

March 9, 2011

Good morning Mister Chair and other distinguished members of the Judiciary Committee. My name is Barbara Fair and I am cofounder of a grassroots organization in New Haven whose mission is to educate and advocate for those most impacted by policy decisions relative to Criminal Justice, Corrections and Child Welfare and to hold legislators accountable for the impact of their policy making decisions. Thank you for the opportunity to come before you and testify on Bill #6539, an act concerning sentence modification, an act that will grant permission to a person sentenced to three years or less of incarceration to seek review and modification of his or her sentence regardless of whether or not the prosecutor is in agreement. I have long wondered why it was necessary for the prosecutor to agree to an individual's quest for relief from a sentence. I am certain that in most cases one who sought the conviction and recommended a sentence is less likely to change their position at some later date. No one person within our system of justice should have that much power because we all know that absolute power corrupts. In all our systems there should oversight that allows for check and balance. Allowing for relief in this manner provides a second and maybe a third pair of eyes to consider the sentence and hopefully enhance fairness in the process. Hopefully the process of applying for and securing a modification hearing will not require an attorney because a huge part of the incarcerated population will be denied access because they are indigent. Even more important is streamlining of the process so that most individuals have the ability to navigate through it without assistance of counsel or at minimum have access to someone who can assist them. In am not under any illusion the passage of this bill will eliminate the inherent racial and economic injustice wrought within our system of justice yet it is a step toward that monumental end .Without constant oversight the same people will fill the prisons in this state and at the same disproportion. Thank you again for this opportunity to be heard.

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Mister Chair and other distinguished members of the Judiciary Committee My name is Barbara Fair, cofounder of My Brother's Keeper out of New Haven, a grassroots organization whose mission is to educate and advocate for those most impacted by policy making relative to Criminal Justice, Corrections and Child Welfare and to hold policy makers accountable for the impact of the decisions they make. I want to thank you for the opportunity to come before you and testify in support of Bill# 6475, an act to amend mandatory minimums. As you know mandatory minimum sentencing has played a major role in prison overcrowding. This type of sentencing removes discretion from judges and juries disallowing mitigating circumstances that a judge might want to consider in determining sentencing, such as a person being a first time non violent offender. The crux of mandatory sentencing is especially felt in the sentencing of defendants convicted of non violent drug offenses. All power is left in the hands of the prosecutor who gets to decide how to charge the defendant. For example there may be two defendants arrested for exactly the same thing yet the prosecutor has the discretion to charge one under a mandatory minimum statute and choose to charge the other under a non mandatory statute. The real injustice begins at this point. No one person should have that much power since we know that absolute power corrupts. It has been said that mandatory sentencing is utilized many times to influence a defendant to plead guilty to lesser crimes; thus effectuating convictions that might not have come about without that sentencing structure in place. In New Haven court, for instance, over 90% of convictions stem from plea bargaining. Without the threat of a mandatory minimum many defendants would not be coerced into accepting a plea. The most detrimental part of that coercion has forced many to plea guilty to crimes they have not committed to avoid a mandatory, more harsh sentence. It undermines the rule of law. Mandatory sentencing has led to harsh sentencing and disproportionately impacts people of color since they are more likely to face incarceration. In Connecticut, African Americans are twelve times more likely, and Latinos six times more likely to end up in prison at some point in their lives. This fact is not because people of color commit more crime. It is due to the institutionalized racism that is inherent within our system of justice. I am not under any illusion that eliminating mandatory minimums will clean up a system wrought with racial and economic injustice yet it is a first step toward that monumental end. Without adequate oversight the same people will disproportionately fill prisons and jails over the state and across the nation. Thank you again for the opportunity to testify in support of this bill.

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