

The Sentencing Project

Criminal Justice Issues and Prisoners' Rights

<https://www.sentencingproject.org/publications/federal-mandatory-minimum-sentencing-an-overview-of-the-2011-report-by-the-u-s-sentencing-commission/>

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The Anti-Drug Abuse Act of 1986 and the 1988 Omnibus Anti-Abuse Act established harsh mandatory punishments for drug and firearm offenses (including the infamous 100:1 crack/powder cocaine ratio). The establishment of these laws corresponds with the nearly 800% increase in federal incarceration since 1980. Until recently, limited information was available regarding the full impact of these sentencing policies.

Under a statutory directive, the United States Sentencing Commission (the Commission) in October 2011 submitted to Congress its second report in 20 years assessing the impact of federal mandatory minimum sentencing laws. The report concludes: Certain mandatory minimum provisions apply too broadly, are set too high, or both, to warrant the prescribed minimum penalty. This has led to inconsistencies in application of certain mandatory minimum penalties.

This paper highlights important findings in the Commission's report and its recommendations for reform. To read the paper, download the PDF below.

Increase in number of women incarcerated in the U.S. since 1980

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