

# the sentence

## SENTENCING: FEDERAL MANDATORY MINIMUMS

Cindy Shank was sent to prison for 15 years due to federal sentencing laws that impose “mandatory minimum” sentences. No matter the circumstances, a person convicted of an offense that carries a “mandatory minimum” will be sentenced to a certain minimum number of years in federal prison.

56% of the federal prison population was convicted of an offense carrying a mandatory minimum sentence.

Mandatory minimums have resulted in the escalation of the numbers and length of convictions for drug-related offenses. Drug offenses account for two-thirds of all mandatory minimum sentences. Many of those sentences are imposed on people in the lower levels of the drug trade, not caught with weapons or have limited criminal histories.

In 2016, more than half (52.8%) of the drug-related convictions under mandatory minimum laws have resulted in sentences of over 10 years or more. Those convicted of an offense that carries a mandatory minimum received sentences four times longer than those convicted of offenses that did not carry a mandatory minimum.

In 2016, Hispanic offenders represented the largest group (40.4%) of those convicted of an offense carrying a mandatory minimum.

*Source: U.S Sentencing Commission.*

## EXPANDING PRISON POPULATION

Cindy – a young woman of color sentenced to more than 10 years for a first time and negligible drug offense - is representative of the ever-increasing and changing prison population in the United States.

Between 1980 and 2016, the number of incarcerated women in prisons and jails in the United States increased by more than 700%, rising from a total of 26,378 in 1980 to 213,722 in 2016.

Women of color represent the fastest growing prison population and are close to two-thirds of women in prison. They are nearly twice as likely to be incarcerated than white women.

In 2010, 93% of federal prisoners were convicted of non-violent crimes, including 48% for drug offenses.

Numerous women have been convicted of conspiracy for the crimes undertaken by boyfriends or partners, even when coerced or under duress. (i.e. Kemba Smith, who as a first-time, non-violent offender, was similarly given a mandatory minimum sentence of 24 years).

*Sources: The Sentencing Project, Bureau of Justice Statistics.*

## WIDENING THE DIVIDES WITHIN FAMILIES

Cindy’s family took on extra jobs to be able to afford phone calls and the rare visit to Cindy, especially once she was transferred hundreds of miles away. Prison systems and practices make it very difficult for incarcerated persons to maintain relationships with their children and families.

Distance: Federal prisoners are subject to transfer at any time and are often held in prisons far from their families. 84% of parents in federal prisons are held over 100 miles away – and 43% are held over 500 miles away – from their last residence.

Visitation: Most prisons are not accessible by any form of public transportation, restricting child-parent visits. Around 40% of incarcerated mothers and fathers in federal prison had no visits from their children.

Excessive Costs of Phone Calls: Calls from prison can be exorbitantly expensive; some more than \$1/minute. Caps are still in place for federal prisons on the amount that can be charged for calls across state lines, but caps are no longer in place for calls placed within a state. Even with the caps, an inmate who makes 2 cents/hour would have to work 10 hours to make a one-minute call.

*Sources: Bureau of Justice Statistics (2000); Prison Policy Initiative.*

## THE TRAUMA OF INCARCERATION

The film provides a lens to witness the trauma that Cindy, her daughters, and her family experience as a direct result of her arrest and incarceration. The separation, stress, and physical and mental anguish endured by an incarcerated parent, and by their children and families (including caregivers), has a lasting if not lifelong, impact on their health and well-being.

Parental incarceration is independently considered an “adverse childhood experience” (ACEs) due to the trauma, stress, and shame that children experience. ACEs can have a measurable impact on long-term health and life outcomes.

In a 2008 federal report, 63% of men and 56% of women in federal prison were parents of minor children. Children with an incarcerated parent are more likely to experience housing instability and live in poverty. And about 15-20% of children entering the child welfare system have an incarcerated parent.

Black children are 7.5 times and Hispanic children are 2.6 times more likely than white children to have a parent in prison.

*Sources: Bureau of Justice Statistics; Annie E. Casey Foundation; National Resource Center on Children and Families of the Incarcerated.*

**FOR MORE INFORMATION AND TO GET INVOLVED:**

The Sentencing Project  
[www.sentencingproject.org](http://www.sentencingproject.org)

FAMM  
[www.famm.org](http://www.famm.org)

The Osborne Association  
[www.osborneny.org](http://www.osborneny.org)

Can-Do Foundation  
[CanDoClemency.com](http://CanDoClemency.com)

Prison Policy Initiative  
[www.prisonpolicy.org](http://www.prisonpolicy.org)