



## **THE HIGH COST OF MANDATORY MINIMUMS FOR DRUG CRIMES IN FLORIDA: AN UNNECESSARY USE OF LIMITED RESOURCES**

Mandatory drug sentences require judges to put people in prison, sometimes for much longer than necessary, regardless of their need for treatment or lack of a prior criminal record. One year in state prison now costs over \$20,100 per prisoner.<sup>1</sup> Reducing the number of people going to prison – and how long they stay there – would result in big savings for taxpayers.

### **Mandatory minimum sentences for drug offenses cost Florida taxpayers an unreasonable amount of money:**

- As of October 2008, 5,859 people were serving mandatory minimum drug sentences in Florida prisons,<sup>2</sup> costing the state over \$117 million per year.
- On average, these prisoners are serving 8.4 years in prison and combined, these prisoners are serving over 48,907 years in prison. In total, their sentences will cost Floridians over \$983 million.
- 544 of these were prescription drug offenders, who cost the state over \$10 million per year. They are serving an average sentence of 8.7 years,<sup>3</sup> and combined, these prescription drug offenders are serving a total of 4,719 years in prison, at a cost of almost \$95 million to Floridians.

### **Alternatives to expensive prison sentences should be used when public safety allows. Treatment-based drug courts are cheaper, more effective alternatives to prison for drug offenders.**

- On average, it costs between \$950 and \$2,500 per year to provide treatment to a drug offender through a Florida drug court.<sup>4</sup>
- Florida drug courts significantly reduce recidivism rates.<sup>5</sup>

### **Other states already have implemented some of the reforms that Florida should consider and are saving millions of dollars in corrections costs as a result.**

- In 2003, **Michigan** granted parole eligibility to many drug offenders serving mandatory minimum sentences. These reforms are saving Michigan over \$115 million.<sup>6</sup>
- In 2009, **New York** allowed judges to give nonviolent first and second-time drug offenders treatment instead of mandatory minimum prison terms. Each second-time offender diverted to drug treatment will save New York over \$60,000 per year. If 60% of these offenders were sent to treatment instead of prison, New York could save up to \$88 million per year.<sup>7</sup>

## ENDNOTES

---

<sup>1</sup> FLORIDA DEP'T OF CORRECTIONS, 2007-2008 ANNUAL REPORT 15 (2008), *available at* <http://www.dc.state.fl.us/pub/annual/0708/index.html> (last visited June 10, 2009).

<sup>2</sup> FLORIDA DEP'T OF CORRECTIONS, personal correspondence with Philip Coltharp (June 10, 2009). These numbers are based on offenders within Florida DOC custody as of June 5, 2009.

<sup>3</sup> *Id.*

<sup>4</sup> Florida Supreme Court, Task Force on Treatment-based Drug Courts, Treatment-based Drug Courts . . . A Guide 20, *available at* [http://www.flcourts.org/gen\\_public/family/drug\\_court/bin/treatmentbaseddrugcourtsaguide.pdf](http://www.flcourts.org/gen_public/family/drug_court/bin/treatmentbaseddrugcourtsaguide.pdf) (last visited June 11, 2009).

<sup>5</sup> FLORIDA SUPREME COURT, TASK FORCE ON TREATMENT-BASED DRUG COURTS, REPORT ON FLORIDA'S DRUG COURTS 11 (July 2004), *available at* [http://www.flcourts.org/gen\\_public/family/drug\\_court/bin/taskforcereport.pdf](http://www.flcourts.org/gen_public/family/drug_court/bin/taskforcereport.pdf) (last visited June 11, 2009).

<sup>6</sup> *See* PA 670 (2003), which created parole eligibility for those committing drug offenses that involved 5- to 649 grams of drugs. The average sentence reduction was 4.6 years, and 988 parole grants have been issued since 2003. For the 533 issued parole in 2003, the state saved \$60,490,680 in corrections costs (533 offenders \* 4.6 years saved \* \$24,680/year/offender = \$60,490,680 in savings). For the 455 parole grants issued in 2004-2007, the state saved \$56,243,096 in corrections costs, using an average annual cost of incarceration of \$26,872. Combined, these 988 parole grants resulted in \$116,733,776 in corrections savings to Michigan.

<sup>7</sup> LEGAL ACTION CENTER, DRUG LAW REFORM 2008 – DRAMATIC COSTS SAVINGS FOR NEW YORK STATE 1 (2008), *available at* [http://www.lac.org/pdf/RDL08\\_Cost%20Savings%20Report%2012\\_08.pdf](http://www.lac.org/pdf/RDL08_Cost%20Savings%20Report%2012_08.pdf) (last visited May 12, 2009). For a more conservative cost savings estimate, *see* DRUG POLICY ALLIANCE, NEW YORK'S ROCKEFELLER DRUG LAWS: EXPLAINING THE REFORMS OF 2009, at 2, *available at* [http://www.drugpolicy.org/docUploads/Explaining\\_the\\_RDL\\_reforms\\_of\\_2009\\_FINAL.pdf](http://www.drugpolicy.org/docUploads/Explaining_the_RDL_reforms_of_2009_FINAL.pdf) (last visited May 12, 2009) (explaining that the annual cost of incarceration per prisoner in New York is \$45,000, whereas the annual per person cost of treatment is only \$15,000, resulting in savings of \$30,000 per prisoner diverted to treatment).