

MBA NEWS

20 West Street, Boston, MA 02111-1204 • communications@massbar.org

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CONTACT:

Jennifer Rosinski: (617) 338-0675

Tricia M. Oliver: (617) 338-0677

MBA report calls sentencing of non-violent drug offenders too harsh and costly; complete overhaul of state's failed system necessary Reforms could save more than \$25 million a year

BOSTON, Mass. —Massachusetts must enact meaningful drug reform for non-violent offenders, focusing on education and treatment instead of incarceration and punishment, according to a report of the Massachusetts Bar Association's Drug Policy Task Force. Mandatory minimum sentencing reform and diversion to treatment, alone, could save the state more than \$25 million a year.

"This comprehensive report has identified many ways in which our drug policy in Massachusetts needs repair," said David W. White Jr., MBA past president and chair of the MBA Drug Policy Task Force. "These are problems that we cannot afford to ignore. We have made several recommendations which will reduce the rate of crime, which will save the taxpayers money and which will help rebuild families and communities."

Converting from criminal prosecution of non-violent drug offenders to treatment of their addictions is the overall message of the report, "*The Failure of the War on Drugs: Charting a New Course for the Commonwealth*." A product of more than one year of research and consideration, the report was created by a task force of nearly three dozen prominent leaders, including lawyers, law enforcement, the judiciary, mental health professionals, physicians, social workers and public policy advocates.

The report's recommendations would result in substantial savings. Specifically, diverting non-violent drug possession offenders to treatment instead of incarceration could save \$8 million in annual costs. An additional \$17 million in annual savings could be realized through mandatory minimum sentencing reform, including parole after two-thirds of a sentence is served in state prison and parole after one-half of a sentence is served in county correctional facilities.

The task force has called on Gov. Deval Patrick and the Legislature to implement recommendations for both the short and long term.

Short-term recommendations include:

- Implement diversion programs for non-violent offenders with drug addiction;
- Eliminate mandatory minimum sentences linked to school zones and other drug crimes;
- Enhance opportunities for work-release, parole, and "good conduct" credit;
- Restore suspended and split sentences; and
- Create a centralized bureau to handle treatment programs for non-violent drug offenders;

Long-term recommendations include:

- Increase treatment to meet demand;
- Re-think and increase educational programs;
- Improve treatment resources, including public health liaisons in the courts; and
- Better utilize parole to promote reintegration of incarcerated individuals.

The state can no longer handle the growing burden of its overcrowded prisons and jails, which now house more than 25,000 inmates, as the report states. The prison population rose by 368 percent between 1980 and 2008, while the jail and house of correction population increased by 522 percent in the same period. Diverting just one non-violent drug offender from incarceration, at a price tag of up to \$48,000 per year, could fund the treatment of 10 non-violent drug offenders.

“In Suffolk County alone, there are over 2,500 inmates and pre-trial detainees in custody every day. These numbers and the costs associated with them are unsustainable and can only be reduced if we take a more progressive and practical approach to incarceration,” said Suffolk County Sheriff Andrea J. Cabral, president of the Massachusetts Sheriffs' Association and a member of the task force.

“Sheriffs have made great progress in creating programs that increase post-release opportunities and reduce recidivism, but we need much broader authority to properly classify eligible inmates to those programs,” Cabral said.

Thousands of non-violent drug offenders are wasting years of their lives in prison cells because the state’s criminal justice system has not yet moved beyond an outdated and punitive approach to drug abuse, according to Barbara J. Dougan, Massachusetts Project Director of Families Against Mandatory Minimums (FAMM) and a member of the task force.

“Enhancing treatment while reducing incarceration and recidivism are laudable goals,” said Dr. Luis T. Sanchez, director of Physician Health Services, a corporation of the Massachusetts Medical Society and a member of the task force. “The report includes timely and important recommendations for education, prevention, and treatment of substance use disorders.”

Dougan said mandatory minimums are unjust because one-size-fits-all sentences don't allow punishment that fits the crime. “These individuals are unable to support their families or contribute to their community’s economy. Instead, they are costing the taxpayers millions of dollars. Their children are growing up without parents and their families have been shattered,” she said. “The findings of this multi-disciplinary report will help the Legislature do the right thing – that which is both just and wise, that which enhances public safety as it offers a path out of the nightmare of addiction.”

Incorporated in 1911, the Massachusetts Bar Association is a non-profit organization that serves the legal profession and the public by promoting the administration of justice, legal education, professional excellence and respect for the law. The MBA represents a diverse group of attorneys, judges and legal professionals across the commonwealth.