



BETTER JUSTICE FOR FLORIDA // SUPPORT SB 694 & HB 481

Providing a Safety Valve for Mandatory Minimum Sentences

Florida sends more of its citizens to prison and keeps them there longer than many other states. That's due in part to mandatory minimum laws that require a one-size-fits-all approach to sentencing for certain offenses, regardless of an individual's circumstances or prior record. Mandatory minimums don't reduce crime, and they disproportionately affect people of color. Criminal sentencing should be individualized, humane and sufficient to impose fair punishment and protect public safety.

THE PROBLEM

Florida over-incarcerates low-level drug offenders

- Supposedly designed to target kingpins, mandatory minimums actually ensnare low-level, often first-time offenders.
- As of 2015, 36.6 percent of Florida's prisoners were serving time for non-violent crimes such as drug possession and property offenses, often tied to addiction.¹
- Keeping these low-level offenders behind bars for such a long time is expensive and counterproductive.

Judges aren't allowed to use discretion in sentencing

- Even if circumstances specific to an individual or the crime warrant a less stringent penalty, the judge is required to abide by mandatory minimum sentences.
- Judges aren't allowed to substitute evidence-based alternatives to prison – such as programs tailored to address underlying factors including substance abuse and mental health issues.

Longer sentences are a poor investment

- Research shows that longer sentences fail to decrease crime; in fact, they increase the likelihood that a person will re-offend.²
- In 2010, Minnesota saved nearly 1,200 prison beds and \$37.5 million after implementing a sentencing safety valve.³
- A supermajority of Americans – 77 percent – oppose mandatory minimum sentences for nonviolent and drug offenses.⁴
- An even bigger supermajority of Americans – 84 percent – believe money spent on locking up low-level offenders could be better spent on community corrections programs and treatment.⁵

THE SOLUTION

- **Provide a safety valve by restoring judicial discretion.** Allow judges to depart from mandatory minimum prison sentences under certain circumstances, if the judge finds that a mandatory minimum sentence is not justified.
- **Implement pre-arrest diversion programs for first-time offenders.** Local communities can implement the use of civil citations or other proven, community-based services that prevent a person from entering the criminal justice system in the first place – averting a negative impact on that individual's life and saving taxpayer dollars in the long term.

Two-thirds of Floridians

believe judges should have discretion to depart from mandatory minimum sentences when people are charged with a first time drug offense.

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CCJR will send you information about ways to participate in local and statewide coalition efforts.

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¹http://www.dc.state.fl.us/pub/annual/1516/stats/ip_general.html

²<https://www.vox.com/policy-and-politics/2017/9/25/16340782/study-mass-incarceration>

³<http://famm.org/Repository/Files/Turning%20Off%20the%20Spigot%20web%20final.pdf>

⁴<http://famm.org/new-famm-poll-reveals-unprecedented-support-for-eliminating-federal-mandatory-minimum-sentences/>; <http://reason.com/poll/2014/10/09/october-2014-reason-rupe-poll>

⁵http://www.pewtrusts.org/-/media/assets/2012/03/30/pew_nationalsurveyresearchpaper_final.pdf