

Good afternoon and thank you; members of the Judiciary Committee, for this audience. My name is Daniel Malo, and I am a University of Connecticut student, organizer and concerned citizen:

I would like to extend my support to:

HB 6475. AN ACT CONCERNING MANDATORY MINIMUM SENTENCES.

The movement to establish mandatory minimum sentences for drug-related offenses began in the early 1950s and gained momentum in the 1970s. During this time, however, sentencing was mainly at the discretion of individual judges who could consider facts regarding the circumstances of an offense and a defendant's past record in their final rulings. As the crack cocaine epidemic exploded in the mid-1980s and the rate of drug-related homicides rocketed, Congress looked to mandatory sentencing for drug-related crimes as a law enforcement weapon.

In 1986, Congress enacted the Anti-Drug Abuse Act federal which outlined mandatory drug sentences. Before the 1986 law, drug offenders received an average prison sentence of 22 months. After the law was implemented, the average sentence jumped to 66 months. Prior to the law the average federal drug sentence for African Americans was 11 percent higher than for whites. Four years later, the average federal drug sentence for African Americans was 49 percent higher.

Between 1986 and 1996, the number of women in prison for drug law violations increased by 421 percent. This led U.S. Bureau of Prisons Director Kathleen Hawk-Sawyer to testify before Congress, "The reality is, some 70-some percent of our female population are low-level, nonviolent offenders. The fact that they have to come into prison is a question mark for me. I think it has been an unintended consequence of the sentencing guidelines and the mandatory minimums."

Although Congress intended mandatory sentences to target "kingpins" and managers in drug distribution, the result has been contrary to the intent. The law has only been beneficial to prosecutors and police, who use the threat of lengthy prison terms to persuade low-level dealers to testify against drug kingpins. These individuals, often drug mules or street dealers, often end up serving longer sentences because they have little or no information to provide the government, creating a huge incentive for people to provide false information in order to receive a shorter sentence.

Those crowding cells are, for the most part, non-violent offenders. Meanwhile, criminals who commit more serious crimes often spend less time in jail. More than 80 percent of the increase in the federal prison population from 1985 to 1995 is due to drug convictions. Drug offenders accounted for 44 percent of the increase in the state prison population from 1986 to 1991. Meanwhile, the number of drug violations increased nearly 50 percent in that time. Meanwhile, State and Federal governments have seen significant increases in the costs of corrections due to longer prison terms and an increasing prison population.

There is no evidence that tougher sentences deter drug crimes.

- Mandatory sentencing does not eliminate sentencing disparities; instead it shifts decision-making authority from judges to prosecutors.
- Judges are no longer able to consider other factors such as the offender's role, motivation, and the likelihood of recidivism in sentencing.
- Mandatory minimums fail to punish high-level dealers, but do succeed at sending record numbers of women and people of color to prison.
- More appropriate sentencing options or changes in statute will prove to be less costly and/or more effective than mandatory incarceration.

I urge the committee to consider these factors, in their decision making, and ask that this be voted on positively to the Assembly, and encouraged through until it reaches the Governor's pen.

Thank you, and sincerely, Daniel Malo