

MANDATORY MINIMUM SENTENCES

For Nonviolent Drug Offenses and Their Effect on Mass Incarceration in the U.S.

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KEY POINTS

- The U.S. has the highest incarceration rate in the world. Over 2 million adults in the U.S. are behind bars¹.
- Mandatory minimum sentences and other "tough on crime" policies contribute greatly to mass incarceration in the U.S., and disproportionately affect communities of color.
- Ending mandatory minimums, reducing sentences for non-violent drug crimes, and implementing more proactive alternatives will greatly benefit American society as a whole.

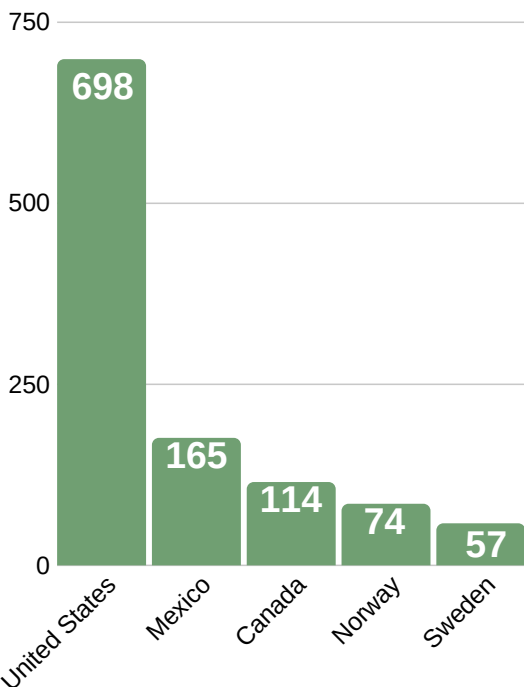
BACKGROUND

Under the **1984 Sentencing Reform Act**, many states began using mandatory minimums as a response to spikes in crime and drug use, but these reforms have resulted in increased disparities and incarceration rates, and little to no effect on crime rates. Many judges have argued that mandatory minimums take away their ability to consider extenuating circumstances when determining sentence lengths, forcing them to give a much longer sentence for a nonviolent crime than they would have deemed necessary without guidelines.

THE PROBLEM

The United States has the highest incarceration rate in the world, at **698 prisoners** per 100,000 residents⁷. Seventy percent of the growth in

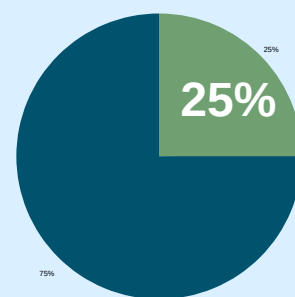
INCARCERATION RATES BY COUNTRY⁷



prison populations can be attributed to increases in drug sentence lengths⁴. The U.S. spends **\$81 billion** on prisons, jails, parole, and probation every year⁵. Even as crime rates have decreased in recent years, prison populations have continued to grow, displaying a serious need for criminal justice reform.

Despite the extreme difference between the rates at which people are imprisoned, the United States' crime rates are not significantly different than other wealthy countries.⁶

FAST FACTS



The United States makes up about **5%** of the world's population, but has **25%** of the world's prisoners.¹

Prison and jail populations would decrease by

40%

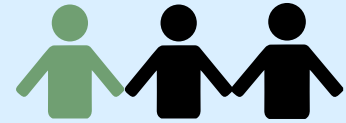
if blacks and Hispanics were incarcerated at the same rate as whites⁹.

From **1980 to 2011**, the average sentence for federal drug offenses rose by **36%**, while average sentences for all other offenses decreased by **3%**¹⁰.

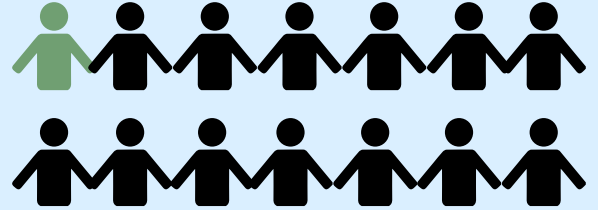
WHY MANDATORY MINIMUMS DON'T WORK

- They take away judges' abilities to reduce sentences based on extenuating circumstances.
- Research has shown that there is no detectable pattern of states with higher rates of incarceration experiencing significant decreases in crime rates.¹¹
- High level drug suppliers make up a small fraction of federal offenders sentenced under mandatory minimums - over **25%** of those in prison for drug offenses are the **lowest-level traffickers**.¹⁰
- Hispanic and black males are **significantly more likely** to be affected by mandatory minimums than white offenders are.¹²

LIFETIME LIKELIHOOD OF IMPRISONMENT¹³



1 in 3 black men



1 in 17 white men

SUCCESSFUL INTERVENTIONS

California

Voters passed a ballot measure in 2014 which reclassified certain low-level drug crimes from felonies to misdemeanors.¹³

Connecticut

In 2001, the state passed legislation to give judges more discretion on sentence lengths for non-violent drug offenses, and allocated more funds to the Jail Diversion Program.¹⁴

Federal Level

The United States Sentencing Commission reduced excessive sentences for almost **46,000 prisoners** serving time for federal drug offenses.¹³

SOLUTIONS

Reduction of prison sentences for those serving time for drug-related crimes in recent years has considerably decreased the federal prison population¹. This, however, is not enough to have a sizeable impact on the issues of mass incarceration and significant racial disparities in the criminal justice system. The U.S. needs to address these issues within the criminal justice system by:

- **Eliminating mandatory minimum sentences for nonviolent drug offenses and significantly reducing the use of lengthy sentences.**
- **Allocating more resources to prevention and treatment programs for substance abuse.**
- **Evaluating and reforming other policies that contribute to racial disparities in the criminal justice system.**¹³
- **Investing in re-entry programs for former offenders to reduce recidivism rates.**

"It just doesn't make sense to require a nonviolent drug offender to serve 20 years, or in some cases, life, in prison. An excessive punishment like that doesn't fit the crime. It's not serving taxpayers, and it's not making us safer." - **President Barack**

Obama¹⁶

Works Cited

1. Gramlich, John. "America's Incarceration Rate Is at a Two-Decade Low." Pew Research Center, Pew Research Center, 2 May 2018, www.pewresearch.org/fact-tank/2018/05/02/americas-incarceration-rate-is-at-a-two-decade-low/.
2. Cullen, James. "Sentencing Laws and How They Contribute to Mass Incarceration." Brennan Center for Justice, 5 Oct. 2018, www.brennancenter.org/blog/sentencing-laws-and-how-they-contribute-mass-incarceration-0.
4. Vincent, Barbara S., and Paul J. Hofer. "The Consequences of Mandatory Minimum Prison Terms: A Summary of Recent Findings." *Federal Sentencing Reporter*, vol. 7, no. 1, 1994, pp. 33–38. JSTOR, www.jstor.org/stable/20639737.
5. "Mass Incarceration Costs \$182 Billion Every Year." Equal Justice Initiative, 6 Feb. 2017, <https://eji.org/news/mass-incarceration-costs-182-billion-annually>.
6. Beauchamp, Zack. "America Doesn't Have More Crime than Other Rich Countries. It Just Has More Guns." Vox, Vox Media, 15 Feb. 2018, www.vox.com/2015/8/27/9217163/america-guns-europe.
7. Wagner, Peter, and Wendy Sawyer. "States of Incarceration: The Global Context 2018." Prison Policy Initiative, June 2018, www.prisonpolicy.org/global/2018.html.
9. "Criminal Justice Fact Sheet." NAACP, NAACP, 2019, www.naacp.org/criminal-justice-fact-sheet/.
10. "Federal Drug Sentencing Laws Bring High Cost, Low Return." The Pew Charitable Trusts, Pew, 27 Aug. 2015, www.pewtrusts.org/en/research-and-analysis/issue-briefs/2015/08/federal-drug-sentencing-laws-bring-high-cost-low-return.
11. King, Ryan S, et al. *Incarceration and Crime: A Complex Relationship*. The Sentencing Project, 2005, www.sentencingproject.org/wp-content/uploads/2016/01/Incarceration-and-Crime-A-Complex-Relationship.pdf.
12. Ulmer, Jeffery T., et al. "Prosecutorial Discretion and the Imposition of Mandatory Minimum Sentences." *Journal of Research in Crime and Delinquency*, vol. 44, no. 4, Nov. 2007, pp. 427–458, doi:10.1177/0022427807305853.
13. "Criminal Justice Facts." The Sentencing Project, www.sentencingproject.org/criminal-justice-facts/.
14. Lawlor, Michael. "Reforming Mandatory Minimum Sentences in Connecticut," *Federal Sentencing Reporter* vol. 15, no. 1 (October, 2002): p. 10-14. HeinOnline, <https://heinonline.org/HOL/P?h=hein.journals/fedsen15&i=12>.
15. Morrison, Aaron. "In One Quote, President Obama Tells You What's Wrong With Mass Incarceration." Mic, Mic Network Inc., 5 May 2016, <https://mic.com/articles/142816/in-one-quote-president-obama-tells-you-what-s-wrong-with-mass-incarceration#.4Nj6EMEd7>.