

March 14 2011
Testimony of Jason Ortiz in support of SB1014,
**AN ACT CONCERNING THE PENALTY FOR CERTAIN
NONVIOLENT DRUG OFFENSES**

Chairman Coleman, Chairman Fox, Ranking member Kissel, Ranking member Hetherington and other distinguished Members of the joint committee on Judiciary

Thank you for allowing me the opportunity to provide testimony in support of SB1014, AN ACT CONCERNING THE PENALTY FOR CERTAIN NONVIOLENT DRUG OFFENSES

I would like to begin by congratulating the Governor and Democratic leadership for finally recognizing the importance of criminal justice reform, and how the current model is incredibly damaging to our youth. Thank you for finally making the right decision, and having the courage to move beyond just talk.

There will be many who will testify in opposition to this bill because it somehow harms our youth or makes drugs more accessible. It is this misguided attempt to protect our youth through incarceration that is causing more damage to our young people than any amount of drug use. As person who has been affected by these policies it is my responsibility to offer an alternative viewpoint on how our current drug policies do more harm to young people than the drugs themselves.

I am a Student at the University of Connecticut, I have held leadership positions such as CFO of my student Government, President of the UConn chapter of the American Civil Liberties Union(ACLU), I serve on the Board of Directors of a national non-profit, was a candidate for State Representative for the 54th District, and I have trained hundreds of other students on methods and philosophy of community organizing. Suffice it to say I have led a very productive life and am major contributor to my community. I am also a marijuana smoker.

I am the 16 year old kid who got arrested for smoking pot before high school, and suspended for 45 school days. I was publicly arrested, humiliated, and basically isolated from mid November to the following march. This event was one I'll never forget, and a day that happens to thousands of CT kids every year. 1664 arrests for drug offenses by those under 18 years in Connecticut 2009 alone (FBI Uniform Arrest Report for 2009 - CT). I am just one of those stories.

Because of no-tolerance drug policies in high schools which are derived from overly harsh state laws for drug us, I found out about my arrest would also include a 45 day suspension. I found out I would be torn from my education the same day I learned of the phrase "Punitive Punishment". It was at that time that I was able to see just how harsh a drug sentence was in comparison to every other crime. In comparison, a physical assault on another student would have resulted in a 1 day for the first offense, and 3 days for the second offense. First offense for possession? 45 days. This is where I learned that in life, the punishment does not always fit the crime. And these high school policies were a direct result of state laws.

As a young person at the ripe age of 16, being removed from all of my friends was incredibly damaging to my growth and development. I was forced to be alone for months, and became incredibly angry at the government. Luckily I focused my energies onto researching the war on drugs, and not on spending time in the streets. For this I am lucky.

Not everyone is so lucky, and it is those kids that these laws hurt the most. The families with a single mother or father that have no choice but to leave their child at home all day, simply because they got caught with marijuana. What message does this forced isolation send to our children? when we compare how lenient some of our penalties for violence are? How many Marijuana arrests end in a high school drop outs?

There is a term we have for the situation of how zero tolerance policies intersect with high school drop out

rates. We call it the “Schools to prison pipeline“. School’s shape their drug penalties around state drug policies and many have zero tolerance policies in regards to any drug, resulting in quick suspensions. Arrests off campus always resulted in an on campus suspension even if the arrest had nothing to do with school. With so many high school students already in serious trouble of dropping out, what kind of message are we sending our youth by throwing them out of schools as a punishment? This idea of using disruption of an education as a punishment for drug use is an incredibly counter productive practice and is derived directly from a continued criminalization of our youth.

It is incredibly sad to see how lightly we treat the educational period of our youth, and our willingness to take it away as a form of punitive punishment. All in the effort to save our youth from the harms associated with marijuana. But no amount of marijuana could be as damaging as a 45 day forced suspension, and all the other penalties for an arrest.

Right now we are telling our children that “marijuana is a very dangerous drug that will ruin your life, and we are willing to destroy your life to protect you from yourself.” But young people know when they are being lied to, we all have growing up, and it’s often one of the first times we realize that some laws are misguided and destructive. Our current marijuana policies are incredibly misguided and very destructive to our young people.

It has become clear, that our current policies are meant to give parents a sense of security around the issue of drug addiction,. That someone out there will protect their kids from drugs. This is just not true. When we lie to our children, it sends the message that we simply don’t know what to do. This fear and insecurity is costing us millions and ruining thousands of lives. It is an incredibly difficult issue to deal with, but we simply can not completely prevent our children from finding out about drugs. What we can control, is what they know about the drugs when they are put in that position, and help them make good decisions. We can provide education and honest conversation.

From Alcohol to caffeine, to marijuana, drugs are everywhere. As someone who will be having children in the near future and deciding where I would like to raise my children, I would be more afraid of a state that is willing to use it’s police force to arrest my child than a state that offers a more humane and effective policy for dealing with drug use, even if that means the responsibility of dealing with drug abuse will lie on my shoulders. We would be much better off being open and honest that altering your state of consciousness is a part of life, and should be taken very seriously. In doing this I believe we could reduce the number of drug related deaths and strengthen trust between citizens and the police.

We must shift away from a criminal justice approach to drug use and towards a harm reduction and honest education framework. The state can provide a lot in the ways of access to information, but we have learned that incarceration simply doesn’t work in dealing with drug use. This bill is a small but very necessary step forward to a more effective and just public policy. Please pass this bill and help keep our young people where they belong: In school and learning.

“What should we tell our children when they ask us about marijuana?”

“The Truth”

Jason Ortiz
Board member, Students for Sensible Drug Policy

Talking Points: The School-To-Prison Pipeline



The school-to-prison pipeline is one of the most important civil rights challenges facing our nation today.

- The school-to-prison pipeline refers to the national trend of criminalizing, rather than educating, our nation's children.
- The pipeline encompasses the growing use of zero-tolerance discipline, school-based arrests, disciplinary alternative schools, and secured detention to marginalize our most at-risk youth and deny them access to education.

Zero-tolerance disciplinary policies are often the first step in a child's journey through the pipeline.

- Zero-tolerance policies impose severe discipline on students without regard to individual circumstances. Under these policies, children have been expelled for giving Midol to a classmate, bringing household goods (including a kitchen knife) to school to donate to Goodwill, and bringing scissors to class for an art project.
- Even the American Bar Association has condemned zero-tolerance policies as inherently unjust: "zero tolerance has become a one-size-fits-all solution to all the problems that schools confront. It has redefined students as criminals, with unfortunate consequences...Unfortunately, most current [zero-tolerance] policies eliminate the common sense that comes with discretion and, at great cost to society and to children and families, do little to improve school safety."¹

- There is no evidence that zero-tolerance policies make schools safer or improve student behavior. On the contrary, research suggests that the overuse of suspensions and expulsions may actually increase the likelihood of later criminal misconduct.²

Schools today rely on law enforcement, rather than teachers and administrators, to handle minor school misconduct.

- Growing numbers of school districts employ full-time police officers, or "school resource officers," to patrol middle and high school hallways. With little or no training in working with youth, these officers approach youth as they would adult "perps" on the street, rather than children at school.
- Children are far more likely to be arrested at school than they were a generation ago. The vast majority of these arrests are for non-violent offenses such as "disruptive conduct" or "disturbance of the peace."³
- Children as young as five years old are being led out of classrooms in handcuffs for acting out or throwing temper tantrums. Students have been arrested for throwing an eraser at a teacher, breaking a pencil, and having rap lyrics in a locker. These children do not belong in jail.
- The explosion of school-based arrests cannot be attributed to an increase in youth violence. Between 1992 and 2002, school violence actually dropped by about half. Despite the fear generated by a handful of highly publicized school shootings, schools remain the safest places for young people.⁴

- Resources that could be put towards improving under-resourced schools are instead used for security. School districts spend millions of dollars for police officers and security personnel,⁵ despite the fact that these very schools are the ones lacking basic educational resources like textbooks and libraries.

The rise in suspensions, expulsions, and school-based arrests may be due, in part, to the rise of high-stakes testing.

- As a result of test-based accountability regimes such as the No Child Left Behind Act, schools have an incentive to push out low-performing students to boost overall test scores. One study found that schools meted out longer suspensions to students who performed poorly on standardized tests than to high-performing students for similar offenses. This "punishment gap" grew substantially during the period of time when standardized tests were administered, indicating that schools may use "selective discipline" to keep low-performing students out of school during testing days.⁶

We must demand accountability for the education of all students.

- In some states, students who have been expelled or suspended have no right to education at all. These children are left to fend for themselves, while the government and school districts are absolved of any responsibility for educating their most at-risk children.

(continued on reverse)

- In a growing number of jurisdictions, struggling students are sent involuntarily to disciplinary alternative schools. These alternative schools—sometimes run by private, for-profit companies—are not subject to traditional school accountability standards (such as minimum hours and curriculum requirements), and frequently fail to provide meaningful educational services to the students who need them the most. Some lack even the basics, such as teachers and textbooks, and many do not offer high school diplomas upon graduation.

- Students confined in juvenile detention facilities have access to few, if any, educational services.

- Students who enter the juvenile justice system face many barriers blocking their re-entry into traditional schools, and can be haunted by their criminal records later in life. The vast majority of juvenile justice-involved students never graduate from high school, and may be denied student loans, public housing or occupational licenses because of their prior criminal records.

Students of color are disproportionately represented at every stage of the school-to-prison pipeline.

- African-American students are far more likely than their white peers to be suspended, expelled, or arrested for the *same kind of conduct* at school.⁷

- In 2003, African-American youth made up 16% of the nation's overall juvenile population, but accounted for 45% of juvenile arrests.⁸

- There is no evidence that students of color misbehave to a greater degree than white students. They are, however, punished more severely, often for behaviors that are less serious.⁹

Students with special needs are disproportionately represented in the school-to-prison pipeline, despite the heightened protections afforded to them under law.

- Children who have unmet special learning or emotional needs are particularly likely to be pushed out of mainstream schools and into the juvenile justice system.

- While approximately 8.6% of public school children have been identified as having disabilities that impact their ability to learn,¹⁰ a recent survey of correctional facilities found that students with disabilities are represented in jail at a rate nearly four times that.¹¹

- Minority students with disabilities are particularly vulnerable, since many schools regard jail as the default special education placement for poor and minority children. African-American students with disabilities are three times more likely to receive short-term suspensions than their white counterparts, and are more than four times as likely to end up in correctional facilities.¹²

Endnotes

¹ ABA Juvenile Justice Committee, ZERO TOLERANCE POLICY: REPORT (Feb. 2001).

² Advancement Project, EDUCATION ON LOCKDOWN: THE SCHOOLHOUSE TO JAILHOUSE TRACK (Mar. 2005), p. 16; Johanna Wald & Dan Losen, "Defining and Re-directing a School-to-Prison Pipeline," NEW DIRECTIONS FOR YOUTH DEVELOPMENT (No. 99, Fall 2003), p. 11.

³ Advancement Project, EDUCATION ON LOCKDOWN: THE SCHOOLHOUSE TO JAILHOUSE TRACK (Mar. 2005), p. 15.

⁴ Advancement Project, EDUCATION ON LOCKDOWN: THE SCHOOLHOUSE TO JAILHOUSE TRACK (Mar. 2005), p. 11.

⁵ Advancement Project, EDUCATION ON LOCKDOWN: THE SCHOOLHOUSE TO JAILHOUSE TRACK (Mar. 2005), p. 17.

⁶ David N. Figlio "Testing, Crime and Punishment," JOURNAL OF PUBLIC ECONOMICS (Vol. 90 Iss. 4-5, May 2006).

⁷ Russel J. Skiba, ZERO TOLERANCE, ZERO EVIDENCE (2000), pp. 11-12; The Advancement Project & The Civil Rights Project, OPPORTUNITIES SUSPENDED: THE DEVASTATING CONSEQUENCES OF ZERO TOLERANCE AND SCHOOL DISCIPLINE POLICIES (June 2000), pp. 7-9; Russell J. Skiba, *et al.*, THE COLOR OF DISCIPLINE: SOURCES OF RACIAL AND GENDER DISPROPORTIONALITY IN SCHOOL PUNISHMENT (2000).

⁸ Howard N. Snyder, "Juvenile Arrests 2003," OJJDP JUVENILE JUSTICE BULLETIN (2005), p. 9.

⁹ Advancement Project, EDUCATION ON LOCKDOWN: THE SCHOOLHOUSE TO JAILHOUSE TRACK (Mar. 2005), p. 8.

¹⁰ Sue Burrell and Lauren Warboys, "Special Education and the Juvenile Justice System," OJJDP JUVENILE JUSTICE BULLETIN (July 2000), p. 1.

¹¹ Mary M. Quinn, Robert B. Rutherford, and Peter E. Leone, ERIC Clearinghouse on Disabilities and Gifted Education, STUDENTS WITH DISABILITIES IN CORRECTIONAL FACILITIES (2001).

¹² Johanna Wald and Dan Losen, "Defining and Re-directing a School-to-Prison Pipeline," NEW DIRECTIONS FOR YOUTH DEVELOPMENT (No. 99, Fall 2003).