

Testimony in Support of Senate Bill 259,
“An Act Concerning the Recommendations of the Connecticut Sentencing Commission
Regarding the Enhanced Penalty for the Sale or Possession of Drugs Near Schools,
Day Care Centers and Public Housing Projects”

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Members of the Judiciary Committee:

I am the Rev. Josh Pawelek, minister of the Unitarian Universalist Society: East in Manchester. It's an honor to submit testimony in support of Senate Bill 259, “An Act Concerning the Recommendations of the Connecticut Sentencing Commission Regarding the Enhanced Penalty for the Sale or Possession of Drugs Near Schools, Day Care Centers and Public Housing Projects.” I strongly support the recommendation to reduce drug-free zones from 1500 to 200 feet. I support this reduction because I believe it helps us as a society begin to address two larger, problematic and morally flawed aspects of our criminal justice system: the mass incarceration of Black and Hispanic men; and the prioritization of incarceration for non-violent offenders instead of community-based public health interventions designed to address addiction, mental illness and trauma.

The American public is becoming increasingly aware of the phenomenon of mass incarceration of people of color—specifically Black and Hispanic men—due largely (though not exclusively) to the “war on drugs.” Popular books such as Michelle Alexander’s *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, make it abundantly clear that our criminal justice system features a patchwork of laws that result in the incarceration of Black and Hispanic men in numbers that far exceed their relative proportion in the general population. This racialized mass incarceration is unfair, misguided, unsustainable and racist. It represents an underlying, national moral failure not only to uphold the achievements of the civil rights movement but, in my view, to secure the blessings of liberty promised by the United States Constitution. We need an intentional, concerted and collective effort to reform those parts of our statutes that contribute to racialized mass incarceration. Reducing the size of drug-free zones is one such reform. While I am certainly not advocating an increase in illegal drug sales near schools, day care centers or public housing complexes, it is clear that the preponderance of such facilities in more densely populated urban areas—as compared to suburban and rural areas—makes it far more likely that any random urban drug sale will take place within a drug-free zone. It thus unfairly penalizes people of color who are more likely to live in urban areas and thereby contributes to racialized mass incarceration.

Furthermore, the 1500 foot drug-free zone results in an unnecessary flow of non-violent offenders into our state’s prisons. I say *unnecessary* not because I think such offenders are innocent—they aren’t—but because I am convinced we can better address the root-causes of non-violent, drug-related crime when courts are able to direct non-violent offenders to community-based treatment programs for addiction, mental illness and trauma. Reducing the size of drug-free zones will help reduce the number of non-violent offenders in prison, which should

have the effect of spurring public health officials and the larger society to think more creatively and compassionately about how to treat the causes of non-violent, drug-related crime.

In addition to reducing the size of drug-free zones to 200 feet, I also urge you to consider dispensing with mandatory minimum sentencing for non-violent, drug-related offenses in order to give courts greater latitude to mandate treatment rather than incarceration for such offenses. These measures, if enacted, would help us begin to address the phenomenon of racialized mass incarceration, regain our moral grounding, and better secure the blessings of liberty for all people.

Respectfully submitted,

The Rev. Joshua Mason Pawelek