

March 14, 2011

In SUPPORT OF THE FOLLOWING BILLS

RAISED SB 952 AN ACT CONCERNING THE ENHANCED PENALTY FOR THE SALE OR POSSESSION OF DRUGS NEAR SCHOOLS, DAY CARE CENTERS AND PUBLIC HOUSING PROJECTS

HB 6391 AN ACT CONCERNING PENALTIES FOR CERTAIN DRIVING UNDER THE INFLUENCE OFFENSES, OFFENDER RISK REDUCTION EARNED CREDITS AND HOME CONFINEMENT FOR CERTAIN NONVIOLENT DRUG OFFENDERS.

Good morning Chairman of the Judiciary Committee and other distinguished members. Thank you for the opportunity to come before you and testify in support of proposed changes to the school, day care and public housing drug free zone policy.

My name is Barbara Fair and I am the director of a New Haven grassroots organization, My Brother's Keeper that seeks criminal justice, child welfare and prison reform. I am here today supportive of SB952, AN ACT CONCERNING THE ENHANCED PENALTY FOR THE SALE OR POSSESSION OF DRUGS NEAR SCHOOLS, DAY CARE CENTERS AND PUBLIC HOUSING PROJECTS.

I am supportive of the proposed changes because it will provide equity in sentencing by eliminating an additional 1-3 year enhanced sentence for those in possession of or selling drugs within 1500ft of a school, day care or public housing project. Without question this policy disproportionately impacts the poor and people of color who are more likely to reside in densely populated areas of the state where the aforementioned facilities are found within 1500 feet of everything in the city. In contrast, most suburban and rural areas this policy would not be applicable.

Connecticut prisons are filled beyond capacity with individuals who are serving time for non-violent drug policy violations. That is why I also support HB 6391 AN ACT CONCERNING PENALTIES FOR CERTAIN DRIVING UNDER THE INFLUENCE OFFENSES, OFFENDER RISK REDUCTION EARNED CREDITS AND HOME CONFINEMENT FOR CERTAIN NONVIOLENT DRUG OFFENDERS. Although research has proven Whites use and sell drugs similar in comparison to people of color, selective law enforcement, prosecution and sentencing guidelines have resulted in a disproportionate number of people of color and poor Whites being incarcerated for drug policy violations. The enhancement policy undeniably fosters inequity in sentencing whether intentional or unintended. Often times prosecutors utilize the enhancement policy as a bargaining tool for securing a conviction. If this legislation was proposed due to a real fear that our children would be subjected to drug dealers on school grounds pushing drugs on our children then the fact that schools are closed in the middle of the night and closed during the summer, school vacations and weekends the law should not be applicable at those times.

The fact that public housing projects were included is a little suspect. If we are concerned about all children then the rule should apply whether children reside in public housing or in private homes. Consequences differ since public housing is likely residence of disproportionately poor and people of color. We must have the moral courage to address this failed and deceitful war on drugs and end its collateral damage to children, families and communities of color. We must take an objective look at who the enemies of this war tend to be and why it has continued for over 40 years unabated while drugs become more readily available, cheaper and more potent. We must take an honest look at whether we can ever end drug use in this country especially when the most popular drugs being consumed today are in our medicine cabinets or are dispensed with impunity in a doctor's office or clinic. Drug policy does not address our drug problem. As America struggles to amend and repeal drug policy I look toward the day when moral courage supersedes antiquated "tough on crime" rhetoric and we end this dismally failed war that has no place in a civilized, just and compassionate nation. Thank you for your time.

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