



## Flawed Drug Policies Waste Lives and Taxpayers' Money

Each year in Massachusetts, hundreds of people receive fixed and often lengthy prison sentences for nonviolent, low-level drug offenses. These sentences are known as “mandatory minimums” because a judge must impose a fixed prison sentence regardless of the facts of the case – even if the punishment does not fit the individual or the offense.

Many mandatory minimums are based solely on the amount of drugs and typically result in prison sentences of five, 10 or 15 years. Another two or more years must be added to the sentence based solely on the location of the drug activity: if it is near a school or park. Unlike most other prisoners, people serving mandatory minimums for drug offenses are not eligible for parole or for reentry programs, even though both measures could help prepare them to lead law-abiding lives when released from prison. Mandatory minimums result in wasted lives and exorbitant costs to taxpayers – yet they fail to stop drug dealing or reduce substance abuse.

Mandatory minimums:

- **Undermine the American tradition of separation of powers.** Courts are restricted from performing their usual role: basing a sentence on the facts of the case, the individual’s role in the offense, need for treatment or prior criminal record. Instead, courts must give the same lengthy sentences to drug kingpins, low-level nonviolent offenders, and drug addicts.
- **Give prosecutors control over sentencing.** Mandatory minimums shift control over sentencing from judges to prosecutors because the charge determines the sentence, not the facts of the case. Prosecutors make these decisions behind closed doors, not in open courtrooms.
- **Treat those at the bottom of the drug trade more harshly.** Surprisingly, low-level defendants – drug couriers, addicts or girlfriends – often receive longer sentences than major suppliers. That is because they do not have information or drug money to offer in exchange for a reduced sentence. So they receive the long mandatory sentences intended for drug kingpins.
- **Are not applied evenly.** A 1998 Northeastern University study found that people of color were about three times more likely than whites to be charged with offenses requiring mandatory prison time, even when all other factors were equal, such as the amount of drugs or the offender’s role in the transaction.
- **Are discriminatory.** “Drug-free zone” laws apply to offenses that occur within 1,000 feet of a school or 100 feet of a park. Studies show that the vast majority of those prosecuted for zone violations were not selling drugs to children. Instead, drug offenses committed in urban areas are punished more harshly than the same acts committed in suburban or rural area. In addition, we already have laws that impose tough sentences for dealing drugs to children.

- **Are not supported by the public.** A 2005 study found that 88 percent of the state’s residents generally opposed mandatory minimum sentences, regardless of their political party, age or race. About three-fourths of Massachusetts residents preferred mandatory drug treatment to mandatory prison time for drug offenders.
  
- **Are the most costly and least effective means of reducing drug use and sales.** It costs about \$47,000 a year to incarcerate a state prisoner in Massachusetts. Yet drug treatment costs only about \$10,000. Treatment gets to the root of the problem, preventing the revolving door of ex-offenders who commit new crimes.

Examples of Massachusetts mandatory minimum sentences  
for drug trafficking.

Quantity	Sentence	Compare
<b>200 grams or more of cocaine</b>  200 grams = 7 ounces = container of baking powder	15 - 20 years	The sentence for manslaughter is 0 - 20 years.
<b>100 - 199 grams of opiates (painkillers)</b>  100 grams = 3½ ounces = package of instant pudding mix	10 - 20 years	The sentence for attempted murder is 0 - 20 years.
<b>28 - 99 grams of heroin</b>  28 grams + less than 1 ounce = 28 sweetener packets	7 - 20 years	The sentence for assault with intent to maim is 0 - 10 years.
<b>Sale of any amount of any drug in a “school zone” at any time of day</b>	2 - 15 years	The sentence for using a weapon to cause serious bodily injury is 0 - 15 years.

**How can I help?** There is a growing movement in the United States to reform mandatory minimum sentencing laws. FAMM is at the forefront. If you are incarcerated, have a loved one who is in prison or are a concerned citizen, join FAMM in our campaign for fair and proportionate sentencing laws. For more information, please contact:

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