

Justice Reinvestment



An Act to Increase Neighborhood Safety and Opportunity

SECTION II – Removing Mandatory Minimums for Drug Offenses in Massachusetts

What are Mandatory Minimums?

Mandatory minimums for drug offenses are pre-determined prison sentences for drug crimes. The length of the sentence is often based solely on the weight of the drugs, regardless of other facts of the case. Drug treatment instead of prison is never an option.

How many people are affected by mandatory minimums in Massachusetts?

- Each year in Massachusetts, hundreds of men and women are sentenced to mandatory minimums for a drug offense.
- 70% of Dept. of Correction prisoners currently incarcerated for a drug offense were sentenced under mandatory minimum statutes.

Why do we need to get rid of Mandatory Minimums for drug offenses in Massachusetts?

- There is no evidence that long, mandatory sentences either deter crime or reduce the number of drug crimes or rate of addiction. In fact, they prevent access to treatment.
- They are incredibly costly. Reducing the number of prisoners serving time for drug offenses to 1985 levels would save \$90 million annually.
- Disproportionately long sentences: Sentences for nonviolent drug crimes can be longer than the sentences for violent crimes. For example, the penalty for the sale of 36 grams of heroin (about two tablespoons of powder) is 5 to 30 years while the penalty for armed assault with intent to rape is 5 to 20 years, and 0 to 20 years for manslaughter.
- Getting rid of mandatory minimums doesn't mean that those who break the law will not be punished. Instead, it would reduce recidivism by allowing for more effective sentencing that takes into consideration whether the person poses a threat to public safety, has a prior record or needs drug treatment.
- Mandatory minimums disproportionately impact communities of color. People of color make up roughly 20% of the state's population yet comprise on average 77% of drug offenders sentenced to mandatory minimums each year, despite the fact that all races use drugs at roughly equal levels.
- Over 20 states have reformed their mandatory minimum drug sentencing laws.

What do your Massachusetts residents want?

- A 2014 public opinion poll conducted in Massachusetts found that support for mandatory minimum sentences for any crime has fallen to 11%. Nearly two-thirds see illegal drug use as a health issue, not a criminal issue.
- Similarly, a 2005 study found that 88% of Massachusetts residents generally oppose mandatory minimum sentences -- regardless of political party, age or race. About three-fourths preferred mandatory drug treatment to mandatory prison time for drug offenders.

Representative Swan and Senator Creem will be filing legislation for the 2015-2016 session to repeal mandatory minimum sentences for drug offenses.

The leading organization on this issue is Families Against Mandatory Minimums, and the Swan-Creem bill is supported in the Legislature by the Harm Reduction and Drug Policy Caucus

For more info, contact: Steve O'Neill of EPOCA (508) 410-7676 steve@exprisoners.org, Lew Finfer of MCAN: (617) 470-2912 LewFinfer@gmail.com, Rev. Paul Ford of BWA RevFord@BostonWorkersAlliance.org (617) 955-0559, Elena Letona of Neighbor to Neighbor (617) 997-7503 Elena@N2NMA.org