
FACT SHEET: Sentencing and Mandatory Minimums

Mandatory minimum sentencing laws require judges to administer prison terms of a particular length for people convicted of certain federal and state crimes. At the federal level, most mandatory minimum sentences apply to drug offenses, but Congress has also enacted them for other crimes, including certain gun and economic offenses.

Mandatory minimums undermine our nation's commitment to justice and fairness by preventing judges from taking into account the individual's background and the circumstances of his/her offenses in the sentencing determination. These laws disproportionately impact people of color, have caused our prison populations to soar, and have led to overcrowding and exorbitant costs to taxpayers.

The increasing number and lengths of federal mandatory minimum sentences has caused the U.S. prison population to balloon in the last several decades.

- The number of federal mandatory sentences has doubled in the last 20 years.¹
- 14,138 people were convicted of an offense carrying a mandatory minimum penalty in the fiscal year of 2015. Of these people, 8,602 (13.5 percent) remained subject to a mandatory minimum penalty at sentencing. Drug trafficking offenses accounted for over two-thirds (66.2 percent) of the offenses carrying a mandatory minimum penalty.²
- In 2010, 39.4 percent of individuals in Federal Bureau of Prisons custody were subject to a mandatory minimum penalty.³
- Between 1980 and 2013, the federal imprisonment rate increased 518 percent.⁴ At its peak, the Federal Bureau of Prisons (BOP) was operating at 36 percent over capacity.
- Over the last three years, the BOP population has dropped by almost 30,000,⁵ primarily due to administrative reforms like the Attorney General's Smart on Crime Initiative. As a result, the BOP is currently operating at 16 percent over its intended capacity.⁶

¹ See "Report to Congress: Mandatory Minimum Penalties in the Federal Criminal Justice System." *United States Sentencing Commission*. Oct. 2011. <http://www.ussc.gov/news/congressional-testimony-and-reports/mandatory-minimum-penalties/report-congress-mandatory-minimum-penalties-federal-criminal-justice-system>.

² See "Quick Facts: Mandatory Minimum Penalties." *United States Sentencing Commission*, 2015 Datafile. http://www.ussc.gov/sites/default/files/pdf/research-and-publications/quick-facts/Quick_Facts_Mand_Mins_FY15.pdf.

³ See "Report to Congress: Mandatory Minimum Penalties in the Federal Criminal Justice System." *United States Sentencing Commission*. Oct. 2011. <http://www.ussc.gov/news/congressional-testimony-and-reports/mandatory-minimum-penalties/report-congress-mandatory-minimum-penalties-federal-criminal-justice-system>.

⁴ See "Fact Sheet: Growth in Federal Prison System Exceeds States." *Pew Charitable Trusts*. Jan. 22, 2015, <http://www.pewtrusts.org/en/research-and-analysis/fact-sheets/2015/01/growth-in-federal-prison-system-exceeds-states>.

⁵ See "Federal Inmate Population Declines." *Federal Bureau of Prisons*. Oct. 4, 2016. https://www.bop.gov/resources/news/20161004_pop_decline.jsp.

⁶ See "Federal Inmate Population Declines." *Federal Bureau of Prisons*. Oct. 4, 2016. https://www.bop.gov/resources/news/20161004_pop_decline.jsp.

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The explosion of the prison population and the increasing use of mandatory minimums have had a disproportionate impact on communities of color.

- African Americans make up 13 percent of the U.S. population⁷—but almost 38 percent of the federal prison population.⁸ Hispanics account for 17 percent of the U.S. population⁹—but almost 34 percent of federal inmates.¹⁰
- During fiscal year 2015, Black people accounted for 28.9 percent and Hispanic people accounted for 41.5 percent of those convicted of a mandatory minimum penalty, compared to only 27.2 percent of White people.¹¹
- White people (33 percent) are more likely than Black people (29.4 percent) to receive relief from mandatory minimum penalties at sentencing.¹²

Mandatory minimum reform is crucial to slowing the overwhelming growth of our prison population and reducing its staggering economic costs.

- Cutting 10-year mandatory minimums alone would affect 7,300 defendants every year.¹³
- Between 1980 and 2013, spending on the federal prison system increased from \$970 million to more than \$6.7 billion¹⁴, and it costs approximately \$ 31,977 per year to incarcerate an individual.¹⁵

⁷ See “United States QuickFacts.” *United States Census Bureau*. Accessed May 30, 2017. <https://www.census.gov/quickfacts/table/PST045215/00>.

⁸ See “Statistics: Inmate Race.” *Federal Bureau of Prisons*. Accessed May 30, 2017. https://www.bop.gov/about/statistics/statistics_inmate_race.jsp.

⁹ See “United States QuickFacts.” *U.S. Census Bureau*. Accessed May 30, 2017. <https://www.census.gov/quickfacts/table/PST045215/00>.

¹⁰ See “Statistics: Inmate Ethnicity.” *Federal Bureau of Prisons*. Accessed May 30, 2017. https://www.bop.gov/about/statistics/statistics_inmate_ethnicity.jsp.

¹¹ See “Quick Facts: Mandatory Minimum Penalties.” *United States Sentencing Commission*, 2015 Datafile. http://www.ussc.gov/sites/default/files/pdf/research-and-publications/quick-facts/Quick_Facts_Mand_Mins_FY15.pdf.

¹² *Id.*

¹³ See “U.S.S.C. Annual Report to Congress, Fiscal Year 2014.” *United States Sentencing Commission*. 2014. <http://www.ussc.gov/research-and-publications/annual-reports-sourcebooks/2014/annual-report-2014>.

¹⁴ Pew Charitable Trusts, *supra*.

¹⁵ See “Annual Determination of Average Cost of Incarceration.” *Office of the Federal Register*. July 19, 2016. <https://www.federalregister.gov/documents/2016/07/19/2016-17040/annual-determination-of-average-cost-of-incarceration>.