

# Profiles of injustice



**SABRINA GILES**, at 19, fell in love with a methamphetamine dealer, who got her hooked. The combination of his drugs in her house and her gun, kept for protection, led to her mandatory 12-year prison sentence, even though she was a “minor participant,” with no criminal history.



The jury hung in **LEANDER ROGERS**'s first trial; the second found him guilty of conspiracy to sell powder and crack cocaine. The government said Leander tracked packages

through his Federal Express job and attended two drug transactions. He took his case to trial and lost. The operation's kingpin received 11 years and Leander 10 years; others, including a main dealer, cooperated with authorities for shorter sentences.

“ These unwise sentencing policies which put men and women in prison for years not only ruin lives of prisoners and often their family members, but also drain the American taxpayers of funds which can be measured in billions of dollars. ”

—Judge Myron Bright,  
8th Circuit U.S. Court of Appeals

## What is FAMM?

Families Against Mandatory Minimums (FAMM) is a national nonprofit organization founded in 1991 in response to inflexible and excessive penalties triggered by mandatory sentencing laws. FAMM promotes sentencing policies that give judges discretion to distinguish between defendants and sentence them according to their role in the offense, seriousness of the offense, and potential for rehabilitation. FAMM's members include incarcerated people and their families, attorneys, judges, criminal justice experts and concerned citizens.

For more information,  
please contact:



Families Against Mandatory Minimums

1612 K Street NW ■ Suite 700

Washington, D.C. 20006

Phone: (202) 822-6700 ■ Fax: (202) 822-6704

famm@famm.org ■ <http://www.famm.org>

# We need to get smart on crime

America's "tough-on-crime" sentencing policies fill our federal and state prisons with low-level, nonviolent individuals who are often chemically addicted and require an increasing amount of your taxpayer dollars, as expenditures on federal and state prisons grow faster than any other area of government spending each year. One policy – mandatory minimum sentencing – drives that increase but hasn't put a dent in the drug problem.

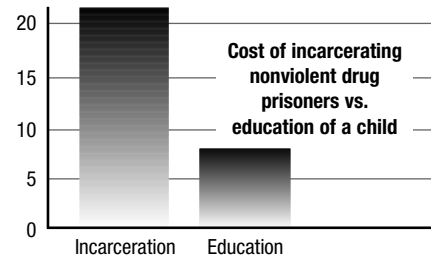
## What are mandatory sentences and whom do they affect?

- Mandatory sentencing laws require harsh, automatic prison terms for those convicted of certain crimes, most often drug offenses. Judges are prevented from considering the severity of the offense, the individual's role, and his or her potential for rehabilitation.
- Nine out of 10 federal drug prisoners were low- or medium- level participants in the drug trade, couriers and addicts with no information to trade prosecutors for sentence reductions. Drug "kingpins," who have information to trade, are more likely to receive reduced sentences.
- Mandatory sentences are the driving force behind the explosion of U.S. prison populations, with a disproportionate impact on people of color, the poor, and growing numbers of women.

**It's time to be "smart on crime."** We can lower prison costs and keep our streets safe by reforming mandatory sentences and letting the punishment fit the crime and the individual.

## Who pays?

- You do. Federal taxpayers pay more than \$23,000 a year to incarcerate each nonviolent prisoner – yet only \$8,554 to educate one child. The annual federal prison budget is \$4.7 billion. (*Bureau of Prisons, 2005; National Education Association, 2005*)



- Costs of state mandatory sentencing laws take a large bite out of state budgets. Michigan reportedly saved \$41 million when it abandoned mandatory minimums in 2002.

## What are the alternatives?

- Return judicial discretion to judges. Without mandatory sentencing laws, judges can use *all* the facts in a case to determine an appropriate sentence.
- Use drug treatment to reduce drug use and sales. A 1997 RAND study found that treatment of heavy users is eight times more cost-effective than long sentences in removing cocaine from the market, and conventional enforcement is twice as cost-effective.

“ I can accept neither the necessity nor the wisdom of federal mandatory sentences. In too many cases mandatory minimum sentences are unwise and unjust...The trial judge is the one actor in the system most experienced with exercising discretion in a transparent, open and reasoned way. ”

—U.S. Supreme Court Justice Anthony Kennedy

## Why should you care?

Each year, your valuable tax dollars are wasted on incarcerating thousands of low-level, nonviolent individuals for 5, 10, or 20 years – or more – under mandatory sentencing laws. These laws undermine the American tradition of justice by preventing the punishment from fitting the crime and the individual.

Mandatory minimum sentences are a costly failure in the war on drugs. Federal and state prisons are packed with people incarcerated for drug offenses, but drugs are cheaper and more available than ever before. Faced with continuing budget crises, states must decide whether to build more prisons or schools. And, public support for mandatory sentences has waned: 56 percent of adults now favor elimination of mandatory sentencing laws in favor of letting judges choose the appropriate sentence. (*Peter D. Hart Research, 2002*)

## What can you do?

When laws are broken, punishment is essential, but it must fit the crime and the individual. You can help reform mandatory sentencing laws by fighting for change. Here's how:

- Learn more about mandatory minimum sentencing laws through our website, [www.famm.org](http://www.famm.org), or by writing us.
- Ask FAIMM for a "Citizen Action Kit" that provides tips on contacting federal and state lawmakers about mandatory sentencing laws.
- Write, call and visit your elected federal and state officials and urge them to work to change mandatory sentencing laws.
- Participate in FAIMM's volunteer activities, including training workshops, lobby days, and meetings. Check [www.famm.org](http://www.famm.org) for more information.
- Join FAIMM by writing us or signing up online at [www.famm.org](http://www.famm.org).