

- the data source. For instance, some studies used data from different counties within a particular state (usually California), whereas others compared state-level data across all 50 states;
- the methodology used. The simplest studies assessed the crime rate before and after the laws were passed and purported to draw a causal connection. More sophisticated analyses controlled for other key variables that influence crime rates, such as demographic factors, increases in police numbers and other criminal justice policies. Different studies also used different types of statistical analysis.

From an analysis of a number of leading studies on three strikes laws in the USA (see appendix one for a list of references), there is evidence that these laws:

- may have had an effect in reducing overall crime rates, which is more likely to be due to deterrence than incapacitation given the small number of offenders imprisoned under most states' laws. There is also evidence that any deterrent effect is no more pronounced in states with wider ranging laws, such as California, than in states with less severe laws;
- may have had a deterrent effect on individual offenders at risk of moving through the stages; and
- may have resulted in an increased rate of homicide. On the basis of the research to date, this cannot be ruled out.

Officials consider that these findings are generally applicable to New Zealand, although the actual effects are likely to be small given New Zealand's small population and the differences between the proposals and the three strikes laws in the USA.

Option two is most likely to have a deterrent or incapacitory impact as the wide scope of this option means that more people will be subject to the regime.

Effect on the prison population

Both options for the worst repeat violent offender policy will impact the prison population, and therefore have associated capital and operating costs. The financial implications for the Department of Corrections have been determined by estimating the number of additional beds required, modelled on conviction and sentencing data from 1980 – 2008.

While it is accepted that the policies may have some deterrent effect, this effect was unable to be quantified for these estimates. The estimates therefore assume no deterrent effect. The costs are based on a one-off capital cost of \$400,000 per bed and operating costs of \$91,000 per prisoner per year.

1. Regime provided in the introduction version of the Bill

Years after implementation	Estimated number of additional beds	Capital costs (total \$m)	Operating costs per year (\$m)
10	25	10	2.3
15	46	18.4	4.2
20	70	28	6.4
50	132	52.8	12.0