MANDATORY MINIMUM SENTENCES

What is the actual versus intended impact of mandatory minimum sentences on the system?

- The intended purpose of the mandatory minimum sentencing laws were multifaceted: reduce crime (and drug use); control judicial discretion over certain sentencing decisions; increase the prison sentences for serious and violent offenders; and send a message to the public and offenders that Connecticut elected officials were taking action.

- The mandatory minimum sentencing laws have achieved, to some extent, the intended purposes, but the actual impact is mitigated by criminal justice practices.

  - No direct evidence the laws reduced the crime rate or drug use.
  - In theory the laws eliminate judicial discretion, but judges appear to have sufficient discretion to circumvent the laws and impose what they believe to be fair and appropriate sentences.
  - Most mandatory minimum penalties offenses result in negotiated dispositions whereby defendants plead guilty to lesser charges or different offenses not subject to mandatory minimum penalties. In those cases, judges have discretion to impose any sentence within the statutory sentencing guidelines.
  - For serious and violent offenses judges often impose sentences greater than the mandatory minimum penalty. As intended, serious and violent offenders are receiving increased prison terms.
  - For drug sale and other offenses where judges have presumptive sentencing authority, they often exercise their discretion to impose less than the mandatory minimum sentence.
  - Many legislators believe adopting mandatory minimum sentencing laws is an effective way to convey a public message bout crime and punishment while not adversely impacting the administration of justice.

What is the impact of mandatory minimum sentences on prison resources?

- Mandatory minimum sentencing laws do not per se have an impact on prison resources.

- Given the seriousness of the offenses currently subject to mandatory minimum penalties, absent these laws, most if not all of these offenders would have been incarcerated.

- Thirty-seven percent of the inmate population is serving a mandatory minimum penalty.
  - Offenders convicted of serious and violent offenses subject to mandatory minimum penalties often receive sentences greater than the mandatory minimum sentence.
  - For other offenses carrying mandatory minimum penalties, many inmates serve prison terms less than or equal to the mandatory minimum penalty.
  - Many inmates are serving multiple sentences. Not all sentences include mandatory minimum penalty terms.

What are the costs associated with mandatory minimum sentencing?

- Incarceration and community supervision costs for an inmate serving a mandatory minimum sentence are the same as that for any other inmate serving a non-mandatory minimum sentence.
  - On any given day, there are 5,300 inmates in prison serving mandatory minimum sentences. At an average daily cost of $104 per inmate, the annual cost for the 5,300 inmates is $201.1 million.
- Since mandatory minimum sentencing laws are not driving the overall use of prison resources, these laws are not driving the costs of incarceration.

Staff Findings and Recommendations

- *Mandatory minimum sentencing laws are only one component of the existing criminal sentencing framework.*
- *In Connecticut, state's attorneys and judges (and defense attorneys) generally in effect circumvent the state's mandatory minimum sentencing laws and, in fact, relatively few offenders are actually convicted of offenses subject to mandatory minimum penalties.*
- *Mandatory minimum penalties are used effectively and efficiently as a prosecutorial tool to negotiate pleas and sentences.*
- *The impact of the actual application of mandatory minimum sentencing laws on the criminal justice system and the crime rate is negligible. However, the indirect impact of these laws on the plea bargaining process is considerable.*
- *Change in the state's sentencing laws to lessen the punishments for certain crimes is a matter of public policy for the General Assembly to determine.*

1. **The General Assembly shall establish the Connecticut Sentencing Task Force to review the state's crime and sentencing policies and laws in the interest of creating a more just, effective, and efficient system of criminal sentencing.**

   To accomplish its mandate, the sentencing task force shall, but not be limited to:

   - **identify overarching state crime and sentencing goals and policies;**
   - **define current sentencing models including sentencing guidelines, criteria, exemptions, and enhancements;**
   - **analyze sentencing trends by offense types and offender characteristics;**
   - **review the actual versus intended impact of sentencing policies;**
   - **determine the direct and indirect costs associated with sentencing policies; and**
   - **make recommendations to amend the state's crime and sentencing policies.**

   The Connecticut Sentencing Task Force shall be composed of the following members:

   - **House and Senate chairpersons of the Judiciary Committee, who shall serve as co-chairpersons of the task force;**
   - **two Superior Court judges from different judicial districts, each of whom has been a judge for at least 10 years and has at least five years experience in Part A criminal courts, appointed by the chief court administrator;**
   - **two state's attorneys with at least 10 years experience and with at least five years experience in Part A criminal courts, appointed by the chief state's attorney;**
   - **two public defenders with at least 10 years experience and with at least five years experience in Part A criminal courts, appointed by the chief public defender;**
   - **two private defense attorneys with at least 15 years experience in criminal law, with one attorney recommended by the criminal section of the Connecticut Bar Association and the other recommended by the Connecticut Criminal Defense Lawyers Association;**
   - **the executive director the Judicial Branch's Court Support Services Division or his or her designee;**
   - **the commissioner of the Department of Correction or his or her designee;**
   - **the chairperson of the Board of Pardons and Paroles or his or her designee;**
   - **the commissioner of the Department of Mental Health and Addiction Services or his or her designee;**
   - **the undersecretary of the Office of Policy and Management's Division of Criminal Justice Policy and Planning;**

- **an assistant attorney general from the criminal justice section of the Office of the Attorney General appointed by the attorney general;**
- **three chiefs of police representing police departments with jurisdiction in urban, suburban, and rural municipalities respectively; and**
- **six legislators appointed as follows: one each by the speaker of the house, the senate president pro tempore, the majority leader of the house, the minority leader of the house, the majority leader of the senate, and the minority leader of the senate.**

The Connecticut Sentencing Task Force shall take effect July 1, 2006 and submit a report on its findings and recommendations to the Judiciary Committee by December 1, 2008. The task force shall terminate at the conclusion of its work.

The Division of Criminal Justice Policy and Planning, within the Office of Policy and Management, shall assist the Connecticut Sentencing Task Force by providing the necessary criminal justice data, analyses, and technical assistance necessary for the task force to meet its mandate and reporting requirement. Executive and judicial branch criminal justice agencies shall also provide data and technical assistance as requested by the sentencing task force.

2. **A fiscal impact assessment shall be required on the likely effects of any proposed legislation on prisons, jails, probation, parole, court resources and dockets, and on public safety and victim's rights. The fiscal impact assessment shall be conducted by the General Assembly's Office of Fiscal Analysis (OFA) and the Office of Legislative Research (OLR).**