



**Testimony of the Boston Bar Association**  
**Before the Joint Committee on the Judiciary**  
**in Opposition to Mandatory Minimum Sentencing**  
**Presented by Julia Huston, BBA President**  
**June 9, 2015**

House Chairman Fernandes, Senate Chairman Brownsberger, and members of the Joint Committee on the Judiciary, my name is Julia Huston, and I am here today in my capacity as President of the Boston Bar Association, an organization of more than 12,000 members, to make the case that mandatory minimum sentences are an inappropriate, inadequate, unaffordable, and, in far too many instances, unjust means of applying punishment.

The BBA has spoken out against mandatory minimums for decades. It is our belief that this practice replaces a trial judge's sentencing discretion with one-size-fits-all justice. We who work with the judicial system recognize that it is the trial judge who is in the best position to determine the appropriate sentence – both for the offender and for society – based on the unique circumstances of each case and each individual.

But just as the judge must carefully sift through and weigh all the evidence before coming to a conclusion about what is right, so too is it incumbent upon all of us, as citizens, to consider what the evidence is telling us about mandatory minimums.

Here, the answer is clear: They do not deter, prevent, or in any way reduce crime, as we were promised. Instead, they mainly accomplish two things: Wasting corrections dollars that could be better spent on treatment, rehabilitation, and alternatives to incarceration. And disrupting lives -- not just the lives of the inmates themselves, but also those of their families.

How do we know mandatory minimums don't work as billed? Well, NYU's Brennan Center for Justice recently released a report that painstakingly details their research into 14 leading theories that have been proposed to explain the dramatic plunge in crime rates that has cut violent and property crime in half, bringing them to lows not seen since at least the 1960's. They conclude that mandatory minimums account for about 5% of the decline during the '90s -- and virtually none of the decline since.

What does work? Targeted, evidence-based practices such as better policing, improved economic opportunities, and expanded treatment and rehabilitation programs all promise much better returns on investment than the blunt tool of mandatory minimum sentencing.

It is for these reasons that the Massachusetts Criminal Justice Commission recently recommended the repeal of mandatory minimums for drug-related offenses. This commission

includes members from all three branches of government and all stakeholders within the justice system, and their view reflects a growing nationwide consensus.

I was in Washington, D.C., earlier this spring, to meet with members of our Congressional delegation, and I was struck by the broad agreement on the need for a roll-back of mandatory minimums. And if so-called red states like Texas, Georgia, and South Carolina can commit to sentencing reform, then surely we can join them in justice reinvestment.

I recognize that here in Massachusetts we do not incarcerate nearly as many of our residents as those states do. But our prison and jail populations have skyrocketed over the past several decades just as theirs have. And our taxpayers deserve just as much to see their money spent wisely.

Let me be clear: Mandatory-minimum reform is not about simply sparing defendants from prison. No one disputes that certain offenders deserve to be incarcerated – sometimes for a lengthy term. But the duration of that sentence should be determined by a well-qualified judge and not by the cold calculus of arbitrary justice, which is all that mandatory minimums offer.

When we strip the judge of that ability, telling her that she must impose at least the mandatory sentence, regardless of the situation, we do a disservice not only to her and to the defendant and the defendant's family, but also to the taxpayers, who must foot the bill -- at a cost of about \$50,000 per year.

The BBA applauds this Committee, and the Legislature, for giving serious consideration to legislation that would roll back mandatory minimums, including Senate Bills 64 and 786, and House Bills 1429 and 1620. We stand willing to work with you to craft laws that will provide for individualized sentences, while protecting public safety and saving money.

Thank you very much for your attention.