



MINIMUM MANDATORY SENTENCING POSITION PAPER

The League of Women Voters of Delaware Supports Abolition of Minimum Mandatory Sentencing and other Improvements in our Criminal Justice System

The top priority for the Justice portfolio of the League of Women Voters of Delaware is the abolition of minimum mandatory sentencing and support for the adjustment of drug sentencing laws to fit the seriousness of the crime. We believe that mandatory sentencing rules handcuff judges and fill prisons with too many nonviolent drug offenders.

The LWVDE position is supported by a national position adopted by the 2012 Convention: **The LWVUS believes alternatives to imprisonment should be explored and utilized, taking into consideration the circumstances and nature of the crime. The LWVUS opposes mandatory minimum sentences for drug offenses.**

Even earlier, as part of an ongoing study of the state's criminal justice system initiated in 1977, LWV of Delaware, in 2003, adopted a position to **Support judicial discretion in making sentencing decisions rather than mandatory sentences imposed in statute.**

Since Congress created mandatory minimum sentences in the "War on Drugs" in the 1980s, our nation's prison population has grown to 2.3 million people behind bars -- more than any other country in the world, according to the International Centre for Prison Studies.

Delaware currently has 6,000 prisoners in Level V and 1,100 in Level IV, at a cost of \$36,232 per year as of the end of FY 2014. In addition, another 15,000 individuals are under the supervision of Probation and Parole officers.

Delaware's judicial selection process is regarded as a model: Delaware judges, in all courts in the state, are chosen through a merit selection process. A unique feature of our system is the requirement for partisan balance within the Delaware judiciary. These features suggest that Delaware's courts are among the best in the nation. Therefore, we should be able to trust in our judges' discretion to make reasonable decisions regarding the severity of sentences they impose.

A recent (March 2015) report from the Brennan Center for Justice suggests that "the idea that someone will choose not to commit a crime because of a specific penalty — is one justification often touted in support of harsh sentences....However, all such punitive policies have proved unlikely to deter, because potential offenders typically underestimate the risks of getting caught and the possible punishments. "

Furthermore, "more incarceration can increase crime. When defendants are sentenced to prison instead of pro-rehabilitation alternatives or longer instead of shorter terms, prison has detrimental effects. For example, incarceration strains relationships with families and communities and diminishes economic prospects, which in turn increases the likelihood of recidivism."

At the federal level, 2014 saw bipartisan legislative efforts to roll back America's punitive criminal justice policies. For example, Sens. Dick Durbin (D-Ill.) and Mike Lee (R-Utah) introduced the *Smarter Sentencing Act*, which received wide sponsorship in the Senate. It would reduce some mandatory minimum sentences and allow individuals sentenced under the old crack cocaine—powder cocaine laws to petition for a sentence reduction based on new provisions in the 2010 Fair Sentencing Act.

Criminal justice reform is an idea whose time has come! Let's keep Delaware in the forefront. Let's eliminate minimum mandatory sentences and adjust drug sentencing laws to fit the seriousness of the crime.