



Testimony submitted to the Joint Committee on the Judiciary
In support of S.819/H.741 - An Act to Eliminate Mandatory Minimum Sentences Related
to Drug Offenses

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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 2015, 95% of males incarcerated were serving a sentence longer than three 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 2022.¹

A disproportionate number of individuals in custody in the Commonwealth are people of color. Although only 16% of the total population is black or Latino, a far higher proportion are found in custody; we find 8.1 times more black individuals, and 6.1 times more Latino individuals held in custody relative to white individuals.² 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. A minor drug offense can result in the denial of federal and state public housing, and federal and state student loans. 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 participating in training programs.³

A May 2017 MassInc poll shows that about two-thirds of registered Massachusetts voters say the top priority for dealing with crime should be prevention and rehabilitation. The same percentage think drug use should be treated as a health issue rather than as a crime, and only 8% support the use of mandatory sentences.⁴ The latest report from the Massachusetts Sentencing Commission supports repeal of most if not all mandatory minimums except in the case of murder.⁵

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.

We agree with Massachusetts voters that treatment and diversion is preferable, more just and more economical than incarceration. We strongly encourage you to update our

criminal justice laws so that prosecutors retain the discretion to charge, but judges have the discretion to sentence.

We hope you will include the repeal of mandatory minimum sentences in a comprehensive criminal reform package this session.

¹ <http://www.mass.gov/eopss/docs/doc/research-reports/pop-trends/prisonpoptrends-2014-05042015-final.pdf>; pg. 22

² <http://www.sentencingproject.org/map/map.cfm#map>

³ <http://www.mpp.org/assets/pdfs/library/The-Collateral-Sanctions-Associated-with-Marijuana-Offenses>

⁴ <https://massincpolling.files.wordpress.com/2017/05/topline-2017-04-criminal-justice-poll.pdf>

⁵ <http://commonwealthmagazine.org/criminal-justice/sentencing-commission-backs-repeal-of-mandatory-minimums/>