February 21, 2013

State Senator Eric D. Coleman
Co-Chair, Joint Committee on Judiciary
Legislative Office Building
Room 2500
Hartford, CT 06106-1591

State Representative Gerald Fox III
Co-Chair, Joint Committee on Judiciary
Legislative Office Building
Room 2502
Hartford, CT 06106-1591

State Senator Toni Nathaniel Harp
Co-Chair, Appropriations Committee
Legislative Office Building
Room 2700
Hartford, CT 06106-1591

State Representative Toni E. Walker
Co-Chair, Appropriations Committee
Legislative Office Building
Room 2702
Hartford, CT 06106-1591

RE: Racial Impact Statements for Proposed Sentencing Measures

Dear Chairpersons:

The Sentencing Project is an independent criminal justice policy organization engaged in research and advocacy. We work for a fair and effective U.S. criminal justice system by promoting reforms in sentencing policy, addressing unjust racial disparities and practices, and advocating for alternatives to incarceration. In 2008, the Connecticut Legislature took a step in the right direction when it authorized the request of racial and ethnic impact statements for bills passed successfully out of committee that may impact the state’s correctional population, but these have only been used infrequently since then. We encourage committee members to request racial and ethnic impact statements during the 2013 Legislative Session.

Connecticut is among a handful of states that have authorized the development of racial impact statements for consideration by policymakers. Racial impact statements are a tool that can provide a constructive means for policymakers to proactively assess how proposed sentencing laws may affect racial and ethnic disparities in the justice system. Similar to fiscal or environmental impact statements, racial impact statements provide legislators with a statistical analysis of the projected impact of policy changes prior to legislative deliberation. States with similar policies include Minnesota and Iowa.

We applaud the Connecticut Legislature’s effort to address disparities through racial and ethnic impact statements. The Sentencing Project found that Connecticut’s black-to-white rate of incarceration was 114 percent higher than the national rate in 2005.1 The Connecticut Department of Corrections (DOC) recently reported that African Americans made up 41.2% of

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Connecticut’s incarcerated population, compared to the African American proportion of 10% in the general population of Connecticut.

While some might argue that racial impact statements “inject race” into public policy, they merely bring to light data on the already existing racial dynamics of criminal justice policy. Research has documented that racial disparities at the sentencing stage are not necessarily a function of judicial bias but can often result from “race neutral” sentencing policies with skewed racial effects. For example, a significant contributor has been the set of policies adopted under the “war on drugs” framework. Sentencing policies including mandatory minimums and school zone drug enhancements have shaped law enforcement and prosecutorial practices.

The sentencing policy that most dramatically reveals these dynamics is the policy that governed the two forms of cocaine, powder and crack. Connecticut equalized penalties for crack and powder in 2005, but prior to reform the state had penalized crack and powder offenses in 1987 using a ratio of 56.7-to-1; a penalty of five years to life imprisonment had been triggered by trafficking either in one ounce (28.5 grams) of powder cocaine or .5 grams of crack cocaine. The General Assembly eliminated the sentencing disparity between crack cocaine and powder cocaine by increasing the trigger quantity for crack cocaine to one-half ounce (approximately 14.25 grams) and lowering the quantity amount for powder cocaine to the same level.

The Sentencing Project encourages the Connecticut Legislature’s continued assessment of racial and ethnic impact statements in the consideration of proposed sentencing measures. In doing so, we believe that the Judiciary and Appropriations committee should request that racial and ethnic impact statements be prepared as relevant bills are reported favorably from committee.

Sincerely,

Marc Mauer
Executive Director

cc: Joint Judiciary Committee
    Appropriations Committee

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