



## **The Case for a Sentencing Safety Valve in Arizona (HB 2245, Rivero)**

**The problem:** Arizona’s mandatory minimum sentences force courts to put low-level, non-violent, or addicted drug offenders in prison for decades, driving up prison populations and costs without increasing public safety.

**The solution:** Arizona should enact a sentencing safety valve to give courts more discretion to avoid using mandatory minimum sentences if circumstances warrant it.

### **Arizona’s sentencing laws contribute to high prison populations and costs:**

- Arizona’s prison population is nearing capacity. As of December 2018, the prison population was at 95% capacity, with nearly 42,000 people incarcerated.<sup>i</sup>
- The state spends over \$1 billion on corrections annually.<sup>ii</sup>
- Without reform, Arizona’s prison population and costs will continue to grow.

### **Mandatory sentences increase costs but do not increase public safety:**

- Decades of research show no connection between long or mandatory prison sentences and reduced recidivism.<sup>iii</sup>
- A study of Michigan, Maryland, and Florida found that long prison terms did not prevent crime or stop offenders from committing crimes after being released.<sup>iv</sup>

### **Lengthy mandatory sentences do not reduce drug use or addiction:**

- Mandatory minimums have not prevented or slowed the rise of opioid abuse, addiction, or overdoses in the state. Nationwide, data shows that higher rates of imprisonment for drug offenses do not reduce rates of drug use, arrests, or overdose deaths.<sup>v</sup>
- Mandatory minimums require the use of costly and lengthy prison terms on low-level and addicted offenders who would be better served by probation, drug treatment, or a shorter sentence.
- A RAND Corporation study found that one million dollars spent on treatment is more effective in reducing cocaine-related crime or cocaine use than one million dollars spent on mandatory incarceration.<sup>vi</sup>

### **The safety valve: “Goldilocks” sentencing that is just right for Arizona:**

- Safety valves are state-tested policies that permit courts to depart from the mandatory minimum sentence when the mandatory term is not necessary to protect the public.
- By permitting, not requiring, judges to depart from the mandatory minimum, the safety valve allows courts to avoid unreasonably lengthy punishments and account for special facts and circumstances in a case.
- A safety valve would create a range of prison sentence options so a judge can find the sentence that is just right for the case and the offender.



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- Safety valve legislation will help Arizona reserve valuable and finite prison resources for the most dangerous and deserving prisoners.

**Arizona should join fellow conservative states in reducing crime and incarceration:**

- More than 30 states have reduced, eliminated, or reformed their mandatory minimum laws over the past decade – and crime in those states has gone down, not up.
- In 2017, Louisiana repealed many of its mandatory minimum sentences.
- In 2016 and 2017, Iowa’s legislature unanimously halved some of its mandatory minimum drug sentences, and eliminated others entirely.
- In 2015, Oklahoma introduced a safety valve for some of its mandatory minimum drug trafficking sentences, and in 2018, repealed other mandatory drug penalties.
- In 2013, Georgia unanimously adopted safety valve legislation that has already saved the state \$20 million.<sup>vii</sup>

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<sup>i</sup> Arizona Department of Corrections, “[Corrections at a Glance December 2018.](#)”

<sup>ii</sup> [Arizona Department of Corrections FY 2019 Appropriations Report.](#)

<sup>iii</sup> National Academy of Sciences, “[The Growth of Incarceration in the United States,](#)” 2014.

<sup>iv</sup> Pew Charitable Trusts, “[Prison Time Served and Recidivism,](#)” Oct. 3, 2013.

<sup>v</sup> Pew Charitable Trusts, “[More Imprisonment Does Not Reduce State Drug Problems,](#)” Mar. 8, 2018.

<sup>vi</sup> Jonathan Caulkins, Peter Rydell, et al. [Mandatory Minimum Drug Sentences: Throwing Away the Key or the Taxpayers’ Money?](#), RAND Corporation (1997).

<sup>vii</sup> American Legislative Exchange Council, “[Mandatory Minimum Sentencing Reform Saves States Money and Reduces Crime Rates,](#)” March 2016.