laws in 24 states and the number of police officer murders in those states. In other words, parolees who have two prior convictions for felony crimes and who may face life in prison if captured will resort to murdering a police officer to avoid capture; whereas, they may not do so if there was no three-strikes law.

## **Literature Review**

### *Three-strikes Laws*

Three-strikes laws have been very controversial since their passage between December 1993 and January 1996 with the majority of the literature criticizing these laws as too harsh or unnecessary because of habitual offender laws already in place (MacKenzie & Clear, 2002; Wood, 2001; Zimring, Hawkins, & Kamin, 2001).

The first three-strikes law took effect in December 1993 in Washington state by voter initiative. Washington's law was very straightforward; it mandated life terms of imprisonment without possibility for parole for individuals convicted a third time for specified violent offenses (Kovandzic, Sloan, & Vieraitis, 2002). Its law was attributed to the outrage by Washington citizens of the murder of Diane Ballasiotes. In October 1988, Diane Ballasiotes was murdered by Gene Kane, Jr., an escapee from a Seattle work-release facility. Kane brutally stabbed Ballasiotes to death in the course of an attempted rape, robbery, and kidnapping. Similar outrage stemming from the murders of Kim Reynolds and Polly Klaas led to passage of the three-strikes law in California in 1994. Eighteen-year-old Kimberly Reynolds was murdered in June 1992 in Yosemite National Park by two repeat felons with long arrest records. On October 1, 1993, 12-year-old Polly Klaas was abducted from her home in Petaluma, California, by another repeat felon, Richard Allen Davis. That same evening Davis strangled Polly to death and was charged with murder, kidnapping, and attempted sexual molestation. Kim Reynolds' father, Mike Reynolds, spearheaded the initiative that voters passed overwhelmingly even after the California legislature had already passed three-strikes legislation. The initiative insured that the legislation, as written, could not be amended.

Over the next year and a half, 22 more states and the federal government passed their own versions of three strikes. Kovandzic et al. (2002) offer the following comments on three-strikes laws:

Analyses of the content of these laws by Turner, Sundt, Applegate, and Cullen (1995) and Austin and Irwin (2001) reveal [the following similarities and differences]. First, almost all the states include serious violent offenses (e.g., murder, rape, robbery, and serious assault) as strikeable. Other states include drug-related crimes (Indiana, Louisiana, California); burglary (California); firearm violations (California); escape (Florida); treason (Washington); and embezzlement and bribery (South Carolina). Second, there is variation in the number of strikes needed for an offender to be out. In eight states, two strikes bring a significant sentence enhancement. Third, states differ in the term of incarceration imposed on offenders who strike out (Kovandzic et al., 2002, p. 209).

### *Three Strikes and Police Officer Murders*

Moody et al. (2002) analyzed the relationship between three-strikes laws and police officer murders. They used UCR data for police officers killed in the line of duty from 1973 through 1998. Their dependent variable was the number of law enforcement officers feloniously killed in the line of duty, and their target variable was a dummy variable that took the unit value in years following the passage of the three-strikes law. They also employed a number of control variables. By using the Poisson model, they determined that police murders increased in three-strikes states compared with other states.

[B]ecause there are very few police murders in relation to the number of arrests, the three-strikes laws can have a large impact on the number of police murders even if they prompt only a minuscule proportion of criminals to take evasive action by killing arresting officers. There are no *a priori* theoretical or empirical reasons for determining whether that minuscule proportion exists. Our research indicates that it does exist. Using state-level data from 1973 to 1998, we estimate Poisson and negative binomial fixed-effects models to determine the impact of the 24 three-strikes laws on murders of police [officers]. We find an estimated impact of 44% more murders in the years following the laws. In the average state there were 1.2 police murders per year in the 1990s; so the typical three-strikes law leads to an additional police murder [in each three-strike state] roughly every other year (Moody et al., 2002, pp. 18–19).

Other researchers have examined the possibility of increased police officer murders after the passage of three-strikes laws. By using a simple one-group, pre-test, post-test study, Stedman (1997) found a 14% increase in the number of California police officers

murdered after passage of the law. Stedman also found that six of the 20 police killers apprehended since the law already had two strikes, whereas no police killers in the three years before the law had two strikes.

Stedman (1997) and Austin et al. (1999) interviewed prisoners and gave examples of prisoners' claims that they might be more likely to kill officers because of the laws. In a study of homicide in general and its possible relation to three-strikes laws, Marvell and Moody (2001) argue that three-strikes laws increase overall homicide rates substantially. Their reasoning is that criminals, fearing three-strike penalties, will murder witnesses and others, including police officers, in a desperate attempt to escape detection and capture. "Everything else being the same, when the penalties for a crime and for an exacerbated version of that crime are similar, the criminal can be expected to commit the exacerbated version if that reduces the chances of apprehension and conviction" (2001, p. 92).

Kovandzic et al. (2002) support Marvel and Moody's (2001) finding in their study of 188 large cities during the period 1980 through 1999. Their study compares homicide rates in 110 cities in states with three-strikes legislation with homicide cases in 78 cities in states without three-strikes laws. They also use seven control variables that have shown to be correlates of homicide: percentage of African-American persons, percentage of population ages 18 through 24, percentage of female-headed households, percentage of population living below the poverty line, per-capita income, percentage of population living alone, and prison population. These variables are derived from the commonly accepted criminological theories of strain/deprivation, social disorganization, and opportunity/routine activities (p. 405).

Kovandzic et al. acknowledge simultaneity bias in their study. They define simultaneity bias as the possibility that legislatures in the three-strikes states passed the laws because the homicide rates were already increasing and continued to increase after the passage of the laws for the period of their study. They rely on the Granger causality test, which Marvell and Moody (2001) used in their study to dismiss this possibility, however.

In their conclusion, despite the possibility of simultaneity bias, Kovandzic et al. assert that in cities with three-strikes laws, homicide rates increased on average 13% to 14% in the short-term and 16% to 24% in the long-term compared with cities without the laws. Based on this they conclude, "The present findings lend further support to existing theoretical and empirical research demonstrating disutility and potentially lethal danger of three-strikes laws" (2002, p. 418).

Jeffrey L. Johnson and Michelle A. Saint-Germain (2005) examined the effect of California's 1994 three-strikes law on front-line law enforcement personnel, focusing on whether they face a greater risk of injury by criminal suspects resisting arrest and contact with law enforcement due to three strikes. Specifically, Johnson and Saint-Germain collected and evaluated data from six major police agencies and district attorney offices in

California between 1990 and 2001. The data included total arrests, resisting arrest charges, assault on a peace officer, officer injuries or deaths, use of force incidents, officer-involved shootings, vehicle pursuits, and three-strikes case filings (2005, p. 443).

Johnson and Saint-Germain used a comparative, longitudinal research design. They analyzed data before the passage of three-strikes in 1994 and afterward up until 2001 from California's six largest cities (Los Angeles, San Francisco, San Diego, Long Beach, Oakland, and San Jose). They selected Phoenix, Arizona, as a control city because Arizona does not have a three-strikes law. Data were obtained from three sources: a questionnaire, the Office of the District Attorney of the county of Los Angeles, and the California Department of Corrections (2005, p. 445).

The following is Johnson and Saint-Germain's summary of their findings in the category of "Violence Toward Police":

1. There were few changes after three strikes in the number of arrests involving a charge of resisting arrest and obstructing an officer.
2. There were few dramatic effects for assaults on a police officer. Los Angeles had a mixed (nonsignificant) pattern before 1994; afterwards, there was a slight, lagged increase beginning in 1996 but then a decline after 1997 into a significant downward trend. Only Oakland showed a different pattern with a significant increase in the number of assaults on police officers after 1994.
3. Injuries to police in the sample cities did not appear to increase markedly after three strikes. . . . However, the Los Angeles trend did change from a long-term, significant decline to a more mixed . . . trend. Injuries to San Diego officers significantly increased after 1994; whereas in Long Beach [they] significantly declined.
4. There was no clear pattern in the number of instances in which police had to use force in making an arrest, although complete data were available from only three of the survey cities.
5. The number of officer-involved shootings likewise declined or remained relatively flat in nearly all the survey cities after . . . three strikes. [Of note, control City] Phoenix was the only city to have a statistically significant increase.
6. The number of vehicle pursuits initiated by police officers in completing arrests did not show much effect from the implementation of three strikes . . . (2005, pp. 447–449).

Johnson and Saint-Germain make the following conclusions:

First, there has not been a pervasive, statewide impact on violence or injuries to police officers because of three strikes. If we examine the numbers of suspects who (both before and after three strikes) are resisting, obstructing, assaulting, injuring, or even killing police officers, we do not discern a consistent statewide increase or trend. Even if we allow for (generalized) diminishing arrest figures since three strikes was introduced, we still do not find a smoking gun (2005, p. 454).

A review of the literature reveals that the issue of police officer murders and three-strikes legislation is not clear. A macro study by Moody et al. (2002) reveals a clear correlation between police officer murders and three-strikes legislation. However, a micro study of assaults and other indicators of increased violence against police officers in California did not uncover the same results. Also, studies of the homicide rates in cities in states that have legislated three-strikes legislation support the contention that homicides do increase in those cities compared with cities in states that have not passed three-strikes legislation. Because the results of these studies are proffered as reasons to repeal three-strikes legislation, it is important that more research is conducted to provide data either in favor of or in opposition to repeal of three-strikes legislation.

### **Methods**

Our study used data from the Uniform Crime Report's *Law Enforcement Officers Killed and Assaulted* (LEOKA), Table 1, Law Enforcement Officers Feloniously Killed, Geographic Region, Division, and State for the periods 1987–1997 and 1998–2007. This is a period of 21 years. In addition to the LEOKA data, the authors also used the UCR's data for the total number of civilian homicides for each state for the period 1994 and 1995 through 2007. These data were employed as a control. The literature and logic suggest that homicides of police officers should have a positive correlation with homicides of civilians. If, for example, police officer homicides increased after the passage of three-strikes laws in the 24 three-strikes states, we should expect a similar increase in citizen homicides in the 24 three-strikes states (Johnson & Saint-Germain, 2005; Kovandzic et al., 2002). Therefore, we compare the civilian homicide data in the 24 three-strikes states as well as the 26 non-three-strikes with the peace officer homicide data in both groups for the period 1994 and 1995 through 2007.

### *Experimental Design*

The experimental design comprises two separate designs to make a comparison and determine whether the two separate designs yield similar results and thus substantiate the

validity and reliability of the overall study. Design #1 consists of two interrupted time series designs with the pre-observations from 1987 through 1993 for the 13\* states that passed three-strikes states in 1994 and pre-observations from 1987 through 1994 for the 11\*\* states that passed three-strikes states in 1995.

Post-observations are taken from 1995 through 2007 for the 13 1994 three-strikes states and post-observations are taken from 1996 through 2007 for the 11 1995 three-strikes states. The independent variable is the 1994 implementation of three-strikes laws in 13 states and the 1995 implementation of three-strikes laws in 11 states. The dependent variables are the observations of police officer murders from the LEOKA data from 1987 through 2007 in all 24 three-strike states with the year-of-implementation murders (1994 and 1995) counted as pre-implementation counts. This was done to account for the lag time to begin prosecutions and allow for sufficient media coverage to make two- and three-strike felons aware of the new law.

Design #2 is a pre-experimental design that could be labeled an interrupted time series post-test-only control group design. This design compares the number of post-three-strikes officer murders in the 24 three-strike states with the officer murders in the 26 non-three-strikes states for the period 1996–2007 by using the LEOKA data for this period. The “experimental group” comprises the 24 three-strike states, and the “control group” comprises the 26 non-three-strike states. Because the division of three-strikes states and non-three-strikes is almost even, equivalence is obtained to some degree—certainly as close as can be expected without a complete randomization.

The authors compared data and results from Design #1 with the data and results of Design #2 (see Results section) to determine whether the two designs yield similar results. In other words, the authors would expect that, if officer murders show a statistically significant increase in Design #1, i.e., murders increase from pre- to post-three strikes over the 21 years of observations for both the 13 1994 three-strike states and the 11 1995 three-strike states, and Design #2 shows a statistically significant increase post-three strikes in the 24 three-strikes states versus the 26 non-three-strikes states, we can posit that most likely the effect is due to the implementation of three-strikes versus any rival causal factor(s). The authors employed an additional control as well. Previous studies (Kovandzic et al., 2002; Marvell & Moody, 2001) indicate that civilian homicides increase at a statistically significant rate in three-strike states versus non-three-strike states. Therefore, we

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\* California, Colorado, Connecticut, Indiana, Kansas, Louisiana, Maryland, New Mexico, North Carolina, Tennessee, Virginia, Washington, and Wisconsin

\*\* Arkansas, Georgia, Indiana, Montana, Nevada, New Jersey, North Dakota, Pennsylvania, South Carolina, Utah, and Vermont



compared the total number of civilian homicides in the three-strike states and the non-three-strike states with police homicides in Design #2 for the period 1994 through 2007 to determine whether police officer homicides correlate with civilian homicides either positively or negatively in the 24 three-strike states.

### *Statistical Methods*

The data were entered in SPSS by using Coefficient of Correlation (Pearson's *r*) as the methods of analysis. In addition, line charts were generated by using the Chart feature in SPSS. This was done to see the trend in police homicides to compare with the SPSS regression data. The following tables and line charts display and define the data.

Table 1. *Pearson's Correlation, 13 States That Passed Three-Strikes Laws in 1994, Interrupted Times Series Design*

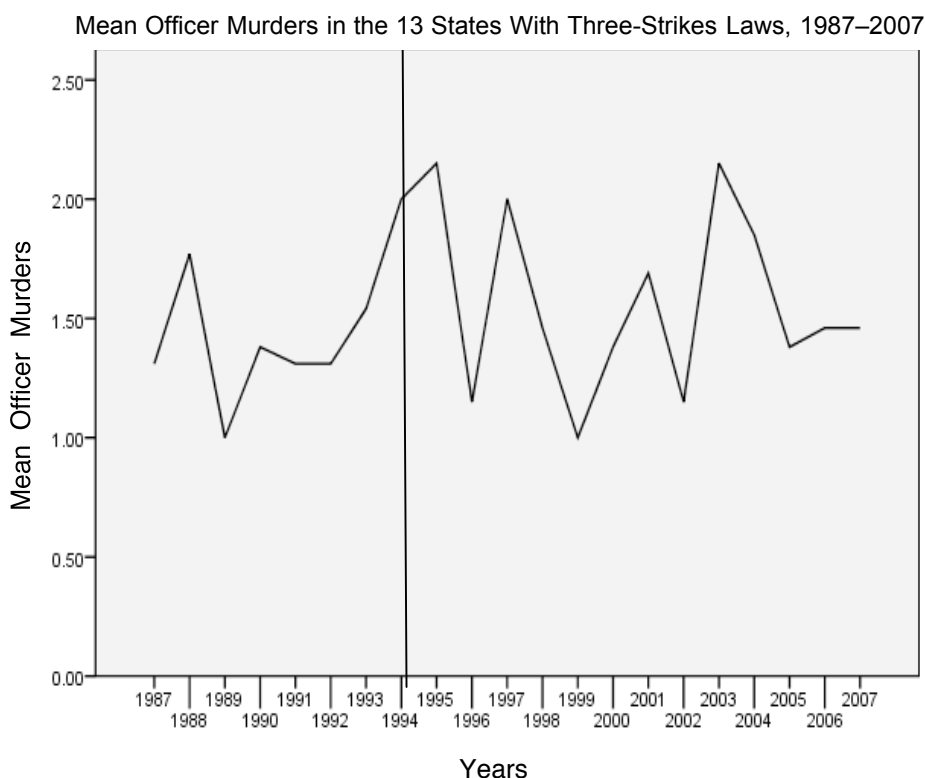
Independent Variable—States Enacting Three-Strikes Laws in 1994			
Year	<i>r</i>	<i>N</i>	Significance
1987	.631	13	.021*
1988	.650	13	.016*
1989	.521	13	.068
1990	.529	13	.063
1991	.325	13	.278
1992	.434	13	.138
1993	.572	13	.041*
1994—Year First 13 States Enacted Three-Strikes Laws			
1995	.592	13	.033*
1996	.345	13	.294
1997	.439	13	.134
1998	.900	13	.000**
1999	.592	13	.033*
2000	-.198	13	.537
2001	.530	13	.062
2002	.468	13	.106
2003	.718	13	.006**
2004	.169	13	.580
2005	.694	13	.009**
2006	.772	13	.002**
2007	.131	13	.670

\*  $p \leq .05$

\*\*  $p \leq .01$

In this time series design, if there was a significant increase in police officer murders after the implementation of three-strikes laws, we would expect low/insignificant correlation with the 1994 implementation year before 1994 and a steady increase in correlation/significance after 1994. The Pearson correlation data (Table 1) partially support this hypothesis; however, the correlations are uneven. The years 1987, 1988, and 1993 reveal a  $p \leq .05$ . Post-1994, the years 1995, 1998, 1999, 2003, 2005, and 2006 reveal a  $p \leq .05$  with more correlations at the  $p \leq .01$  level. Therefore, the data do indicate a sporadic/intermittent increase post-1994. There could be several explanations for this. First, it may be that prosecutions for three-strikes offenses are cyclical, and increased violence against officers occurred in those years when prosecutions were higher. Second, it may be that three strikes has a minimal effect, and the increase in police homicides is due to other factors that are traditionally attributed to increased police homicides in addition to three-strikes legislation.

Figure 1. Average Yearly Police Homicides from 1987 through 2007 for the First 13 States to Pass Three-Strikes Laws (1994)



Note. In 1994, 13 states implemented three-strikes laws.

Figure 1 depicts the line graph for the average yearly police homicides from 1987 through 2007 for the 13 states that enacted three-strikes laws in 1994. A vertical line at the year

1994 distinguishes when three strikes took effect in these states. Figure 1 also shows the uneven/cyclical trend of police homicides after the passage of three strikes. It also shows that police officer homicides were actually increasing before the passage of three strikes.

Table 2 depicts data for the 11 states that enacted three-strikes laws in 1995. None of the years before 1995 show a correlation at the  $p = <.05$  level, and only two post-1995 years show a correlation at the  $p = <.05$  level—1997 and 2006. Clearly the data for the 11 1995 three-strikes states show no significant trend in increased police homicides.

Table 2. *Pearson's Correlation, 11 States That Passed Three-Strikes Laws in 1995, Interrupted Time Series Design*

Independent Variable—1995 Three-Strikes States			
Year	<i>r</i>	<i>N</i>	Significance
1987	.272	11	.418
1988	.330	11	.322
1989	.187	11	.582
1990	.134	11	.694
1991	.385	11	.243
1992	.126	11	.713
1993	.280	11	.404
1994	.204	11	.548
1995—Year Last 11 States Enacted Three-Strikes Laws			
1996	.285	11	.395
1997	.646	11	.032*
1998	.326	11	.328
1999	.335	11	.314
2000	.185	11	.586
2001	.215	11	.526
2002	-.159	11	.641
2003	-.197	11	.562
2004	.252	11	.455
2005	.263	11	.435
2006	.698	11	.017*
2007	.274	11	.414

\*  $p \leq .05$

Figure 2 shows the average yearly police homicides from 1987 through 2007 in the 11 states that enacted three-strikes laws in 1995 with a vertical line depicting 1995. Once again the data closely follow the Pearson data. The graph shows a gradual downturn in homicides after 1995 with a couple of small spikes. This is a much different outcome from the data for the 13 1994 three-strikes states. It clearly indicates no correlation between the passage of three-strikes in these 11 states and homicides of police officers.

Figure 2. Average Yearly Police Homicides from 1987 through 2007 for the Last 11 States to Pass Three-Strikes Laws (1995)



Note. The remaining 11 states passed three-strikes laws in 1995.

Tables 3 and 4 display the data for experimental Design #2—the interrupted time series post-test-only design. Table 3 contains the data for the combined 24 three-strikes states from 1996 through 2007, representing the experimental group. Table 4 shows the data for the 26 non-three-strikes states from 1996 through 2007, representing the control group. In addition, both tables include the variance from the mean of the base year of 1996 for each of the

years 1997 through 2007 for *civilian homicides* to compare with police homicides for these years to determine whether the trend is similar for each. Previous research by Kovandzic et al. (2002) asserted that police homicides will increase along with an increase in civilian homicides. Therefore, we made this comparison in our study as a control. If both vary in the same direction, this is additional assurance that a similar causative factor affected the police homicides changes—the three-strikes laws.

Table 3—Pearson's Correlation for the 24 Three-Strikes States, 1996–2007

Year	Pearson's Correlation 24 Three-Strikes States, 1996–2007			Mean Variance Civilian Homicides, 1997–2007
	<i>r</i>	<i>N</i>	<i>Sig</i>	
		1996		462.33
1997	.331	24	.115	-33.29
1998	.482	24	.017*	-62.08
1999	.365	24	.079	-103.29
2000	.473	24	.020*	-98.17
2001	.295	24	.161	-93.92
2002	.522	24	.009**	-77.92
2003	.307	24	.145	-67.33
2004	.788	24	.000**	-72.96
2005	.588	24	.003**	-59.25
2006	.493	24	.014*	-48.96
2007	.643	24	.001**	-49.75

\* $p \leq .05$

\*\* $p \leq .01$

The Pearson's data for both the 24 three-strikes states and the 26 non-three-strike states show significant correlations with the 1996 data. The data correlate significantly with the base year of 1996 for both the experimental (24 three-strikes states) and the control (26 non-three-strikes states) groups. Therefore, we can say the three-strikes law has had no effect on police homicides; they vary in the same direction for both the control and experimental groups. Figures 3 and 4 represent line graphs for the data in Tables 3 and 4, respectively. The line graphs show that police homicides for the period 1996–2007 are cyclical for both the three-strikes states and the non-three-strikes states, and there is no change in homicides from 1996 through 2007. Moreover, the civilian homicides for both the three-strikes states and the non-three-strikes states show significant decreases during this same period. This is significant because the trend is the same for police homicides and civilian homicides during this period: police homicides in both groups move laterally; civilian homicides in both groups move downward.

Table 4—Pearson’s Correlation for the 26 Non-Three-Strikes States, 1996–2007

Year	Pearson’s Correlation 26 Non-Three-Strikes States, 1996–2007			Mean Variance Civilian Homicides, 1997–2007
	<i>r</i>	<i>N</i>	<i>Sig</i>	
		1996		313.53
1997	.547	26	.004**	-20.8
1998	.546	26	.004**	-42.46
1999	.321	26	.110	-56.80
2000	.524	26	.006**	-62.07
2001	.399	26	.044*	-47.92
2002	.738	26	.000**	-53.30
2003	.525	26	.006**	-53.00
2004	.555	26	.003**	-59.92
2005	.367	26	.065	-51.11
2006	.705	26	.000**	-46.46
2007	.591	26	.001**	-50.23

\* $p \geq .05$       \*\* $p \leq .01$

Figure 3. Average Yearly Police Homicides, 1996 through 2007 for 24 Three-strikes States

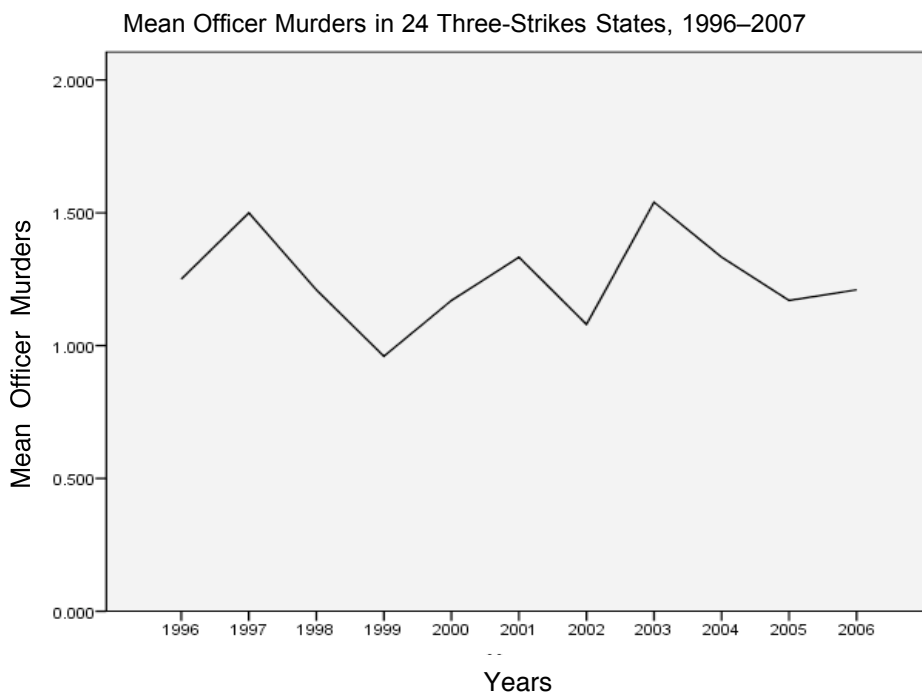
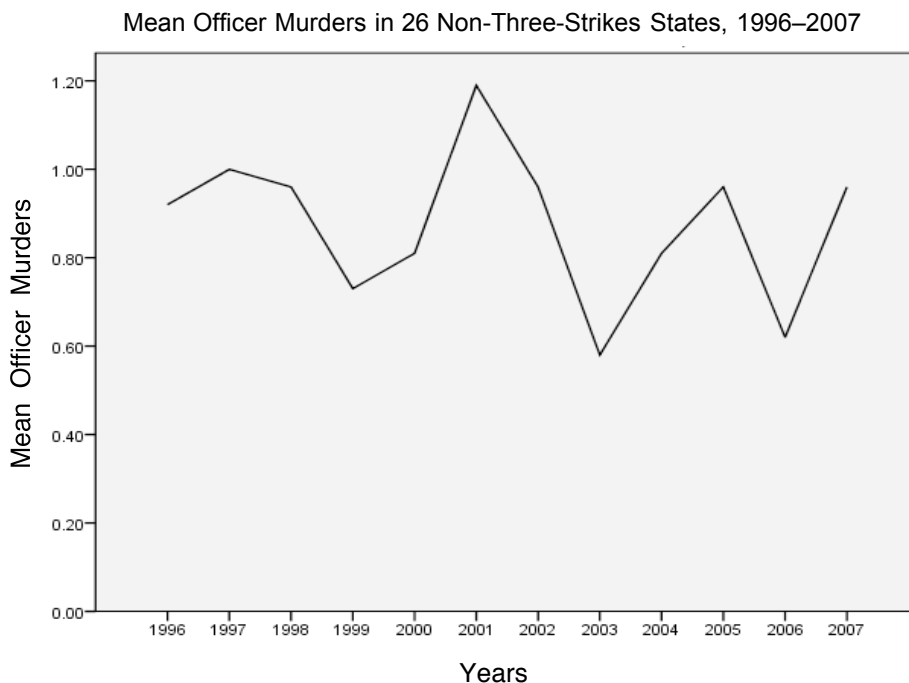


Figure 4. *Average Yearly Police Homicides, 1996 through 2007, 26 Non-Three-Strikes States*



### Results

In the introduction, the authors identified three research questions:

1. Do three-strikes laws result in more second- and third-strike offenders resorting to assault and murder of police officers to avoid capture and almost certain life in prison?

The data indicate that there is no clear trend in police homicides for the 24 three-strike states since the passage of the three-strikes laws in these states up to 2007. Also, when compared with police homicides before the passage of the three-strikes laws, the data indicate that the number of police homicides remained unchanged after the passage of the three-strikes laws in the 24 states from the period 1987 through 2007. In addition, the authors found that civilian homicides have shown a significant decrease in both the 24 three-strike states as well as the 26 non-three-strike states.

2. Is there a statistical correlation between three-strikes laws and the murder of police officers?

There is no clear statistical correlation between three-strikes laws and the murder of police officers. If there was a correlation, the data would show a steady increase in police

officer homicides or at least a significant increase between the dates of passage and the most current 2007 data. This is not the case.

3. If a statistical correlation exists, does this provide a substantial argument in favor of repeal of three-strikes laws in the 24 states that have passed them?

Because there is no significant statistical correlation, the authors believe that arguments in favor of the repeal of three strikes because they increase police officer murders are unfounded. In fact, arguments in favor of the repeal of three strikes because three strikes increases murders in these states are also unfounded. The 11-year data since 1996 indicate that civilian murders have shown a significant decrease in the 24 three-strikes states.

### **Conclusions**

Three-strikes laws have been vilified since their passage in 24 states between December 1993 and January 1995. Studies by Kovandzic et al. (2002) and Marvell and Moody (2001) assert that three-strikes laws have increased both police officer and civilian murders in the 24 three-strike states. However, these studies were limited in their scope. They looked at data for only three years or fewer after the passage of three-strikes laws. This limited scope of data precipitated the study by the current authors to look at the data up to the most current data published by the FBI in the UCR—2007. With this more expanded time series design, the authors found that the percentage increase asserted by Moody et al. (2002) of 44% is not supported. Moreover, the civilian murder increases of 16% to 24% propounded by Kovandzic et al. (2002) is also not supported with use of our expanded data.

It is the authors' conclusion that three-strikes laws do not increase police officer murders and, by extension, assaults. The same appears to be true for civilian homicides. There may be other arguments in favor of the repeal of three-strikes laws; for example, it can be argued that mandatory sentencing and habitual offender laws serve the same purpose—to incapacitate offenders, if not for life, for most of their lives.

Even though three-strikes laws do not increase police officer homicides, officers can be more vulnerable when confronting convicted felons. Training to identify convicted felons could certainly reduce the number of assaults on police officers. Technology could be an asset for this purpose. The authors envision a microchip that could be implanted in the arm of paroled felons that contains their arrest and conviction history. Officers could carry a sensor on their duty belts that could sound an audible beep and display on a dashboard computer the arrest and conviction history of the felon. With training and technology, officers can be made safer while on patrol.



## Notes

1. The authors presented this paper at the 46<sup>th</sup> Annual Meeting of the Academy of Criminal Justice Sciences, March 10–14, 2009, Boston, Massachusetts.
2. All references to UCR panel data refer specifically to *Law Enforcement Officers Killed and Assaulted* (LEOKA) data.

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