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Sentencing

Various sentencing guidelines have been implemented in the past several decades in order to reduce crime rates. Mandatory minimums are the focus of this report due to their pervasive usage. Other sentencing guidelines that have been implemented recently include civil commitments, GPS tracking, advisory guidelines and other state specific prescriptions.

Mandatory Minimum Sentencing

Mandatory minimums have been the trend in sentencing reform in recent decades, representing a shift from an 'indeterminate' system to a more 'determinate' one. "[M]andatory sentencing laws since 1975 have been America's most popular sentencing innovation. By 1983, forty-nine of the fifty states (Wisconsin was the holdout) had adopted mandatory sentencing laws for offenses other than murder or drunk driving" (Shane-DuBow, Brown, and Olsen 1985, table 30). Despite their popularity, the preponderance of scholarly research on mandatory minimums overwhelmingly agrees that sentencing guidelines have had little or no effect on crime rates.

Effects on Crime Rates

All major studies have either decided that there is no conclusive evidence of a deterrent effect of mandatory minimums or that there is no deterrent effect. After the most comprehensive study completed to date the National Academy of Sciences' Panel of Research on Deterrent and Incapacitative Effects found that "...we cannot assert that the evidence warrants an affirmative conclusion regarding deterrence" (Blumstein, Cohen and Nagin 1978). A more recent study by the National Academy of Sciences that looked at the effect of mandatory minimums on prison populations concluded that "[a]fter documenting that the average prison sentence per violent crime tripled between 1975 and 1989" it had "apparently little" effect on crime rates (Reiss and Roth 1993).

Drugs have been a major focus of research on mandatory minimums, "...an evaluation of the "Rockefeller Drug Laws," which required severe mandatory minimum sentences for drug crimes and forbade plea bargaining to avoid the laws' application, found no discernable effects on drug use or crime in New York" (Joint Committee on New York Drug Law Evaluation 1978). These results concur with many international findings (Tonry 1996).

A leading scholar on this issue, Michael T

References

Blumstein, Alred, Jacqueline Cohen and Daniel Nagin. 1978. *Deterrence and Incapacitation: Estimating the Effects of Criminal Sanctions on Crime Rates*. Washington, D.C.: National Academy Press.

Castelli, Elise. "Global Positioning to

Quo: Toward Smaller, Smarter Government

<http://www.window.state.tx.us/tpr/tpr5/7ps/ps08.html>, accessed February 9, 2006.

Tonry, Michael. 1996. *Sentencing matters*. New York: Oxford University Press.

Wicharaya, Tamasak. 1995. *Simple Theory, Hard Reality: The Impact of Sentencing Reforms on Courts, Prisons, and Crime*.

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