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April 16, 2014

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

Dear Senator Hancock:

On behalf of Human Rights Watch, I write in support of Senate Bill (SB) 1010, the Fair Sentencing Act. SB 1010 would equalize penalties for crack cocaine with the current penalties for powder cocaine.

Crack and powder cocaine, two forms of the same drug, produce similar physiological effects and are pharmacologically identical. Yet harsher crack cocaine sentencing laws have resulted in troubling racial disparities. According to data from the California Department of Corrections and Rehabilitation, people of color account for over 98% of persons sent to California state prisons for possession of crack cocaine for sale—despite comparable rates of use across racial groups. Harsher crack sentences mean that people of color bear the brunt of these disproportionate penalties.

This troubling disparity is inconsistent with the United States' obligation to comply with the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), which requires state parties to prohibit racial discrimination in all forms, including policies with racially discriminatory effects.

While there is still more to be done to ensure that all drug offense cases yield sentences that are proportionate to the offense, we support SB 1010's reforms as a step in the right direction.

Sincerely,



Antonio Ginatta
Advocacy Director, US Program

cc: Senator Holly Mitchell