



## **The Case for Mandatory Minimum Sentencing Reform in Arizona**

**The problem:** Arizona’s mandatory minimum sentences force courts to hand out one-size-fits-all sentences, even when the sentence does not fit the individual or the crime. Mandatory minimum sentences also prevent courts from crafting sentences that will better address a person’s needs and the reason they committed the crime in the first place, like mental illness or drug addiction. Forcing courts to put people in prison too long harms public safety – it is unjust, erodes respect for law enforcement and the justice system, drives up prison populations and costs, and wastes prison resources on the wrong people.

**The solution:** Arizona should give courts more discretion to avoid using mandatory minimum sentences if circumstances warrant it and justice requires it.

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

- Arizona incarcerates 38,000 people at a price of nearly \$1.3 billion per year to taxpayers.
- 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>i</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>ii</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>iii</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>iv</sup>

### **More discretion = 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 unjust and unnecessary to protect the public.



- By permitting, not requiring, judges to depart from the mandatory minimum, a 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.
- 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.
- In 2010, South Carolina repealed its mandatory minimum drug sentences and saved taxpayers millions in prison costs.<sup>v</sup>

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

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

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

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

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