



Testimony submitted to the Joint Committee on the Judiciary
In support of H.1620/S.786 - An Act to eliminate mandatory minimum sentences related to drug offenses

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The League of Women Voters at both national and state levels opposes mandatory minimum sentences, including for non-violent drug-related offenses. LWVUS believes alternatives to imprisonment should be explored and utilized, taking into consideration the circumstances and nature of the crime. LWVMA supports prison sentences for violent crimes against the person and habitual criminals and alternative punishments for offenders who commit nonviolent crimes, first offenders, and offenders where mitigating circumstances exist.

While much has been made of the fact that Massachusetts incarceration rates are well below the national average, our trends are disturbing. From the state's own prison data, we learn that as of January of this year, 95% of males incarcerated were serving a sentence longer than 3 years, yet only 69% had committed a violent offense. Further, the Department of Corrections projects a decrease of only 0.1 % annually in the prison population from 2015 to 2022.ⁱ

In spite of the fact that people of color (black and Latino combined) represent roughly only 16% of the total population, i.e. about 1:6 black and Latinos to whites, the incarceration ratio is 8.1:1 blacks to whites and 6.1:1 for Latinos to whites.ⁱⁱ In addition, people of color comprise on average 77% of drug offenders sentenced to mandatory minimums, despite the fact that all races use drugs at roughly equal levels.

Sentences for nonviolent drug crimes can be longer than sentences for violent crimes. As an organization predominantly made up of women, we are offended that the maximum sentence for an armed assault with intent to rape can be equal to that for a second conviction for the sale of 2 tablespoons of heroinⁱⁱⁱ.

In addition to incarceration, a minor drug offense can result in the denial of federal and state public housing, federal and state student loans, and mandatory revocation of a driver's license. A felony conviction can be found by any computer literate employer and be used as a reason not to hire, which also discourages offenders from investing in training programs.^{iv} All of these can significantly decrease an offender's ability to become a productive citizen.

A 2014 public opinion poll conducted in Massachusetts spanning all party, race and age demographics, 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. We concur, and believe that treatment is preferable, more just and more economical than incarceration.

We strongly encourage you to update our criminal justice laws to assure that non-violent crimes and the processes by which the accused are processed do not lead to lengthy sentences for non-violent crimes, do not annul an offender's individual rights as a citizen and do lead to appropriate incarceration for violent crimes.

Thank you for your consideration.

ⁱ <http://www.mass.gov/eopss/docs/doc/research-reports/pop-trends/prisonpoptrends-2014-05042015-final.pdf> ;

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ⁱⁱ <http://www.sentencingproject.org/map/map.cfm#map>

ⁱⁱⁱ <http://www.uumassaction.org/campaigns/prison-justice/>

^{iv} <http://www.mpp.org/assets/pdfs/library/The-Collateral-Sanctions-Associated-with-Marijuana-Offenses>