

Mandatory Minimum Sentences

- Canada already has approximately 45 mandatory minimum sentences; more mandatory minimum sentences will mean that people who are ensnared in the prison system are likely to be kept there for longer periods of time.
- In the United States, mandatory minimum sentences have been utilized for much of the past few decades. The Supreme Court in the United States found mandatory guidelines breached constitutional rights. This combined with skyrocketing rates of imprisonment of the most dispossessed mean that many states are now revisiting such initiatives because they recognize that mandatory minimum sentences do not protect society, rehabilitate individuals, or generally contribute to the well being of others.
- Supporters of mandatory minimum sentences often argue that they are of value because:
 1. They deter or prevent the particular individual who is sentenced from committing future offences, especially while s/he is incarcerated (i.e. specific diversion);
 2. They deter others from committing similar offences by making an example of those who are convicted of certain offences (i.e., general deterrence); and,
 3. Public attitudes are such that the Canadian electorate would not stand for people not being punished (versus otherwise being held accountable) for criminal convictions.
- Most people also realize that the increased use of mandatory minimum sentences vastly increases the cost of the criminal justice system.
- Imprisonment is far more expensive and the most ineffective means of addressing social problems. Accordingly, funding incarceration means that resources are cut from social services, educational services, and employment opportunities.
- It costs anywhere from \$50,000 (using the most conservative estimates) to upwards of \$350,000 and more, per year, to keep a woman in prison in Canada. If even just half of the seven billion dollars currently spent on imprisoning people was invested in social assistance, housing, health, education and other community resources, the resulting resources would benefit whole communities, not merely those who are criminalized as a result of their attempts to survive increasingly inhospitable communities.

- There is no persuasive evidence to support the notion that mandatory minimum sentencing laws deter others.
- Based upon what has happened in the United States, there is every reason to believe that additional mandatory penalties for firearms will have the same effects in Canada of increasing unfairness in the enforcement of the law, generating wrongful convictions, and devastating the African Canadian community by incarcerating young men at a disproportionate rate.
- States, such as Michigan and the Northern Territories in Australia, are retreating from this criminal law strategy in light of their negative experience with its consequences. Such jurisdictions have clearly identified the negative impact of mandatory minimum sentences as including unfairness, wrongful convictions and skyrocketing incarceration rates for African Americans, Aboriginal people, and women in particular, without any discernible deterrent benefit.
- The Royal Commission on Aboriginal Peoples and many provincial reports, such as the Report of the Commission on Systemic Racism in the Ontario Criminal Justice System, have identified that we already have a problem of systemic racism in the enforcement of our criminal law. Mandatory minimum sentences will only reinforce this trend by further targeting the African Canadian community and generating a false impression that gun violence can be curbed by such punitive responses.
- Mandatory minimum penalties will also likely exacerbate the over- incarceration of Aboriginal people.
- “Scientific evidence indicates that mandatory minimum sentences only worsen health-related harms associated with incarceration by increasing the transmission of infectious disease in prisons.”¹

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¹ Canadian HIV/AIDS Legal Network.

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