

CPCS URGES FAVORABLE REPORT ON S. 929 ,
AN ACT RELATIVE TO DRUG MINIMUM MANDATORY SENTENCES

Testimony of William J. Leahy, Chief Counsel ,
Before the Joint Committee on the Judiciary, November 22, 2005

Almost 15 years have passed since the day in February, 1991, when the Boston Bar Association/Crime and Justice Foundation Task Force on Criminal Justice Report decried the dramatic increase in Massachusetts incarceration rates and prison spending, and unanimously recommended the abolition of mandatory drug sentences. Over 11 years have passed since the General Court abolished the Concord and Framingham “indefinite” sentences which were widely seen as too lenient and uncertain. Almost 10 years has passed since the prosecutors, judges and criminal defense counsel members of the Massachusetts Sentencing Commission **unanimously** proposed a comprehensive set of sentencing guidelines which would have increased the severity of sentences for violent offenders, but would have restored a limited measure of judicial sentencing discretion in drug distribution cases.

As 2005 passes into 2006, as so many states have acted to curtail the unacceptable human costs, the disproportionate racial impact and the reckless fiscal consequences of their mandatory drug sentencing laws, it seems that nothing has changed in Massachusetts. Our continuing fixation on incarceration as our preferred response to the distribution of illegal drugs costs us millions of dollars in unnecessary spending, while inflicting grievous harm upon innocent family members and the principle of equal justice. Enforcement of these laws does little to curtail drug trafficking, and much to undermine respect for the law. Moreover it endangers public safety by abruptly releasing prisoners to the streets with neither training, nor employment, nor supervision.

Senator Creem’s bill would accomplish a much-needed restoration of fiscal responsibility and public safety accountability in the enforcement of our drug laws. Even with the increased spending it would require for parole supervision, its enactment would save an estimated \$10-15 million dollars annually from our bloated incarceration budget. More importantly, by providing the supervision and support which parole status affords, it would provide a far superior level of public protection. S. 929 should be reported favorably, and should be enacted into law.