



Testimony in Opposition to SB 3
Drug Sentencing Law Reform

Chairman Lang, Vice Chair Plummer, Ranking Member Leland and members of the House Criminal Justice Committee. My name is Bruce Pijanowski, the Chief of Police for the City of Delaware.

As a law enforcement executive that has been actively involved in trying to resolve addiction issues by direct linkage with service agencies, I appreciate the intent of this legislation in being supportive of the treatment and rehabilitation of people who have become victims of their addictions. Unfortunately, I believe that the remedies contained in this legislation will do little to address the underlying issues of addiction and will most likely delay the introduction of rehabilitation services.

By reducing the penalties for drug offenders, we are effectively rewarding efficient users of illegal drugs or leaving a person's future to a matter of timing in an arrest. Trace amounts of drugs on drug packaging indicate possession of larger amounts. Addiction is not dependent on the volume you can afford. This concern is not about the deterrent effect of a harsh sentence, it is about the ability to mandate counseling services post-conviction. The reduction of penalties make is much less likely that a term of probation or a drug court will have the capital to force acceptance of treatment. There are no provisions in this legislation that add the leverage of a treatment system to a lower level offense, and there is no investment in that treatment system to support the community this legislation is designed to help. Simply reducing the penalty misses the mark.

Reduced penalties also reduce a valuable tool used in drug investigations – the use of informants. The threat of penalty is a strong motivator not only to complete rehabilitation, but also to work with law enforcement. The long-term outcome of reduced strategy may reduce our ability to take drugs and drug dealers off the street by disincentivizing the benefit of becoming an informant.

The Delaware Police Department currently employs a full-time social worker to act as a service coordinator to make direct connections between victims of addiction and service providers. There are also many other opportunities to address addictions such as drug courts, treatment in lieu and diversion that have proven to be effective. Allowing expungement for successful completion of court ordered treatment is also a viable option. I would ask that you consider putting emphasis in these areas as opposed to lessening the impact of penalties at the detriment of mandated treatment.

SB 3 as it is currently written is commendable for it attempts to reduce the impact on addiction, but the unintended consequences on our ability to force treatment and stem the flow of drugs in our communities is a serious concern. Please consider alternative initiatives that will both benefit the individual and maintain public safety.

Thank you for your consideration.

Bruce Pijanowski
Chief of Police