



Harsh and Unfair Mandatory Minimum Drug Sentences Have Filled New Jersey Prisons To Record Levels

Over the last twenty years, New Jersey's prison population has grown at a staggering rate. The engine driving this explosive growth has been the mass incarceration of nonviolent drug law violators and the imposition of mandatory minimum sentences.

Since the passage of the Comprehensive Drug Reform Act of 1986, which ushered in a regime of harsh mandatory minimum sentences, the proportion of the prison population incarcerated for nonviolent drug offenses has risen from 11 percent to 32 percent—an almost three-fold increase. New Jersey has the highest proportion of nonviolent drug offenders as a proportion of its overall prison population in the nation (36 percent). This percentage is far above the national average of 20 percent.

Families and Communities Have Been Damaged and Torn Apart

Harsh and ineffective mandatory minimum sentences for nonviolent drug law violators have had devastating effects on the very families and communities they were supposed to protect. Vulnerable families and communities have been torn apart and large proportions of urban populations have been made permanent economic outsiders, unable to find stable employment after incarceration. It is estimated that men with prison records earn 30 to 40 percent less than men without prison records.

Incarceration triggers a downward spiral of disadvantages that negatively affect the incarcerated individual, their family and community. Lost wages means less support for families and less spending in communities. In addition to these economic costs, the social costs of the overuse of incarceration are enormous. It is estimated that around two million – or one out of 10 – African-American children has one or both parents in prison. Children with a parent in prison are seven times more likely to end up in prison themselves.

Harsh Sentencing Wastes Precious Tax Dollars

It costs more than \$46,000 a year to incarcerate a nonviolent individual in New Jersey. The total cost for incarcerating all nonviolent drug law violators each year in New Jersey is about \$331 million. Incarceration has enormous indirect costs in terms of lost wages while incarcerated, lost lifetime wages due to the reduction in earning potential post-incarceration, and lost taxable income for the state. Incarcerating such large numbers of people costs New Jersey millions of dollars in lost taxable income.

A Growing Consensus: Mandatory Minimums Have Failed, New Solutions are Needed

Elected officials, judges, prosecutors and criminal justice experts across in New Jersey and across the country are speaking out against harsh and ineffective mandatory minimum sentences for nonviolent drug offenders and calling for the reinvestment of resources in programs that strengthen families and communities.

Conclusion

The time has come for New Jersey to repeal mandatory minimum sentencing for nonviolent drug offenses, and replace it with a policy that gives judges the discretion to craft fair and effective sentences. This policy would also allow for innovative and effective community-based programs that strengthen and support at-risk families and communities.

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