



**LAWYERS' COMMITTEE
FOR CIVIL RIGHTS AND
ECONOMIC JUSTICE**
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Testimony of Rahsaan D. Hall, Esq.

My name is Rahsaan D. Hall and I am the Deputy Director of the Lawyers' Committee for Civil Rights and Economic Justice. I provide this testimony in support of S.786 and H.1620 to eliminate mandatory minimum sentences related to drug offenses.

Prior to my role at the Lawyers' Committee I was a prosecutor for the Suffolk County District Attorney's Office. My tenure began in 2000 under then District Attorney Ralph Martin, and continued until 2008 under the current District Attorney Daniel Conley. I began as an Assistant District Attorney in Dorchester District Court and was eventually promoted to Suffolk Superior Court prosecution units, beginning with the Safe Neighborhood Initiative Unit and concluding with the Senior Trial Unit. In both units I handled a variety of matters ranging from armed robbery and breaking and entering, to gang involved shootings and homicides. I also handled my fair share of drug offenses.

In my role as the point prosecutor for the Uphams Corner section of Dorchester, through the Safe Neighborhood Initiative, I saw the impact of drugs on a community. I also saw the failures of the mandatory minimum drug sentences and the war on drugs. Not only was I responsible for prosecuting criminal conduct out of that community, I worked in collaboration with community stakeholder to develop a coordinated public safety agenda. These stakeholders were concerned about the conditions in their community. They were concerned about people speeding, people dumping trash illegally, prostitution and drug use and sales. In addition to being

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concerned about the violence in their community, they shared their concern about the “one-size-fits-all” approach to law enforcement. I rarely met people who heralded the indiscriminate impact of mandatory minimum sentences for drug offenses.

As a prosecutor I would always charge mandatory minimum sentences when applicable. They provided me the leverage to resolve most of my cases because I had a powerful bargaining chip. The mandatory minimum sentence. My recollection of those eight years is that an overwhelming majority of the cases I prosecuted for violations of chapter 94C resulted in guilty pleas to lesser offenses. This was because the defendants would accept the sentence I chose as opposed to facing the stiffer penalty that the mandatory minimum charge carried.

The power of prosecutors to prosecute and impose sentences shifts the balance of power in the judicial system by taking discretion away from jurists who have been charged to “faithfully and impartially discharge and perform all [their] duties... according to the best of their abilities and understanding, agreeably, to the rules and regulations of the constitution, and the laws of this Commonwealth.” This shift in the balance has resulted in an increased prison population, little to no impact on recidivism for drug offenders, and gross racial disparities in drug sentences.

For the eight years I served as a prosecutor in Suffolk County the overwhelming majority of the individuals I prosecuted for drug offenses were people of color. Specifically, Black and Latino men and women would find themselves ensnared in the criminal justice system charged with offenses that would remove them from their communities, families and jobs. For those who were involved in criminal activity due to drug addiction there was no reasonable prospect of meaningful drug treatment. Despite the fact that the city of Boston (where all of my cases originated) is comprised of 53% people of color, over 90% of the drug cases I prosecuted were

people of color. That is a disparity that defies a reasonable explanation, especially when there is no reliable empirical data that suggests Blacks and Latinos use drugs at a greater level than Whites.

Despite the spirit behind these minimum mandatory drug laws, there was nothing I saw in my work as a prosecutor that suggested these laws had a deterrent effect. For as many people as I prosecuted and sent to jail and prison for lengthy sentences, there were that many more who were still on the streets using and selling drugs. For as many times as I was involved in prosecuting “drug sweeps,” there were that many more to be conducted, yet the criminal conduct that led to the sweeps in the first place did not change. As a result, the people I worked with in the community raised concerns about who was not arrested and the deleterious and far reaching impact of the potential penalties faced by those who were arrested.

It is time for a smarter drug policy that treats this issue as a public health issue and not a criminal justice issue. It is time for a drug policy that does not take a scorched earth approach to policing communities of color and further exacerbate disparities and economic disenfranchisement. It is time for a policy that entrusts the judiciary to faithfully administer not only punishment but justice in the truest and fullest sense of the word. It is time to eliminate mandatory minimum sentences related to drug offenses.