

The Case for Drug Sentencing Reform in North Carolina

The Problem: North Carolina's mandatory minimum drug sentences force courts to put low-level or addicted drug offenders in prison for decades, driving up prison populations and costs without increasing public safety or reducing drug abuse and addiction.

The Solution: The North Carolina legislature's Task Force on Sentencing Reforms for Opioid Drug Convictionsⁱ recommendedⁱⁱ that the legislature enact sentencing reforms to give courts more discretion to avoid using mandatory minimum drug sentences if circumstances warrant it.

North Carolina's mandatory minimum drug laws are outliers in the region:

- Under NC G.S. 90-95(h), people convicted of drug trafficking offenses are subject to mandatory minimum sentences ranging from 25 months to 225 months, depending solely on the drug type and weight.
- Mandatory minimums require courts to issue kingpin-size sentences even to low-level or drug-addicted offenders who could benefit from treatment.
- North Carolina's mandatory minimums for drug trafficking are at odds with the sentences of many other states in the region. Georgia, Mississippi, South Carolina, Louisiana, and Maryland have all reformed mandatory minimum drug laws in the past decade.

Mandatory minimum drug sentences increase the prison population and its costs:

- North Carolina's prison population has more than doubled since 1980. As of June 2018, the state's prison population was over 37,000.
- Corrections spending has jumped 254 percent since 1986. In FY 2016-2017 alone, the state spent \$1.55 billion on corrections.
- North Carolina's Department of Public Safety has projected that the state will exceed its current prison capacity by 2025.
- In FY 2016-2017, 24 percent of all people admitted to prisons were drug offenders.ⁱⁱⁱ

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.^{iv}
- 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.^v

Lengthy mandatory drug sentences are not reducing drug use or addiction:

- Mandatory minimums have not prevented or slowed the rise of opioid abuse, addiction, or overdoses in the state.
- 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.



- Nationwide, data shows that higher rates of imprisonment for drug offenses do not reduce rates of drug use, arrests, or overdose deaths.^{vi}
- 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.^{vii}

A “safety valve” is a reasonable solution that will save North Carolina millions:

- Safety valves are state-tested policies that permit courts to depart from the mandatory minimum sentence when that mandatory term is not necessary to protect the public.
- By permitting, not requiring, courts to depart from the mandatory minimum, North Carolina can avoid unjust sentences, restore fiscal responsibility, and reserve prison resources for higher-risk and more dangerous offenders.
- States successfully using safety valves to reduce costs and increase public safety include Georgia, Maryland, Virginia, Oklahoma, Louisiana, Montana, and North Dakota.

ⁱ [Task Force on Sentencing Reforms for Opioid Drug Convictions](#).

ⁱⁱ Task Force on Sentencing Reforms for Opioid Drug Convictions, [Report to the 2019 General Assembly of North Carolina](#), Dec. 2018.

ⁱⁱⁱ North Carolina Dep’t of Corrections, [Fiscal Year 2016-2017 Annual Statistical Report](#); ACLU, “[Blueprint for Smart Justice: North Carolina](#),” Sept. 2018.

^{iv} National Academy of Sciences, “[The Growth of Incarceration in the United States](#),” 2014.

^v Pew Charitable Trusts, “[Prison Time Served and Recidivism](#),” Oct. 3, 2013.

^{vi} Pew Charitable Trusts, “[More Imprisonment Does Not Reduce State Drug Problems](#),” Mar. 8, 2018.

^{vii} Jonathan Caulkins, Peter Rydell, et al. [Mandatory Minimum Drug Sentences: Throwing Away the Key or the Taxpayers’ Money?](#), RAND Corporation (1997).