



**Letter to the editor of the Lawyers Weekly
from the members of the Special Commission
to Study Criminal Justice System**

July 9, 2015

To the editor:

As members and former members of the Special Commission to Study Criminal Justice System, we were surprised to see District Attorney Michael O'Keefe claim that the commission's recommendation to repeal mandatory minimum drug sentences was "rationalized by proponents" as a way to reduce prison overcrowding ("DA O'Keefe: Overcrowded prisons a 'false notion,'" June 29).

O'Keefe goes on to say that "no Department of Correction facility is overcrowded" and so, the argument goes, there is really no need to reform our mandatory minimum sentencing laws. While we can certainly dispute DA O'Keefe's claims that our state prisons are not overcrowded, there is no number of empty prison beds that can justify ineffective and unfair drug sentencing laws. Commission members voted to end mandatory minimum sentencing because it has been proven to be a costly failed policy both nationwide and here in Massachusetts, not because of prison overcrowding.

- Mandatory minimums undermine public safety by putting too many people in prison who have problems that are exacerbated by incarceration. For the past 20 years, the state Sentencing Commission has consistently reported that more than half of all prisoners serving mandatory minimum sentences for drug offenses fall within the two lowest (out of five) criminal history groups. Corrections and substance abuse experts agree that these low-level defendants are people who may not need or benefit from lengthy incarceration.
- Mandatory drug sentences typically ignore a defendant's role in the crime, regardless of how minor it may be, and instead are usually based only on the weight of the drugs involved. As Supreme Judicial Court Chief Justice Ralph Gants has pointed out, this is an ineffective and unfair way to assess culpability and to assign punishment.
- Mandatory sentences prevent judges from ordering drug defendants into treatment in evidence-based programs proven to reduce substance abuse and recidivism. The state's drug sentencing laws force the courts to ignore the issue of drug addiction. People coming out of prison with unaddressed substance abuse problems remain a danger to themselves and the community.
- For drug users and abusers, evidence-based probation and substance abuse programming have been proven to be much more effective than incarceration for improving public safety at a fraction of the cost. It is time for Massachusetts to get smart on mandatory minimums.

Signed: Anthony Benedetti

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