

## **Mandatory Minimum Sentencing**

**During the 1980's, Congress and many state legislatures passed laws that force judges to give long, fixed prison terms to people convicted of certain drug crimes (including nonviolent offenders). These mandatory minimum sentencing laws trump judicial discretion, a hallmark of the U.S. justice system.**

- Mandatory sentencing laws **disproportionately affect people of color**. African-Americans make up 15% of the country's drug users, yet they make up 37% of those arrested for drug violations, 59% of those convicted, and **74% of those sentenced to prison for a drug offense**.
- Since the enactment of mandatory minimum sentencing for drug offenders, the **Federal Bureau of Prisons budget increased by more than 1,350%**. The U.S. is now **the world's leading incarcerator** in both number of prisoners and in percentage of population incarcerated. Over two million people are incarcerated in the United States. In fact, 60% of federal prisoners are drug offenders.
- A 1998 RAND study found that mandatory sentences are the **least cost-effective means of reducing drug use and drug sales**. The average cost of incarcerating an individual for a year is \$22,000.
- In cases involving mandatory minimum sentences, judges are not allowed to consider the all of the facts of each case. The mandatory sentence is determined simply by the quantity of drugs possessed. These laws **prevent judges from considering other factors** such as the defendant's role in the offense, likelihood of committing a future offense, or the role of drug addiction.
- Mandatory minimum sentencing **removes the checks and balances that make our system of justice work**. In the absence of judicial discretion, control over sentencing shifts to the prosecutors who decide whether an offender gets charged in a way to trigger a long sentence. This becomes a bargaining tool of the prosecutor and essentially cuts judges out of the system.
- **The least culpable offenders often get sentences originally intended for the most serious drug traffickers** because they have no valuable information to trade for a lower sentence. Conspiracy laws make those at the top of the drug trade and low-level offenders equally culpable. According to the U.S. Sentencing Commission, only 11% of those incarcerated in federal prisons on drug charges fit the definition of high-level drug traffickers. 30% of all drug defendants received a ten-year mandatory minimum sentence in 2001.

**Two decades after the enactment of mandatory sentences, these laws have failed to deter people from using or selling drugs. Drugs are cheaper, purer and more easily obtainable than ever.**

### **Public Support**

A respected and growing body of individuals and organizations oppose mandatory sentencing laws. They include: **U.S. Supreme Court Justices William Rehnquist and Anthony Kennedy, former drug czar Barry McCaffrey, National Association of Veteran Police Officers, American Psychological Association, National Association of Criminal Defense Lawyers, Federal Courts Study Committee, American Bar Association, American Civil Liberties Union, National Black Police Association, and the U.S. Sentencing Commission.**

Many national religious groups also oppose mandatory sentencing laws. They include: **U.S. Conference of Catholic Bishops, National Council of Churches, United Methodist Church, United Church of Christ, Progressive National Baptist Convention, Presbyterian Church (USA), Unitarian Universalist Association, Union for Reform Judaism, Evangelical Lutheran Church in America, Church of the Brethren Witness, Episcopal Church, and Church Women United**

