

## SUPPORT MANDATORY MINIMUMS SENTENCING REFORM

Mandatory minimum sentences are imposed via Idaho state statutes that require judges to sentence offenders to a specified minimum prison term for a specific crime. Under Idaho statutes the sentencing criteria is a uniform fixed term of imprisonment relating to controlled substances, primarily under the drug trafficking statute I.C. 37-2732B. Mandatory minimum sentences should be abolished or reformed because they generate unnecessarily harsh sentences, tie judges' hands in considering individual circumstances, create racial disparities in sentencing and empower prosecutors to force defendants to bargain away their constitutional rights.

- **Removes Judicial Discretion:** Judges cannot consider the facts of each case. Judge Cohn, who was appointed a U.S. district judge by President Jimmy Carter in 1979, elaborated on the lack of judicial discretion when sentencing defendants: "The most sacred quality that judges guard most is discretion, which is choice," he said. "Mandatory minimums take that choice away from a judge. You're obligated to follow the statute, and if you don't follow the statute, your decision is going to go to the court of appeals and get reversed. And judges don't like to have their decisions reversed."<sup>1</sup>
- **Removes checks and balances:** Elimination of judicial discretion in sentencing has allowed prosecutors to acquire excessive power to impose sentences. It gives them significant advantage to cut deals, secure testimony against defendant and forces increased rates of guilty pleas.
- **Low-level offenders often get longer sentences than high-level dealers:** Mandatory minimum sentences were designed to detain high roller traffickers. The type and weight of a drug primarily determines sentence length. Those often arrested are first time low-risk offenders. Among low-risk offenders, those who spent less time in prisons were 4% less likely to recidivate than low-risk offenders who served longer sentences.<sup>2</sup>
- **Contributes to mass incarceration:** Idaho mandatory minimum sentences produce harsh outcomes in individual cases and increases our already burdened prison population and sentence lengths. According to the Idaho Department of Corrections 2018 population overview, 1,650 inmates are incarcerated in Idaho prisons on possession of a controlled substance, which comprises one-fifth of the overall prison population of about 8,600 prisoners.<sup>3</sup>
- **Imposes high economic and social costs on taxpayers and families:** Evidence shows that lengthy, mandatory sentences do not reduce crime, but instead increase costs. In 2017, Idaho spent \$25,185.00 per person to incarcerate its current prisoner population of 8,304 prisoners across the state. Of those 8,304 prisoners, 645 are currently serving fixed sentences for drug trafficking offenses (an increase of 341 additional prisoners since 2017), averaging a sentence length ranging from four to twelve years. That is a minimum of roughly \$65 million dollars throughout the span of those 645 sentences that taxpayers are paying to support our mandatory minimum sentencing structure in Idaho.<sup>4</sup>

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<sup>1</sup> Atherton, Lori. (2018). Federal Judge Former U.S. Attorney Discuss Mandatory Minimum Sentences at Michigan Law. [https://www.law.umich.edu/newsandinfo/features/Pages/Federal-Judge-Former-U.S.-Attorney-Discuss-Mandatory-Minimum-Sentences-at-Michigan-Law\\_112618.aspx](https://www.law.umich.edu/newsandinfo/features/Pages/Federal-Judge-Former-U.S.-Attorney-Discuss-Mandatory-Minimum-Sentences-at-Michigan-Law_112618.aspx)

<sup>2</sup> Song, Lin., & Lieb, Roxanne. (1993). Recidivism: The Effect of Incarceration and Length of Time Served. Washington State Institute for Public Policy. [http://www.wsipp.wa.gov/ReportFile/1152/Wsipp\\_Recidivism-The-Effect-of-Incarceration-and-Length-of-Time-Served\\_Full-Report.pdf](http://www.wsipp.wa.gov/ReportFile/1152/Wsipp_Recidivism-The-Effect-of-Incarceration-and-Length-of-Time-Served_Full-Report.pdf)

<sup>3</sup> See Idaho Department of Corrections "Population Overview FY 2018" [https://www.idoc.idaho.gov/content/document/fy\\_2018\\_population\\_overview](https://www.idoc.idaho.gov/content/document/fy_2018_population_overview)

<sup>4</sup> See Drug Policy Alliance, "Drug-Induced Homicide Laws: A Misguided Response to Overdose Deaths", April 2016 [http://www.drugpolicy.org/sites/default/files/Drug%20Policy%20Alliance\\_Fact%20Sheet\\_Drug-Induced%20Homicide.pdf](http://www.drugpolicy.org/sites/default/files/Drug%20Policy%20Alliance_Fact%20Sheet_Drug-Induced%20Homicide.pdf)