CONNECTICUT VOICES FOR CHILDREN

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Testimony Supporting HB 5916: An Act Concerning Racial and Ethnic Impact Statements on Legislation and Certain Offenses Committed Near Schools or Child Day Care Centers

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Senator McDonald, Representative Lawlor, and Members of the Judiciary Committee:

We testify on behalf of Connecticut Voices for Children, a statewide, independent, citizen-based organization dedicated to speaking up for children and youth in the policymaking process that has such a great impact on their lives.

Connecticut Voices for Children strongly supports including racial/ethnic impact statements on any favorably-reported bill that would impact the state's prison population. We also support improving the laws governing drug free zones around schools, child care centers, and public housing developments.

Connecticut's prison population disproportionately represents the state's adult minority population (particularly African-Americans). Nationally, African-Americans represent 11% of the adult general population but comprise 39% of the prison population.[1] The disparity in Connecticut is even greater than the disparity reflected by national statistics. African-Americans account for 8% of Connecticut's adult population but constitute 44% of the state's prison population.[2] In 2005, Connecticut had the dubious distinction of being among seven states that had imprisoned African-Americans a rate of 10 times greater than the white population.[3] In particular, Connecticut imprisoned African-Americans at a rate of 12 times greater than the white population. Hispanics are also overrepresented in Connecticut's prison population. Adult Hispanics comprise 8% of the state's general population but constitute 27% of the state's prison population.[4]

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[1] Population estimates based on American Community Survey (2006) reported by the US Census Bureau. Incarceration rates by race based on June 2007 Bureau of Justice Statistics: Prison and Jail Inmates.

[2] Population estimates based on American Community Survey (2003) reported by the US Census Bureau. Incarceration rates by race based on Department of Correction data (2003) reported by Connecticut's Office of Legislative Reporting.

[3] The seven states with incarceration ratios greater than 10-to-1 from greatest to lowest are: Iowa, Vermont, New Jersey, Connecticut, and Wisconsin. For more information see, "Uneven Justice: State's Rates of Incarceration by Race and Ethnicity" (July 2007) by M. Mauer and R. King available at www.sentencingproject.org.

[4] Population estimates based on American Community Survey (2003) reported by the US Census Bureau. Incarceration rates by race based on Department of Correction data (2003) reported by Connecticut's Office of Legislative Reporting.

Any proposed legislation that increases state's prison population through stricter sentencing or, alternatively, or decreases the population through prevention or rehabilitation affects the state's economy. Research suggests that incarceration negatively affects an individual's future earnings.[5] It also places the children of incarcerated parents at great risk; they are more likely to do fall behind in school and suffer adjustment disorders.[6]

Incarceration rates are of great importance as states across the country, including Connecticut, face tighter state budgets. A recent report by the Pew Center on the States finds that state budgets are steadily directing funds towards incarceration despite clear effects on reducing recidivism or overall crime.[7] In Connecticut, the Department of Corrections' budget increased by 7% from 2002 to 2007, while property crime rates remain unchanged and violent crime rates dropped slightly in the same time period.[8] [9] Just as the Office of Fiscal Analysis is required to determine the cost of a proposed piece of legislation, we must also be aware of how the same piece of legislation may cost the state in terms of a growing or shrinking prison population and how it may alter the racial/ethnic profile of the state's prison population.

Connecticut Voices for Children also supports the proposed alterations to the drug-free zoning laws.

Research evaluating drug-free zone laws, which aim to reduce criminal behavior and deter drug-use, finds that these policies are often ineffective and disproportionately impact urban residents. Although the intention of drug-free zones is admirable – to protect school children from drug activity by creating safe harbors around schools and other places they might frequent – research by Connecticut's Program Review and Investigation Committee finds that these policies are not meeting this primary objective.

In 2005, Connecticut's Legislative Program Review and Investigations Committee took the lead in evaluating the state's mandatory drug policies and the effects of drug-free zones.[10] Their study found that, although there has been an increase in arrests due to mandatory drug laws (primarily in designated drug-free zones), these arrests were largely ineffective at deterring drug activity.

Further, research finds evidence that these mandatory drug laws play a significant role in minority over-representation in the justice system. In larger municipalities, the drug-free zones overlap, given the density of schools, child care centers and public housing developments in our urban areas. As a result, a significant proportion of the total geographical areas of urban areas are deemed drug-free zones. For example, Bridgeport, Hartford, and New Haven are almost totally covered by drug-free zones, resulting in enhanced penalties for nearly every instance of drug-related activity.

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[5] B Western, J King, and D Weiman. "The Labor Market Consequences of Incarceration," Crime & Delinquency, Vol. 47, No. 3, 410-427 (2001).

[6] R Park and K Clarke-Stewart. "Effects of Parental Incarceration on Young Children," US Department of Health and Human Services (December 2001).

[7] Pew Center on the States. "One in 100: Behind Bars in America 2008," available at www.pewcenteronthestates.org.

[8] Connecticut Office of Policy Management. "Department of Corrections Actual Spending" FY 2002, FY 2003, FY 2004, FY 2005, FY 2006, FY 2007. Actuals were inflation adjusted to 2007 dollars.

[9] US Department of Justice. "Reported Crime in Connecticut: 1960-2006," Available at: http://bjsdata.ojp.usdoj.gov/dataonline/Search/Crime/State/statebystaterun.cfm?stateid=7

[10] Program Review and Investigations. "Mandatory Minimum Sentencing" (December 2005).

Also, the correlation between arrest and intent to sell to school aged children was weak. Many arrests occurred when designated drug-free buildings were closed or on highways that fall within the jurisdiction of a drug-free zone. Finally, almost all drug crime arrests made by the state police in suburban and rural municipalities were outside drug-free zones. Taken together, these findings point to a need to revise drug-free zone policy so that is more closely tailored to its goal of protecting children from drug activity and does not contribute to disproportionate minority representation in the criminal justice system.

The proposed bill responds to the findings of Program Review and Investigation's study and recommends:

- Decreasing the boundary of drug-free zones from 1500 feet to 500 feet of the designated building or structure;
- Limiting the enforcement of enhanced penalties in drug-free zones to times when schools and day care centers are in session; and
- Eliminating enhanced penalties related to controlled substances related to proximity of public housing developments.

These changes are consistent with national recommendations on improving drug-free zone laws by focusing penalties on individuals targeting school-aged children. Limiting the boundary line of drug-free zones and enforcing enhanced penalties when structures are in session better meets the intention of the drug-free zone laws. Further, eliminating public housing developments from the list of designated drug-free zone structures reduces the law's bias against low-income people and people of color.

For all of these reasons, Connecticut Voices for Children support this bill, which takes critical steps in addressing disproportionate minority representation in Connecticut justice system.