

# PRISON POLICY INITIATIVE

Testimony of

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Legal Director  
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Before the  
Judiciary Committee

In SUPPORT of S.B. 259

Thank you, Co-Chairs and members of the Committee for providing the opportunity to submit this testimony today in support of Senate Bill 259.

I am the Legal Director of the Prison Policy Initiative; a national, non-profit, non-partisan research and policy organization, with a focus on how geography impacts criminal justice policy. I am the co-author of two reports<sup>1</sup> about sentencing enhancement zones in Massachusetts.<sup>2</sup> I am currently doing similar research in Connecticut.

As you know, Connecticut's drug free school zone laws require mandatory minimum sentences of up to 3 years for certain drug-related offenses committed within 1500 feet of a school, day care, or public housing. To put Connecticut's law in a national perspective, only five states have larger zones: Alabama, Louisiana, Missouri, Oklahoma, and South Carolina.

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<sup>1</sup> "The Geography of Punishment: How Huge Sentencing Enhancement Zones Harm Communities, Fail to Protect Children" by Aleks Kajstura, Peter Wagner and William Goldberg (July 2008); "Reaching too far, coming up short: How large sentencing enhancement zones miss the mark" by Aleks Kajstura, Peter Wagner and Leah Sakala (January, 2009).

<sup>2</sup> While Governor Patrick endorsed our proposal to shrink the sentencing enhancement zones to 100 feet, when the state amended the law in 2012, it reduced the zones to 300 feet.

I will address just two of the reasons why this law should be amended as proposed by S.B. 259: The current law fails to accomplish its own goals of protecting children, and on top of that, it arbitrarily imposes harsher penalties on urban residents than on the state's rural residents.

The Legislature had a noble goal then it passed this law: keep drugs away from kids. The legislature tried to put special protections around places like schools, day cares, and public housing. The theory was that if there were extra penalties for offenses committed in a certain place, the law would steer that activity away to a non-protected place.

But when all of these enhanced penalty zones are mapped out it results in entire cities being blanketed with the enhanced penalty. For example, my research shows that 94% of Hartford's residents, 93% of New Haven's residents, and 92% of Bridgeport residents live in areas covered by a sentencing enhancement zone. In sum, when everywhere is special, nowhere is special. As the attached map fact sheets show, the sheer size and number of these zones leave little space for the law to function as intended.

A study from Massachusetts, which had a similar law until recently, found that drug dealing was actually denser inside school zones than outside them.<sup>3</sup> The New Jersey Commission to Review Criminal Sentencing, examined arrests near schools before and after their legislation's passage, and came to a similar conclusion: instead of dropping as offenders were deterred, the general trend of arrests inside the zones was "strongly upward."<sup>4</sup>

In 2005, the Legislative Program Review & Investigations Committee looked at a sample of 300 sentencing enhancement zone cases, and found only 3 cases that involved students, none of which involved adults dealing drugs to children. "In one case, a police officer observed a group of students sitting outside the school smoking marijuana. In two cases, school officials called

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<sup>3</sup> William N. Brownsberger & Susan Aromaa, *An Empirical Study of the School Zone Law in Three Cities in Massachusetts*, at 20 (Join Together and Boston University School of Public Health) 2001.

<sup>4</sup> Report on New Jersey's Drug Free Zone Crimes & Proposal for Reform, at 26 (The New Jersey Commission to Review Criminal Sentencing) 2005.

police to the school in response to information that students were selling drugs on school property. Except for those three cases in which students were arrested, all arrests occurring in “drug-free” school zones were not linked in any way by the police to the school, a school activity, or students. The arrests simply occurred within ‘drug-free’ school zones.”<sup>5</sup> All of the other 297 cases in the legislature’s sample involved only adults.

To be sure, if this was a failed law that sat inertly on the books in the stacks at the State Library, that would be one thing. But this law fails to protect children, *and* creates an arbitrary system of justice based on a haphazard distinction between urban and rural areas of the state. In practice, this law creates harsh penalties in urban areas (which have numerous schools, daycare centers, and public housing) and milder penalties for rural areas (where the population is more spread out and these places are relatively few and far between).

Hartford alone has as many schools and day cares as 42 other towns combined. So while 94% of Hartford’s residents live in a sentencing enhancement zone, the zones in the Town of Union cover just 2% of the people there.

The legislature set out to protect kids, but instead of acting as intended, the law arbitrarily increased penalties for urban residents. Senate Bill 259 would make the zones smaller (200 feet from the property line); the effect would come much closer to the law’s original intent, and largely get rid of the urban effect that makes disproportionate minority incarceration even worse.

It might also be helpful to note that the state already has a separate law (Conn. Gen. Stat. § 21a-278a(a)) that imposes a 2 year minimum sentence for offenses that involve selling or giving drugs to kids. So *even if* the enhanced sentencing zones were actually effective, they would still be a largely redundant and circuitous method of achieving the legislature’s goal of keeping drugs away from kids.

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<sup>5</sup> Mandatory Minimum Sentences (Legislative Program Review & Investigations Committee) 2005, available at [http://www.cga.ct.gov/2005/pridata/Studies/Mandatory\\_Minimum\\_Sentences\\_Final\\_Report.htm](http://www.cga.ct.gov/2005/pridata/Studies/Mandatory_Minimum_Sentences_Final_Report.htm)

If you have any questions, please don't hesitate to call me at 413-203-9790.

Thank you for your time.

A handwritten signature in black ink that reads "Aleks Kajstura". The signature is written in a cursive style and is positioned above a rectangular area with a vertical-line background.

Aleks Kajstura

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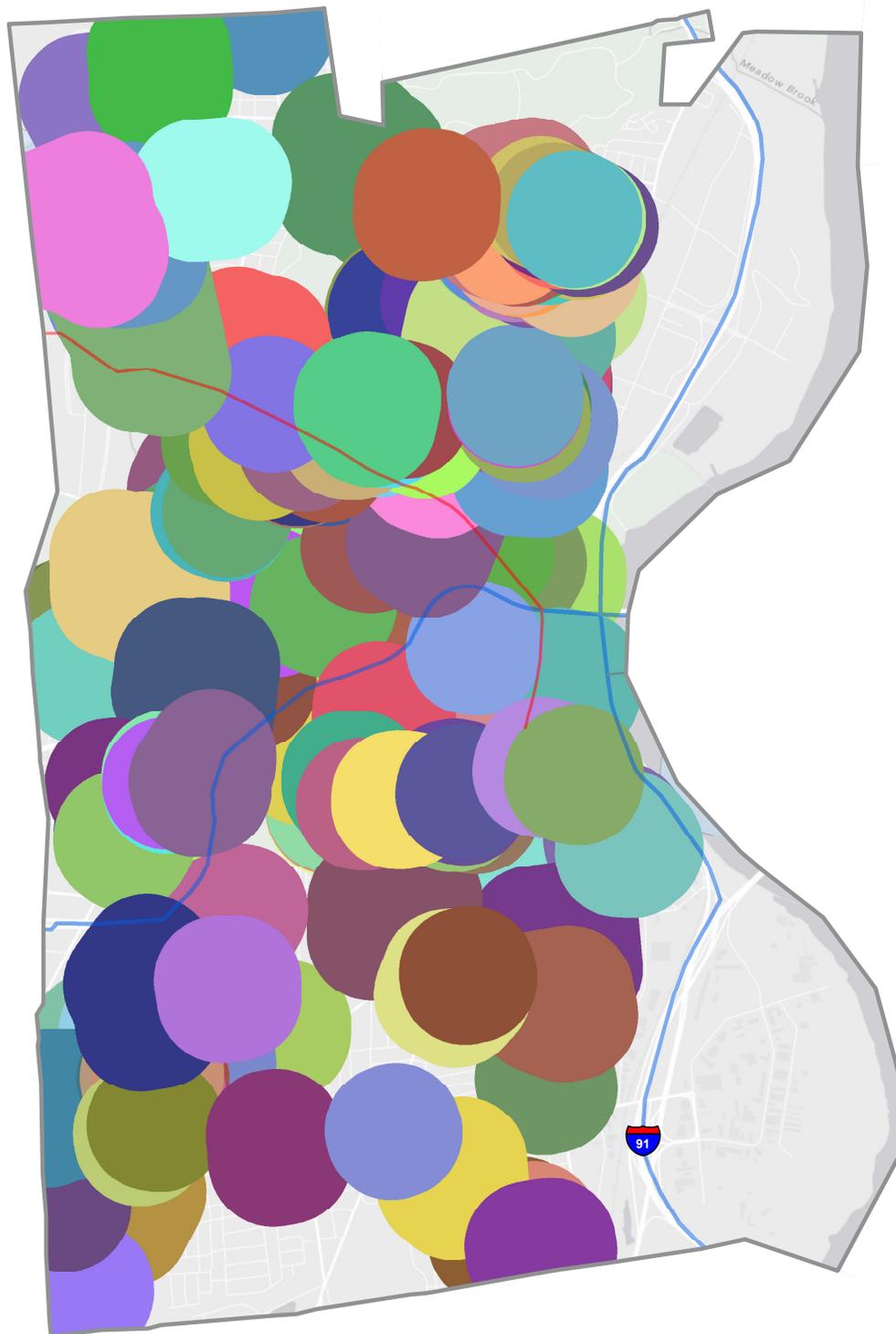
More Information:

<http://www.prisonpolicy.org/zones.html>

# Connecticut's failed sentencing enhancement zone law

*When a law declares everywhere is special, nowhere is special.*

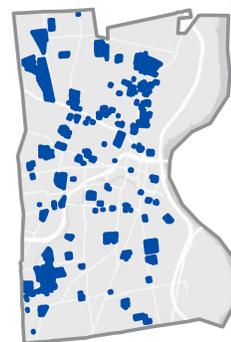
*Any geography-based sentencing enhancement must be based on reasonable distances.*



Connecticut's drug free school zone law requires enhanced penalties for certain drug offenses committed within 1,500 feet of schools, day care centers or public housing projects.

The law aims to move undesirable activities away from these areas it seeks to protect. But when a whole city (such as **Hartford**, at left) falls within these overlapping superzones, that core mechanism of the law cannot succeed.

Reducing the size of the zone to within 200 feet (below) of the protected places would allow the law to closely meet the legislature's original goals.



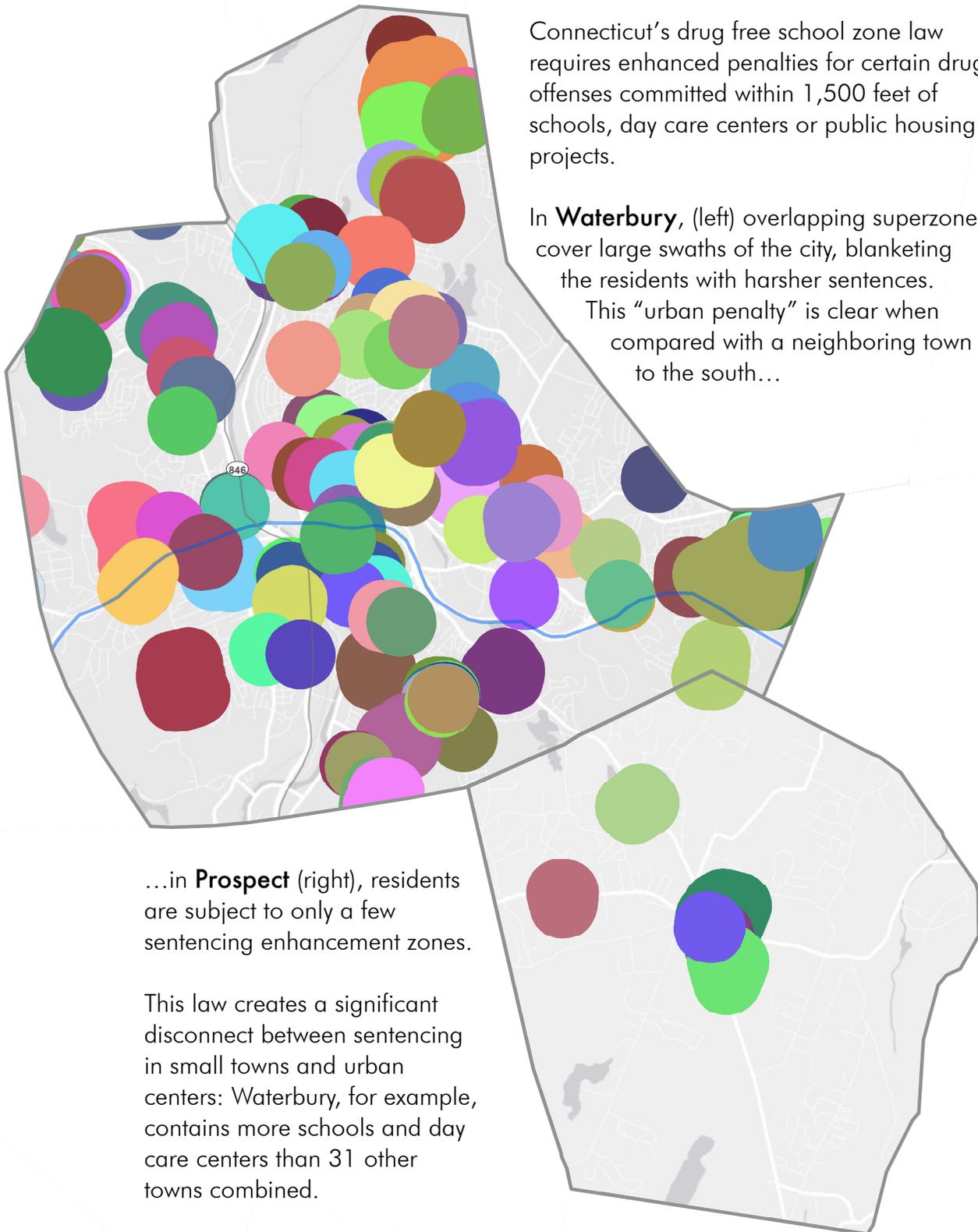
# Connecticut's failed sentencing enhancement zone law

*Two-tiered system of justice: harsh sentences for urban residents, milder ones for everyone else.*

Connecticut's drug free school zone law requires enhanced penalties for certain drug offenses committed within 1,500 feet of schools, day care centers or public housing projects.

In **Waterbury**, (left) overlapping superzones cover large swaths of the city, blanketing the residents with harsher sentences.

This "urban penalty" is clear when compared with a neighboring town to the south...



...in **Prospect** (right), residents are subject to only a few sentencing enhancement zones.

This law creates a significant disconnect between sentencing in small towns and urban centers: Waterbury, for example, contains more schools and day care centers than 31 other towns combined.