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*From the Baltimore Sun*

## Mandatory drug terms are targeted in report

### Policy mostly harms blacks, it says; hearing today

By Kelly Brewington

sun reporter

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African-Americans are disproportionately harmed by mandatory-minimum drug sentences, with blacks comprising nearly nine out of every 10 offenders sent to Maryland prisons on such terms, according to a report being released today by a Washington think tank.

The report by the Justice Policy Institute, a research organization that supports alternatives to prison, is to be discussed at a House of Delegates committee hearing today. The committee is considering a bill that would repeal some of the state's mandatory-minimum sentencing laws.

The study urges moving toward a model that offers treatment over incarceration. It notes that despite the racial disparity in sentencing, blacks and whites use drugs at similar rates.

Maryland elected officials have acknowledged that drug use is a public health problem, and, as a result, the state has offered more treatment options to low-level offenders, said Jason Ziedenis, executive director of the Justice Policy Institute.

"But what we need now is the will to change these laws," he said.

The proposed legislation seeks to allow judges discretion in sentencing repeat offenders who commit certain drug crimes. Repealing the minimum-sentencing laws would allow judges to require treatment, particularly in the case of a low-level dealer who sells drugs to support an addiction, said Del. Curtis S. Anderson, a Baltimore Democrat who commissioned the report and sponsored the bill.

"Over the years, even though we have tried to get tough on drugs, we have not made a dent in people using drugs," said Anderson. "We have locked up more people, made the sentences harsher, but we haven't cut down on the problem at all. Maybe it's time to try something different."

The bill would repeal the mandatory-minimum 10-year sentence for a second-time offender or conspirator in specific drug crimes. But, it would not affect those convicted as "volume dealers," or kingpins, Anderson said.

He said other states have made such reforms, resulting in a decrease in incarceration costs.

From a public safety perspective, Ziedenberg said, mandatory minimums have not made communities safer.

Despite an overall decline in homicides since the 1990s, the homicide rate for African-Americans is nine times higher than that for whites, he said.

Maryland lawmakers have proposed similar legislation in previous years, including bills last year in the House and the Senate. But neither proposal made it out of committee.

It is unclear whether the measure has a chance this session. Some on the Judiciary Committee, where it will be heard today, have voiced concerns.

"Jail time, to me, should clearly be a deterrent to crime," said Del. Donald H. Dwyer, an Anne Arundel County Republican. "I personally do not support the idea that treatment alone is the answer. Many of the individuals who are involved in drug crimes are not only committing drug crimes, but they are also involved in breaking-and-enterings and theft. You still have victims who will suffer."

Still, those who have been fighting to reform sentencing laws say attitudes are changing. Kurt L. Schmoke, a former three-term Baltimore mayor, sparked a national debate on drug policy when in 1988 he called drug addiction a public health problem and advocated decriminalizing drugs.

Today, public opinion has become more receptive, said Schmoke, who submitted testimony supporting the bill.

Two years ago, Schmoke launched the National African American Drug Policy Coalition, a group of about a dozen black professional organizations working to reform U.S. sentencing laws.

"We try to explain to people that certain laws that look neutral on their face are certainly having a disproportionate impact on communities of color," said Schmoke, dean of the Howard University School of Law.

"It is totally destructive of family formation and community stability," he said. "And it's not just the drugs, it's the impact of the criminal justice system."

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