



PRISON TRANSPARENCY PROJECT REPORT:

The Case Against Mandatory Minimums and “Cookie Cutter” Penalties

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THE CASE AGAINST MANDATORY MINIMUMS AND “COOKIE CUTTER” PENALTIES

The Problem with Mandatory Minimum Sentences

- **Inflexibility and Injustice:** Mandatory minimum sentences require judges to impose fixed prison terms for specific crimes, regardless of the individual circumstances of the case. This one-size-fits-all approach strips the judiciary of the discretion needed to consider mitigating factors, leading to unjust and often disproportionately harsh sentences.

- **Eliminating Nuance:** Mandatory minimums treat all offenders as though their crimes and circumstances are identical, which is rarely the case. This cookie-cutter approach to justice fails to account for the complexities of human behavior, the context of the offense, or the potential for rehabilitation.

The Case for Abolishing Mandatory Minimums

- **Restoring Judicial Discretion:** Abolishing mandatory minimum sentences would restore judges' ability to tailor sentences to the specifics of each case. This would allow for more just outcomes, where penalties are proportionate to both the crime and the individual's circumstances.

- **Encouraging Rehabilitation:** Without mandatory minimums, the focus of sentencing can shift from punishment to rehabilitation. Judges could impose sentences that prioritize treatment, education, and reintegration into society, rather than simply warehousing individuals in prison.

Establishing Mandatory Maximum Sentences

- **Sentencing Should Be Proportionate to Harm Caused and Potential Danger Posed to Society:** Maximum sentences would prevent judges from imposing excessively harsh penalties, ensuring that even in severe cases, the punishment remains proportionate to the crime. This reform would address the systemic issue of overly punitive sentencing, which often leads to unnecessarily long incarceration periods. Victimless crimes should be handled with Diversion Programs rather than

incarceration. Prison should be where we send people who are dangerous to the rest of us, to keep society safe, and where we treat people who need rehabilitation to become pro-social instead of anti-social.

- **Mandatory Maximums Would Reduce America's Mass Incarceration Epidemic:** Implementing Mandatory Maximums could reduce the prison population by capping sentences at reasonable levels, promoting rehabilitation over punitive measures. This approach aligns with a more humane and just criminal justice system, focusing on rehabilitation and reintegration rather than excessive punishment.

Outlawing "Cookie Cutter" and "Must Do" Penalties

- **The Problem with Uniform Penalties:** "Cookie cutter" and "must do" penalties impose a rigid framework that disregards the unique aspects of each case. This can result in penalties that are either too severe or too lenient, neither of which serve the cause of justice.

- **Promoting Individualized Sentencing:** By outlawing these rigid penalties, the justice system can embrace a more individualized approach, where sentences are crafted based on the specifics of the offense and the offender. This approach recognizes that justice is not about treating everyone the same, but about treating everyone fairly.

Moving Towards a Fairer Justice System

- **Legislative Action:** To achieve these reforms, it is crucial for lawmakers to take action to repeal mandatory minimum sentencing laws and prohibit the use of cookie-cutter penalties. This would represent a significant step towards a more just and equitable criminal justice system.

- **Advocacy and Public Awareness:** Raising awareness about the harms caused by mandatory minimums and rigid sentencing policies is essential. Advocacy efforts should focus on educating the public and policymakers about the benefits of a more flexible, individualized approach to sentencing.

This report is part of a series produced by the Prison Transparency Project, aimed at uncovering and addressing issues within the prison system. For additional reports and recommendations, please visit our website at

<https://prisontransparency.com>.