



February 25, 2021
Senate Public Safety Committee
Senator Steven Bradford
State Capitol, Room 2031
Sacramento, CA 95818
Via webportal: <https://calegislation.lc.ca.gov/Advocates/>

RE: Support for SB 73 (Wiener) re: probation alternatives for drug offenses

Dear Chairman Bradford:

I write today on behalf of FAMM in full support of Senate Bill 73 by Senator Scott Wiener, a bill to restore much needed discretion to judges at sentencing in certain drug offense cases. FAMM is a nonpartisan, nonprofit sentencing and prison reform advocacy organization that has pushed for individualized and proportionate sentencing laws nationwide since 1991. Senator Wiener's bill follows three decades of evidence that show that mandatory minimum sentencing laws have failed to have a meaningful impact on public safety. We ask for your support for this vital and evidence-based piece of legislation.

FAMM supports the repeal of mandatory minimum drug sentencing laws because every offender and every case is unique, and because more discretion at sentencing increases public safety. One-size-fits-all sentences do not permit courts to consider all of the relevant facts and circumstances about the crime and its impact on the community, or the individual's role, motive, profit from the offense, age, likelihood of rehabilitation, or need for mental health or drug treatment. All of these factors should be taken into consideration when crafting an appropriate sentence. Mandatory minimums ban judges from considering any of them.

Because mandatory minimums strip the courts of their ability to assess the most appropriate sentence in each and every case, these policies have been an abject failure in reducing crime. The Department of Justice's National Institute of Justice has disproven the deterrence theory framework that many use to support the existence of mandatory minimums, finding that it is the certainty of being caught, not the severity of punishment, that deters crime.¹ Furthermore, a recent 50-state study by the Pew Charitable Trust found no statistically significant relationship between drug sentencing and three major indicators of drug problems: drug arrests, drug use, and drug overdoses.² And simply putting more people in prison does not reduce crime. Another Pew

¹ "Five Things About Deterrence" Washington, D.C.: National Institute of Justice, 2016.

<https://www.ncjrs.gov/pdffiles1/nij/247350.pdf>

² "More Imprisonment Does Not Reduce State Drug Problems," Pew Charitable Trust, March 2018.

<https://www.pewtrusts.org/->

[/media/assets/2018/03/pspp_more_imprisonment_does_not_reduce_state_drug_problems.pdf](https://www.pewtrusts.org/-/media/assets/2018/03/pspp_more_imprisonment_does_not_reduce_state_drug_problems.pdf)



Charitable Trust study found that 35 states reduced their prison populations and crime rates simultaneously.³

Should California enact Senate Bill 73, it will join a growing list of states that have improved public safety by enacting smart, evidence-driven sentencing reform. In the last two decades, dozens of states as varied as Utah, North Dakota, Iowa, South Carolina, Michigan, New York, and Louisiana, have significantly reformed their sentencing laws to return discretion to the courts and reduce their state's reliance on lengthy prison sentences as a response to crime.

Eliminating mandatory minimum sentences does not mean no one will be punished or held accountable – it means that people will be punished and held accountable appropriately rather than arbitrarily.

FAMM joins the broad coalition for sentencing reform in California and asks for your support of Senate Bill 73. Thank you for your time and consideration of our views.

Sincerely,



Daniel Landsman
Deputy Director of Policy, Strategic Initiatives
FAMM

cc: Office of Senator Scott Wiener c/o angela.hill@sen.ca.gov
Norma Palacios, Drug Policy Alliance npalacios@drugpolicy.org

³ Adam Gelb and Jacob Denney, "National Prison Rate Continues to Decline Amid Sentencing, Re-entry Reforms," Pew Charitable Trust, January 16, 2018. <http://www.pewtrusts.org/en/research-and-analysis/articles/2018/01/16/national-prison-rate-continuesto-decline-amid-sentencing-re-entry-reforms>