



## After Mandatory Minimums: How Pennsylvania is Doing on Crime, Prisons, and Recidivism Since *Hopkins*

### Overview:

- The Pennsylvania General Assembly passed the state's first (of many) mandatory minimum sentencing laws in 1982.
- Mandatory minimums increased the prison population drastically. Between 1980 and 2016, the state's prison population jumped by 504%, and the number of people admitted into prison annually increased by 20% between 2006 and 2016.<sup>1</sup>
- In 2015, the Pennsylvania Supreme Court's ruling in *Commonwealth v. Hopkins* found the state's Drug-Free School Zones Act unconstitutional and simultaneously invalidated many mandatory minimum sentences.
- In 2018, the Pennsylvania House of Representatives passed HB 741, which, if passed by the General Assembly, would reinstate the state's mandatory minimum sentences for drug offenses. The Senate did not vote on the bill.

### Since the *Hopkins* ruling:

- **Violent and property crime rates continue to decline in Pennsylvania.** The FBI's Uniform Crime Report shows that both violent and property crime rates were lower in 2017 than in 2015. Pennsylvania currently enjoys low crime rates not seen since 1970.
- **Pennsylvania's prison population has declined.** Along with the crime decline, the state's prison population has declined. The prison population dropped for the fifth consecutive year in 2018 and is at its lowest level since 2007.<sup>2</sup> The Department of Corrections (DOC) states that the Supreme Court's invalidation of mandatory minimums "played a key role in driving the [population] reduction."<sup>3</sup>
- **The DOC is saving money and closing prisons.** DOC's annual budget remained over \$2 billion from 2015 to 2017,<sup>4</sup> but the DOC will spend \$93 million less in 2017-2018 than it did in the 2016-2017 fiscal year. In 2017, DOC closed State Correctional Institution Pittsburg, which is expected to save DOC over \$80 million annually.<sup>5</sup>
- **Recidivism has not skyrocketed.** Recidivism rates have fluctuated in the past three years. The one-year recidivism rate rose slightly between 2015 and 2017-18 (40.8% vs. 42.6%), while the three-year recidivism rate rose only slightly over the same period (63.1% vs. 63.5%).<sup>6</sup> Despite these slight increases in recidivism, crime has continued to decline in Pennsylvania.
- **Plea rates have remained stable.** The invalidation of mandatory minimums has not impacted prosecutors' ability to secure convictions through guilty pleas. In 2017, 66.8% of criminal cases were processed by a guilty plea, compared to 67% in 2015.<sup>7</sup>

## Preserving *Hopkins*, Preserving Public Safety

Instead of reinstating ineffective and costly mandatory minimum sentences, Pennsylvania legislators should maintain the status quo after *Hopkins*. Other states have successfully reformed their sentencing laws and reduced both crime and incarceration.<sup>8</sup>

### South Carolina:

- In 2010, South Carolina removed the 10-year mandatory minimum sentence for school zone violations, allowed the possibility of probation for certain second and third drug possession convictions, and eliminated mandatory minimum sentences for first-time convictions of simple drug possession.
- Six years after the reform, the state's crime rate continued to fall, the prison population declined by 14 percent, six prisons closed, and the state saved \$491 million.<sup>9</sup>

### New York:

- In 2009, New York enacted comprehensive drug policy reforms that repealed many mandatory minimum sentences, expanded judicial discretion to impose sentences that fit individual cases, and provided access to drug treatment for offenders.
- Since these reforms, the state's crime rate fell to historic lows. The 2017 violent and property crime rates are the lowest they have been in decades.<sup>10</sup>
- The prison population has steadily declined along with the crime rate, allowing the state to close 13 facilities and capture \$162 million in annual savings.<sup>11</sup>

### Michigan:

- In 2002, Michigan legislators repealed almost all mandatory minimum drug sentences, changed lifetime probation to a five-year probationary period, and implemented new sentencing guidelines.
- The state has experienced a reduction in crime and prison population since this reform. Between 2002 and 2017, the state's violent crime rate declined by almost 17%, and the property crime rate dropped by 46%.<sup>12</sup> The prison population also declined by almost 17% between 2002 and 2016.<sup>13</sup>

Pennsylvania should keep moving forward with criminal justice reform, like other states have, and not resort to failed policies of the past. Mandatory minimum sentences are not necessary to keep Pennsylvania safe, but they do drive up prison populations and costs for taxpayers.

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<sup>1</sup> [ACLU Blueprint for Smart Justice: Pennsylvania](#), 2018.

<sup>2</sup> Samantha Melamed, [How Pennsylvania Achieved its Steepest Decline in State Prison Population on Record](#), Jan. 14, 2019.

<sup>3</sup> Pennsylvania Department of Corrections, [2017: A Year of Accomplishments](#), January 2018.

<sup>4</sup> [FY 18-19 Budget Testimony](#)

<sup>5</sup> Pennsylvania Department of Corrections, [2017: A Year of Accomplishments](#), January 2018.

<sup>6</sup> [FY 18-19 Budget Testimony](#)

<sup>7</sup> Administrative Office of Pennsylvania Courts, [Caseload Statistics](#).

<sup>8</sup> Pew Charitable Trusts, [National Prison Rate Continues to Decline Amid Sentencing, Re-Entry Reforms](#), January 16, 2018.

<sup>9</sup> Pew Charitable Trusts, ["Data Trends: South Carolina Criminal Justice Reform,"](#) September, 2017.

<sup>10</sup> [Federal Bureau of Investigation Crime Data Explorer: New York](#).

<sup>11</sup> New York State Corrections and Community Supervision, ["DOCCS Fact Sheet,"](#) September 1, 2018.

<sup>12</sup> [Federal Bureau of Investigation Crime Data Explorer: Michigan](#).

<sup>13</sup> Michigan Department of Corrections, [2016 Statistical Report](#), September 5, 2017.