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League of United Latin American Citizens

April 21, 2014

Honorable Loni Hancock
Senate Public Safety Cmte, Chair
State Capitol
Sacramento, CA 95814
Fax: (916) 445-4688

Dear Senator Hancock:

On behalf of the League of United Latin American Citizens I write in support of SB 1010, the Fair Sentencing Act, authored by Senator Holly Mitchell. SB 1010 would equalize the penalties for crack cocaine to the current penalties for powder cocaine.

SB 1010 will correct the groundless disparity in sentencing, probation and asset forfeiture guidelines for possession for sale of crack cocaine versus the same crime involving powder cocaine that has resulted in a pattern of racial discrimination in sentencing and incarceration in California. Moreover, the nonpartisan Legislative Analyst's Office estimates that, by equalizing the penalty, state and local governments would save millions of dollars annually.

Crack and powder cocaine are two forms of the same drug. Crack cocaine is a product derived when cocaine powder is processed with an alkali, typically common baking soda. Gram for gram, there is less active drug in crack cocaine than in powder cocaine. Whatever their intended goal, disparate sentencing guidelines for two forms of the same drug has resulted in a pattern of institutional racism, despite comparable rates of usage and sales across racial and ethnic groups.¹

According to the Department of Corrections and Rehabilitation (CDCR), there are about 1,000 people in state prison for possession for sale of crack cocaine; 98% of people entering a California prison for this offense are people of color. From 2005 to 2010, Blacks accounted for 77.4% of state prison commitments for possession for sale of crack cocaine (but only 6.6% of the state population), Latinos accounted for 18.1%, "Other" for 2.7%, and Whites for 1.8%.

Americans believe in a system of justice where all individuals are treated equally and where laws do not single out groups for different treatment. It's well past time that California kept the basic promise of equal justice for all, and removed the groundless disparity in sentencing, probation, and asset forfeiture guidelines for cocaine offences. SB 1010 is a historic opportunity to right this wrong.

Respectfully,

Brent Wilkes
LULAC National Executive Director

cc: Senator Holly Mitchell (author)

Re: SB 1010 (Mitchell)
Position: Support

¹ Substance Abuse and Mental Health Services Administration, "Results from the 2012 National Survey on Drug Use and Health," (Rockville, MD: Substance Abuse and Mental Health Services Administration, 2013), Tables 1.29-1.38(B); Lloyd D. Johnston et al., *Monitoring the Future national survey results on drug use: 2013 Overview, Key Findings on Adolescent Drug Use* (Ann Arbor: Institute for Social Research, The University of Michigan, 2014); Lloyd D. Johnston et al., *Monitoring the Future, national survey results on drug use, 1975-2012: Volume I, Secondary school students* (Ann Arbor: Institute for Social Research, The University of Michigan, 2013), Tables 4.5-4.7; Centers for Disease Control and Prevention, "Youth Risk Behavior Surveillance System: Selected 2011 National Health Risk Behaviors and Health Outcomes by Race/Ethnicity," (Washington, D.C.: Center for Disease Control and Prevention, 2011). See also Jamie Fellner, *Decades of disparity: drug arrests and race in the United States* (Human Rights Watch, 2009); Jamie Fellner and P Vinck, "Targeting blacks: Drug law enforcement and race in the United States," *New York: Human Rights Watch* (2008); Meghana Kakade et al., "Adolescent Substance Use and Other Illegal Behaviors and Racial Disparities in Criminal Justice System Involvement: Findings From a U.S. National Survey," *American Journal of Public Health* 102, no. 7 (2012)