



JOBS NOT JAILS COALITION

AN ACT ELIMINATING MANDATORY MINIMUM SENTENCING RELATED TO DRUG OFFENSES

Lead Sponsors Sen. Cynthia Creem & Rep. Evandro Carvalho
(HB741 and SB819)

For over 30 years, Massachusetts law has required judges to impose lengthy mandatory minimum sentences on persons convicted of many drug crimes. This policy, part of the co-called “war on drugs,” has been proven to be a failure. We need to reverse course.

Minimum Mandatory Sentences Do Not Deter Crime. Contrary to what was expected from the “war on drugs,” research has shown that mandatory minimum sentences have no real effect on crime rates. Incarcerating drug users and low-level drug dealers does nothing to deter crime or the flow of drugs into our communities.¹

Minimum Mandatory Sentences Are Expensive and a Poor Use of State Resources. In the past 15 years, state spending on prisons has increased by 12 percent while spending on higher education has decreased by 19 percent.² It costs the state approximately \$50,000 per year to house and feed each prisoner, money that could be much better spent on helping former prisoners transition into the workforce and housing, fighting opiate addiction, and engaging in crime prevention efforts or other urgent needs.

Minimum Mandatory Sentences Are Imposed in Racially Discriminatory Ways. In Massachusetts and across the United States, African-American and Latino defendants are far more likely than white defendants to be incarcerated for drug crimes and to be subjected to the minimum sentences that are mandated for those crimes.³

Minimum Mandatory Sentences are Counterproductive in Fighting Addiction. Our state prisons and houses of correction are overflowing with inmates serving time for drug offenses, many of them addicts themselves. Prison is expensive and an entirely inappropriate setting for drug treatment. Persons with addiction problems who do not pose a threat to public safety should receive the treatment they need in a therapeutic, not a penal, setting.

Minimum Mandatory Sentences Put Too Much Power in the Hands of Prosecutors. Mandatory minimum sentences distort our justice system by inappropriately taking away sentencing discretion from judges, who are its impartial arbiters, and giving that discretion to prosecutors instead.⁴ Defendants have little choice, but to accept pleas that result in incarceration because they fear the possibility of a longer mandatory minimum sentences should they be found guilty after a trial.

¹ <http://commonwealthmagazine.org/criminal-justice/gants-argues-against-mandatory-minimums-for-drug-offenses/>

² Massachusetts Budget and Policy Center, *Incarceration Trends in Massachusetts*, January 26, 2016, p. 9.

³ <http://www.mass.gov/courts/court-info/trial-court/sent-commission/survey-of-sentencing-practices-generic.html>

⁴ Remarks by Chief Justice Ralph D. Gants, Supreme Judicial Court, University of Massachusetts, Boston, March 16, 2015, p. 10.

