

Analyses of "Mandatory" Drug Charges Disposed in Superior Court in FY2015

Massachusetts Sentencing Commission
July 2017

A “mandatory” drug charge is defined as a drug charge punishable, upon conviction, by a mandatory term of incarceration.

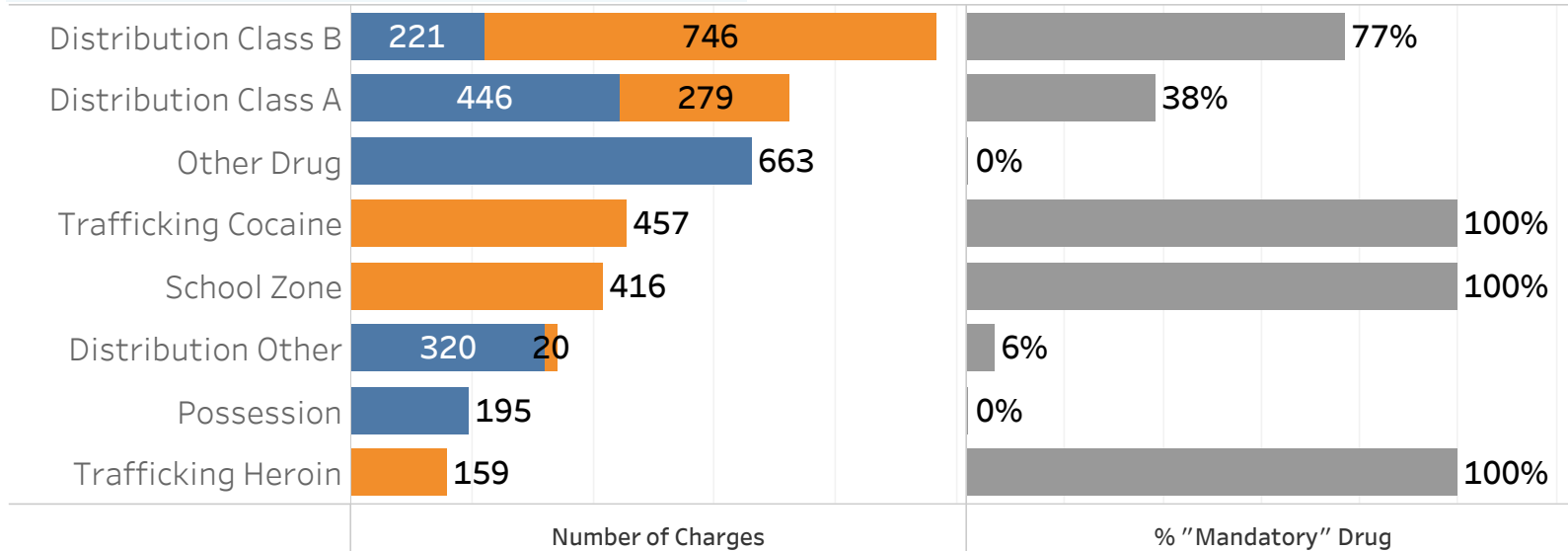
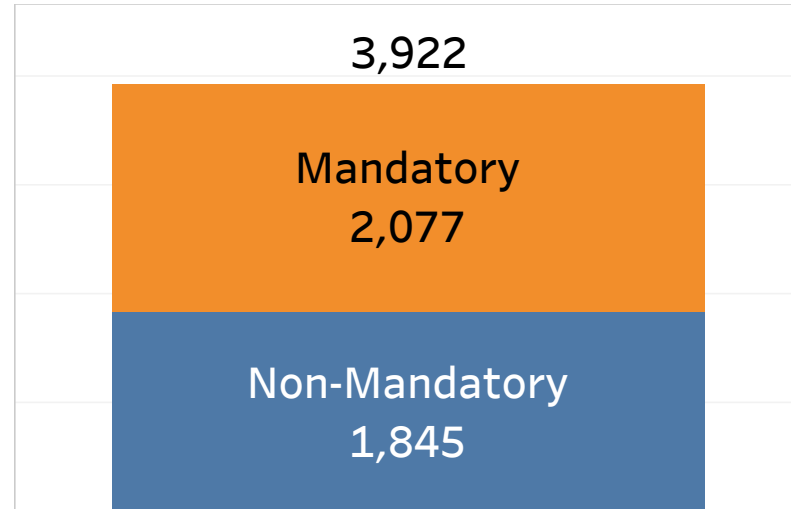
- In FY2015, 3,922 drug charges, representing 2,168 criminal cases, were disposed in the Superior Court.
- Fifty-three percent (53%) of disposed drug charges were “mandatory” drug charges (2,077 out of 3,922).
 - The proportion of disposed drug charges subject to mandatory incarceration upon conviction varied by county, and ranged from 24% (Hampshire County) to 71% (Suffolk County). The average was 48 percent. (According to the data, there were no drug charges disposed in Nantucket Superior Court in FY2015.)
- Of the 2,077 “mandatory” drug charges disposed in Superior Court in FY2015:
 - 539, or 26%, resulted in a conviction as charged;
 - 634, or 31%, resulted in a conviction for a lesser included charge;
 - 7% for a lesser included “mandatory” drug charge; and
 - 24% for a lesser included non-mandatory drug charge.
 - 839, or 40%, were dismissed.
 - The proportion of “mandatory” drug charges disposed in Superior Court in FY2015 by dismissal ranged, by county, from 0% (Hampshire) to 83% (Duke). The average was 39 percent.
 - Overall, 79% of “school zone” charges disposed in Superior Court in FY2015 were disposed by dismissal. By county, the proportion disposed by dismissal ranged from 58% (Plymouth County) to 100% (Bristol, Barnstable, and Essex Counties). The average was 81 percent. Four counties had no “school zone” charges disposed in Superior Court in FY2015: Dukes, Franklin, Hampshire, and Nantucket.
- Fifty-five percent (55%) of cases with a disposed drug charge included a “mandatory” drug charge (1,199 out of 2,168).
- Of the 1,199 Superior Court cases with a disposed “mandatory” drug charge in FY2015, 38% or 455 resulted in a conviction for a “mandatory” drug offense.

FY2015, Disposed Drug Charges, Superior Court Department

53%

The proportion of drug charges punishable by a mandatory term of incarceration (i.e., "mandatory" drug charges).

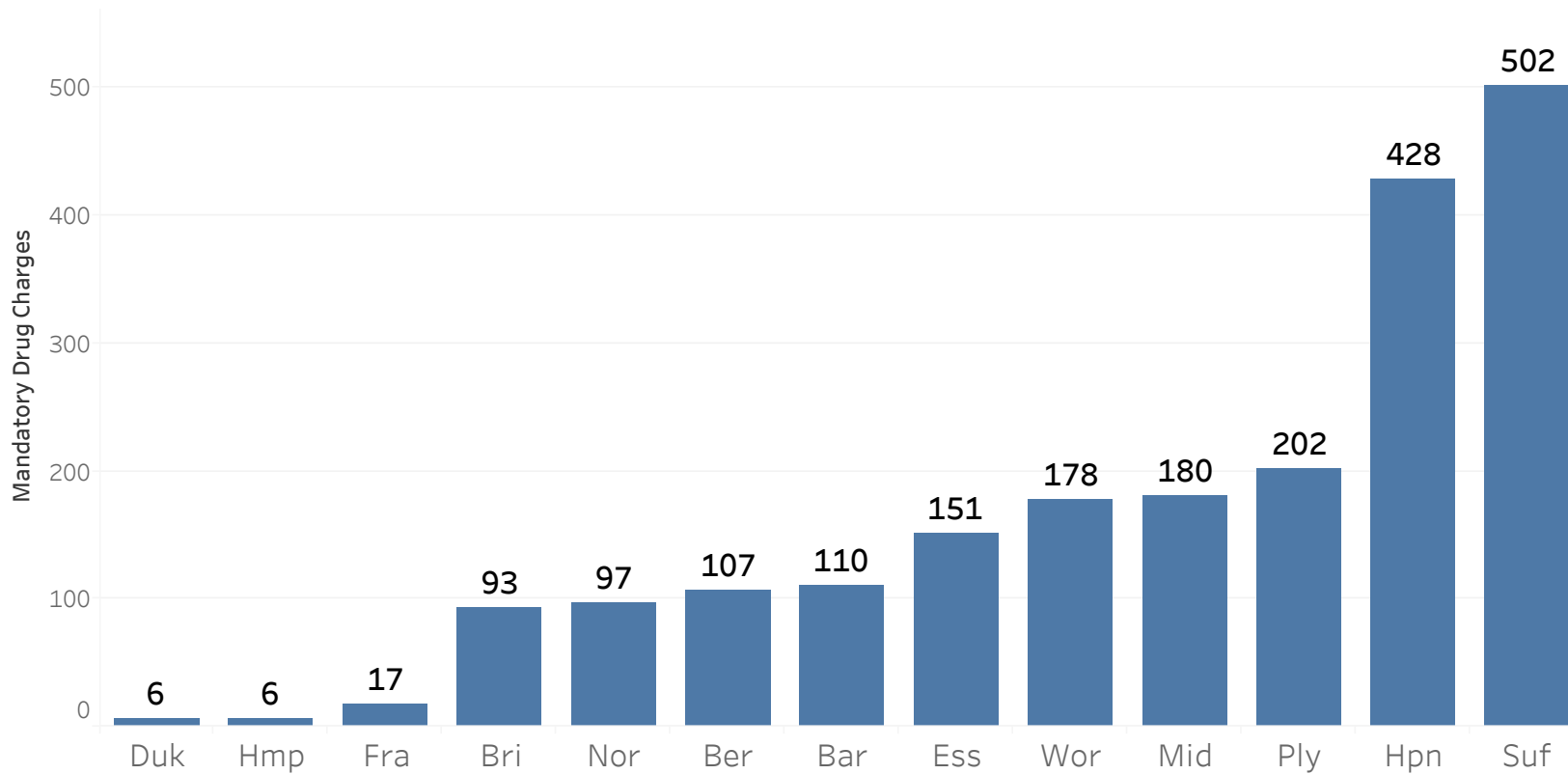
■ Mandatory
■ Non-Mandatory



*Source: Massachusetts Sentencing Commission

6 to 502

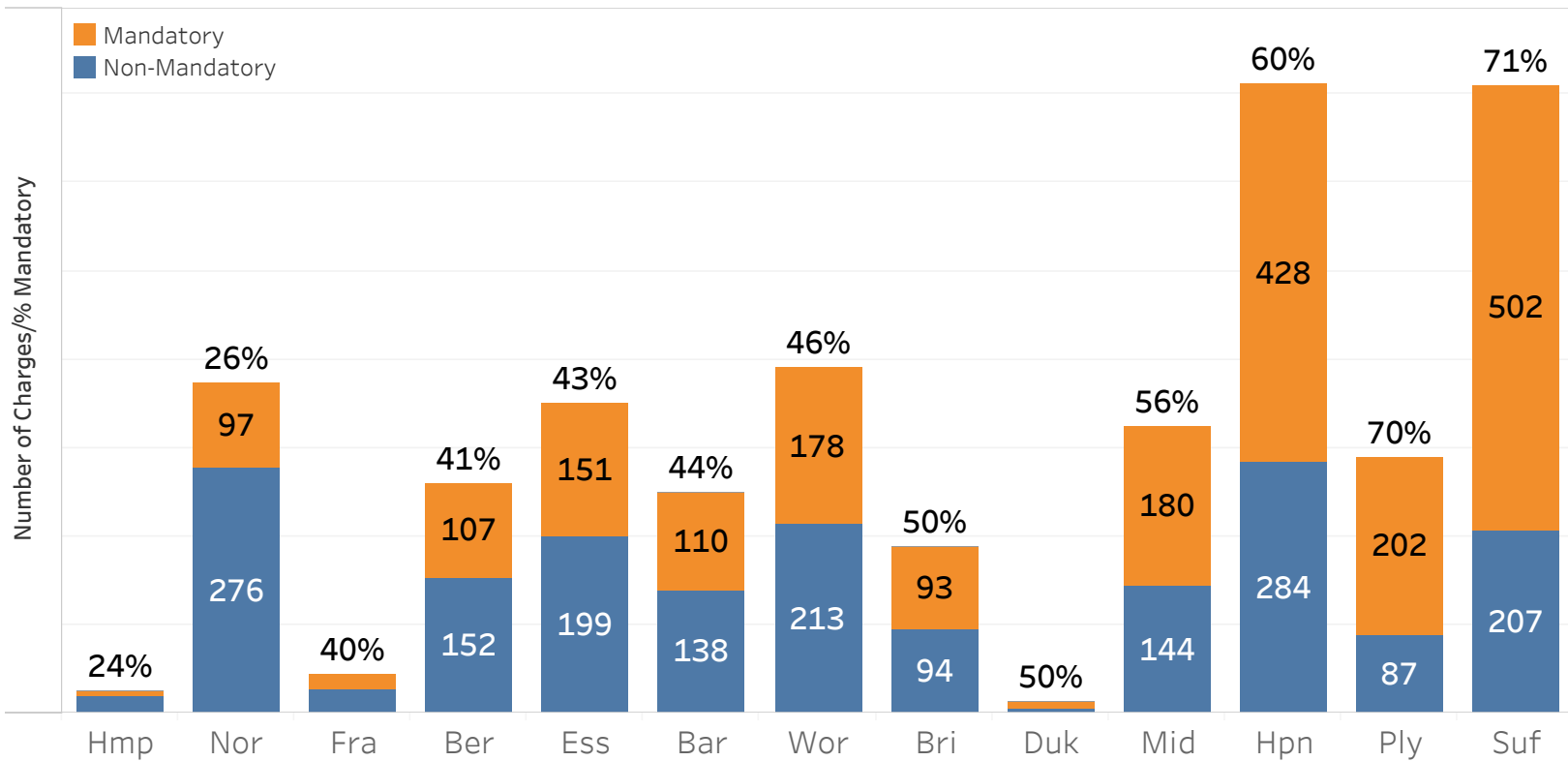
By county, the number of "mandatory" drug charges filed.



*Source: Massachusetts Sentencing Commission

24% to 71%

By county, "mandatory" drug charges as a proportion of all drug charges.

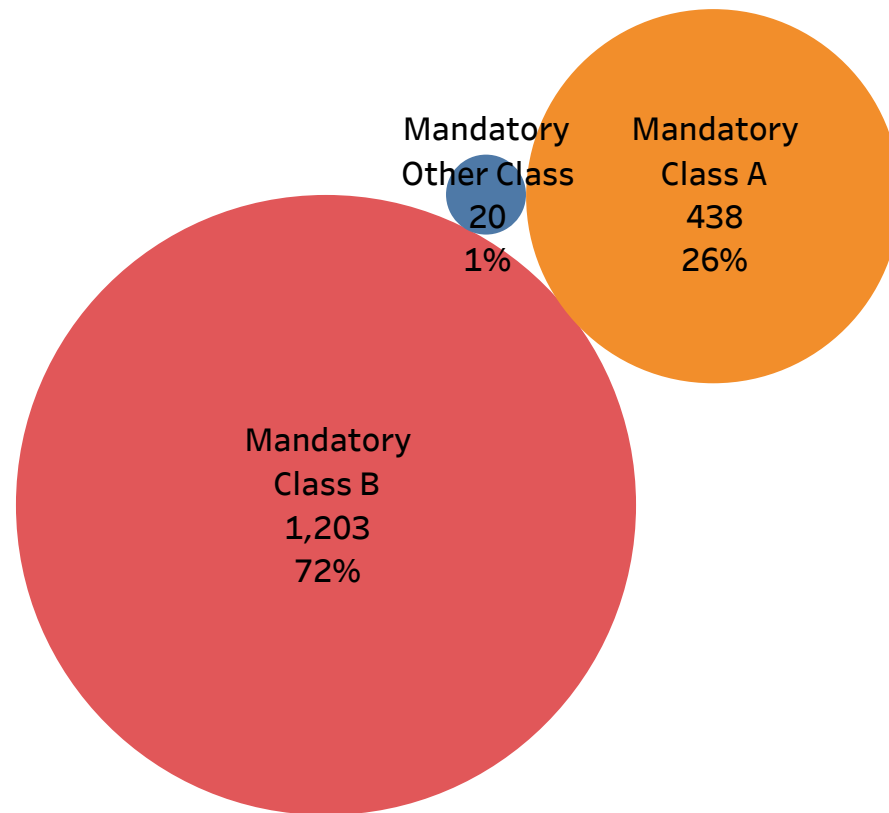


*Source: Massachusetts Sentencing Commission

72%

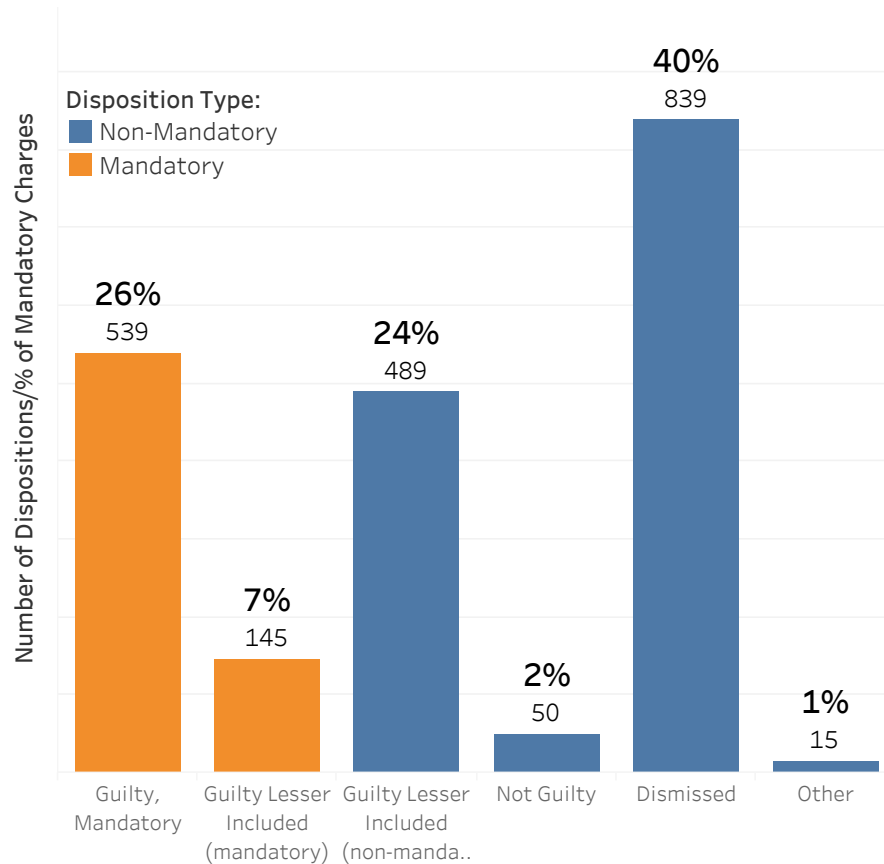
of "mandatory" drug distribution and trafficking charges involved a class B substance.

*Excludes school zone charges.



*Source: Massachusetts Sentencing Commission

FY2015, Disposed Charges, Superior Court Department



26%

of "mandatory" drug charges (n = 2,077) resulted in a conviction as originally charged.

31%

of "mandatory" drug charges resulted in a conviction on a reduced charge.

At least **24%** of convicted charges were reduced to a non-mandatory charge.

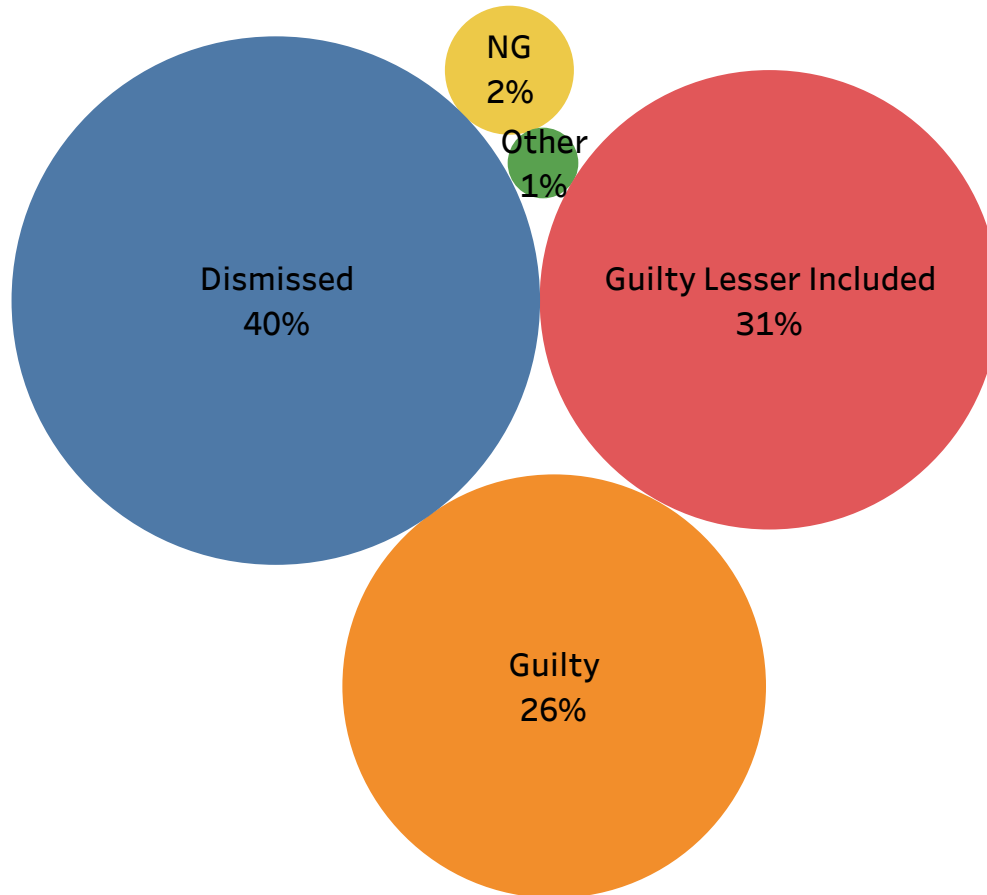
*Source: Massachusetts Sentencing Commission

*In some cases charge data for charges resulting in a conviction of a lesser "mandatory" offense was not available. In these cases the charge was reduced to the highest, lesser included offense. This assumption is likely to have overestimated the number of defendants convicted of a "mandatory" drug offense. For example, a number of defendants were originally charged with "Trafficking Cocaine, 18-36" but convicted of a lesser included offense. Where the lesser included offense was unclear or unknown, the offense of conviction was reduced to Distribution Cocaine, also a mandatory drug offense. The methodology used, therefore, would not catch instances where the offense was reduced to a non-mandatory offense such as Distribution Class B.

FY2015, Disposed Charges, Superior Court Department

40%

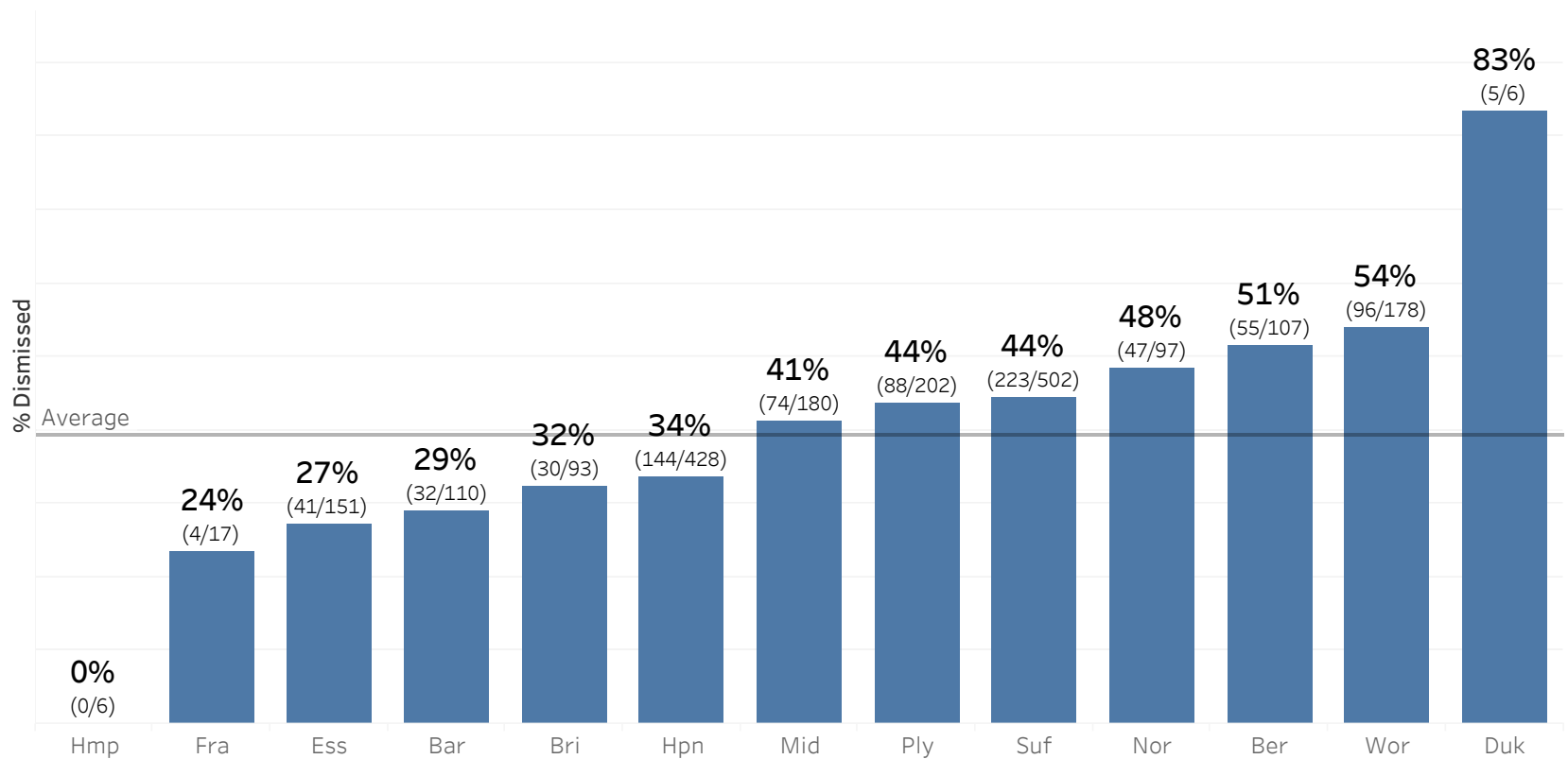
of "mandatory" drug charges (839 out of 2,077) were dismissed.



*Source: Massachusetts Sentencing Commission

0% to 83%

By county, the range in the proportion of "mandatory" drug charges dismissed.

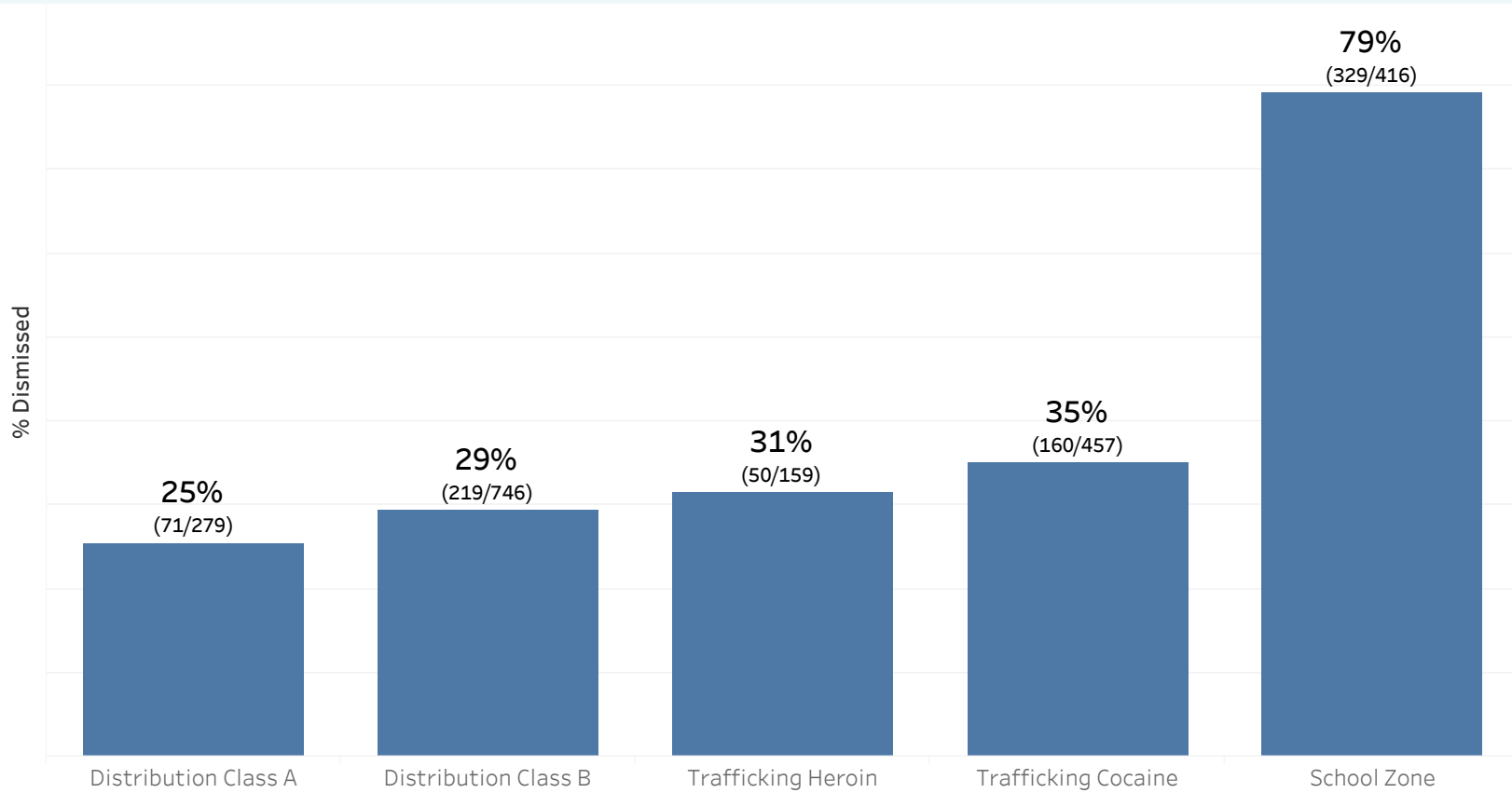


*Source: Massachusetts Sentencing Commission

FY2015, Disposed Charges, Superior Court Department

79%

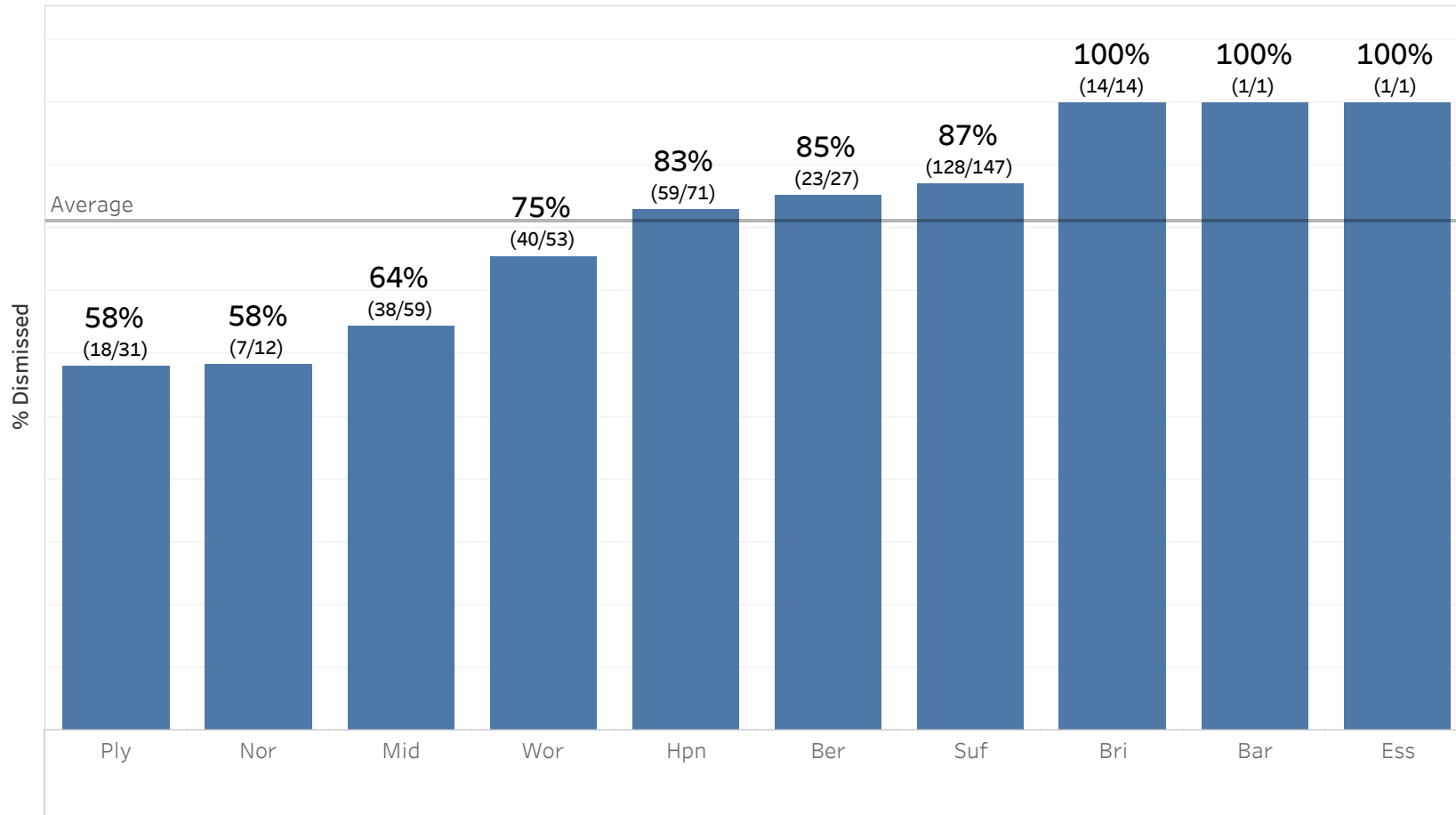
of "mandatory" school zone charges were dismissed.



*Source: Massachusetts Sentencing Commission

58% to 100%

By county, the proportion of "mandatory" school zone charges dismissed.

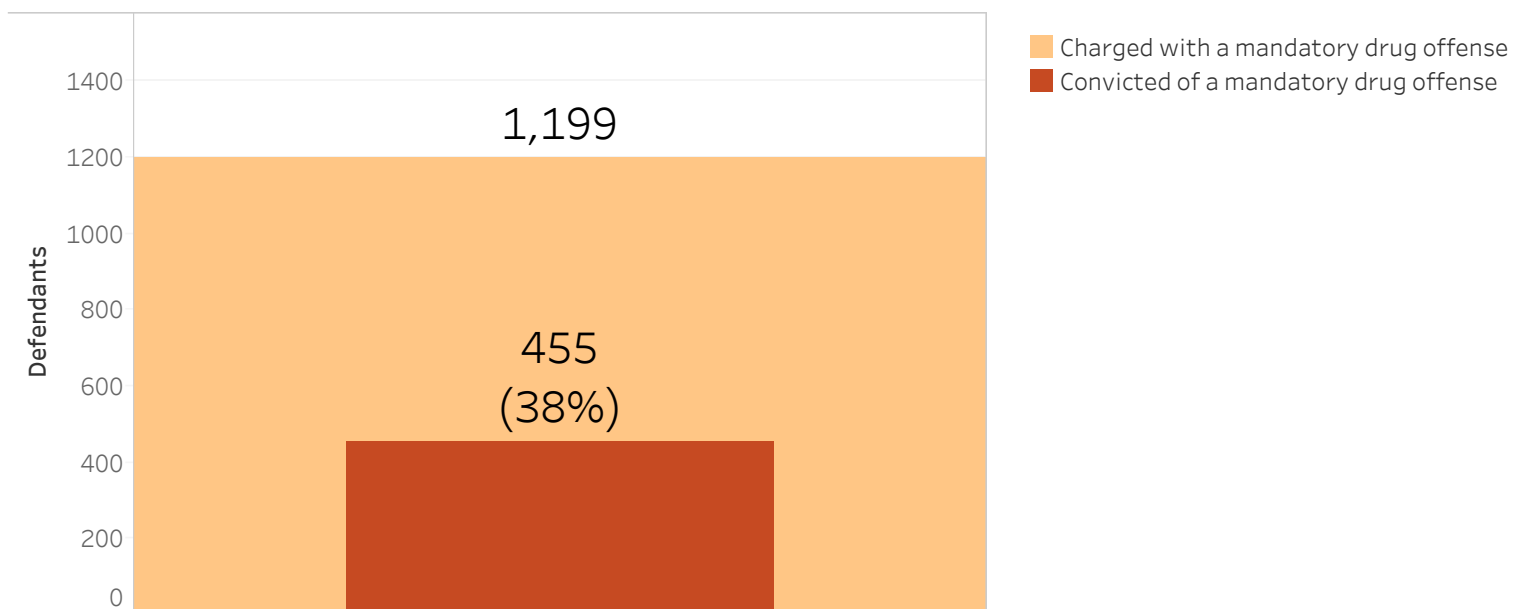


*Source: Massachusetts Sentencing Commission

FY2015, Disposed Charges, Superior Court Department

38%

of defendants charged with a "mandatory" drug offense were convicted of a "mandatory" drug offense.



*Source: Massachusetts Sentencing Commission

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Drug Hierarchy, Selected Offenses

Class A

Mandatory

Trafficking Heroin 200+
Trafficking Heroin 100-200
Trafficking Heroin 36-100
Trafficking Heroin 18 - 36
Distribution A, Subsequent

Non-Mandatory

Distribution A
Possession Heroin
Possession Class A

Class B

Mandatory

Trafficking Cocaine 200+
Trafficking Cocaine 100-200
Trafficking Cocaine 36-100
Trafficking Cocaine 18 - 36
Distribution Cocaine, Subsequent
Distribution B, Subsequent
Distribution Cocaine

Non-Mandatory

Distribution B
Possession Class B