

Real Reform

Reform the Rockefeller Drug Laws *New York*

MAKE ROCKEFELLER REFORM A REALITY



Protest at City Hall – Mothers Unite for Human Rights. © ANTHONY PAPA

Meet With Your Elected Representatives - An Activist Tool Kit

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TABLE OF CONTENTS

Introduction.....	3
Sample Letter to an Appointment Secretary or Scheduler	4
Primary Talking Points for Your Legislative Visits.....	5
The Rockefeller Drug Law Reform -Issue Brief.....	7
How to Lobby Your Legislator	8
Checklist - For Use Before A Meeting With Your Legislator.....	10
Record Sheet for Legislative Visits	11
How to Contact Your State Legislators.....	12
About the Real Reform New York Coalition.....	12

INTRODUCTION

Dear Activist,

Thank you for joining us and thousands of others in New York State who support the repeal of the Rockefeller Drug Laws. This Kit will help you set up a meeting with your elected representatives to encourage them to support the eradication of the Rockefeller Drug Laws.

Enacted in 1973 by then New York State Governor, Nelson Rockefeller, the Rockefeller Drug Laws (RDL) were a response to the Nixon Administration's concern over "the growing drug epidemic". This legislation was intended to stop the flow of drugs in the state of New York by targeting major drug dealers. Unfortunately, the Rockefeller Drug Laws failed to distinguish between low-level drug dealers and major "kingpins". As a result, Rockefeller Drug Laws actually became a tool to perpetuate racism and decimate impoverished communities.

The racial disparities in the application of the Rockefeller drug laws are staggering. For example, 91% of those serving time under the Rockefeller Drug Laws are people of color, despite the fact that white people and people of color use drugs at approximately equal rates. Almost 65% of people convicted of drug offenses in New York State prisons are from New York City. Reducing sentences for nonviolent drug offenses would address some of the most racist impacts of these laws, while simultaneously offering relief to the communities most affected.

In this Lobbying Kit you will find:

- A sample letter to request a meeting with your Senators.
- Primary Talking Points for your visits to Legislative offices.
- An Issue Brief for you to hand to your elected representative or their staff.
- A draft 'Thank You' note for you to send after the meeting.
- The basics to remember when you are meeting with the offices of elected officials.
- A Check List to go over before heading to your meeting (or meetings) with Senate offices.
- A 'Record Sheet' to record contact information for your delegation participants.
- Information on how to contact your Representatives.

By joining this movement for real reform, you'll be joining thousand of others across New York who are taking similar action. For more resources, go to the Real Reform New York website, www.realreformny.org. Together, we can make a difference. Please act now!

Sincerely,

The Real Reform NY Planning Group

SAMPLE LETTER TO AN APPOINTMENT SECRETARY OR SCHEDULER

[YOUR ADDRESS]

[YOUR SENATOR'S ADDRESS]

[DATE]

Dear Appointment Secretary/Scheduler:

I am writing to request a meeting at the district office to ask [NAME OF ELECTED REPRESENTATIVE] to help reform the Rockefeller Drug Laws.

We would like to discuss Senate Bill 4352 (S. 4352) and ask [NAME OF ELECTED REPRESENTATIVE] to place a statement in the Legislative Record in support of S. 4352 and real Rockefeller Drug reform.

Currently, people convicted of low-level possession or sales offenses comprise nearly 60% of those serving time in New York State prisons. With the state prison operating expenses at over \$2.5 billion per year, New York could save millions by reducing the sentences of people convicted of low-level drug offenses. To house an inmate in a prison, New York State spends approximately \$32,000 per year per person for each of the over 14,000 people incarcerated for drug offenses. By utilizing alternatives to incarceration for low-level drug offenses, New York would save tens of millions our tax dollars while investing in more effective programs and services.

[I/WE] would like to meet in your office with [NAME OF ELECTED REPRESENTATIVE] or the appropriate staff person at [TIME OF MEETING] on [DATE]. Please contact me to let me know if this meeting time will work for [NAME OF ELECTED REPRESENTATIVE] or if another time might be more suitable for your office. I look forward to speaking with you soon.

Sincerely,

[YOUR NAME]

[YOUR TELEPHONE]

[YOUR EMAIL]

PRIMARY TALKING POINTS FOR YOUR LEGISLATIVE VISITS

BEGIN WITH AN INTRODUCTION

- Thank you for taking the time to talk about Rockefeller Drug Law reform. This issue is very important to me because real reform would save lives, save communities and save tens of millions of dollars in tax dollars.
- I/we am here as your constituent/s but also as a member/s of Real Reform New York Coalition, an organization made up of dozens of organizations representing thousands of community members, activists, advocates, policy and treatment experts, and Rockefeller Drug Law survivors and their friends and families. Real Reform committed to replacing the current inhumane, ineffective and wasteful Rockefeller Drug Laws with cost effective, just, and community-based alternatives. We define real reform as:
 - **Reducing sentences** and expanding alternatives to incarceration for nonviolent and low-level drug offenses;
 - **Restoring judicial discretion** and ending mandatory minimums for low-level drug offenses;
 - **Delivering retroactive sentencing relief** to currently incarcerated Rockefeller prisoners serving unjustly long sentences;
 - **Expanding and funding community-based drug treatment programs**, including as alternatives to incarceration for people convicted of drug offenses.
- I/we would like to urge (NAME OF ELECTED REPRESENTATIVE) to publicly support Rockefeller sentencing reform and to ask (NAME OF ELECTED REPRESENTATIVE) to place a statement in the Legislative Record in support of S. 4352 and calling for real reform to the Rockefeller Drug Laws.

ABOUT S. 4352

- S. 4352 does not call for full repeal, but contains important elements that move us closer to real reform. The bill contains the following main features:
 - Makes first time non-violent class B drug defendants (possession and sale) “probation eligible”.
 - Increases the weight thresholds for certain A, B, C and D level drug offenses thus lowering possible sentences (including A-II sales).
 - Creates or expands numerous “second chance” programs for low-level drug defendants such as CADAT (Court Approved Drug Abuse Treatment) where, upon successful completion, the case is dismissed or reduced to a misdemeanor.
 - Places “drug courts” in every county of the state.
 - Allows re-sentencing in cases of class A-II and certain class B drug offenses; inmates would be eligible to apply to the original sentencing court for a conversion of their sentence to a new term consistent with the sentencing reforms enacted in 2004 and those contained in this bill.
 - When fully implemented, it is estimated that reduced prison admissions and drug related crime reductions which would result from this bill would save the state approximately \$123 million annually.

THE ROCKEFELLER DRUG LAWS

- Enacted in 1973 by New York State Governor, Nelson Rockefeller, the Rockefeller Drug Laws were a response to the Nixon Administration's concern over "the growing drug epidemic". This legislation was intended to stop the flow of drugs in the state of New York by targeting major drug dealers. Unfortunately, the Rockefeller Drug Laws failed to distinguish between low-level drug dealers and major "kingpins". As a result, RDL actually became a tool to perpetuate racism and decimate impoverished communities.
- The Rockefeller drug laws have filled New York State prisons with non-violent people convicted of low-level drug offenses. There are over 15,500 people convicted of drug offenses locked up in New York State prisons, representing nearly 38% of the prison population and costing New Yorkers \$550 million each year.
- New York State has the harshest sentencing scheme for low-level drug sellers with a prior non-violent felony offense conviction of any state.
- Of all the people convicted of low-level drug offenses sent to New York State prison in 1999, nearly 80% have never been convicted of a violent felony.
- The racist implementation of the Rockefeller drug laws has had a profoundly negative impact on black and Latino communities. Although whites and people of color use drugs at nearly the same rate, blacks and Latinos comprise over 92% of New York State people convicted of drug offenses.
- Currently, prisoners convicted of low-level possession or sales offenses comprise nearly 60% of people convicted of drug offenses serving time in New York State prisons. With the state prison operating expenses at over \$2.5 billion per year, New York could save millions by reducing the sentences of people convicted of low-level drug offenses. To house an inmate in a prison, New York State spends approximately \$32,000 per year per person for each of its 15,500 people convicted of drug offenses. Diverting 1,000 people convicted of low-level drug offenses into alternatives to incarceration could potentially save New York taxpayers tens of millions of dollars in operating costs.
- In December 2004, under pressure from the Real Reform New York Coalition, the New York State Legislature passed a bill which made limited sentencing reforms to the Rockefeller Drug Laws. The bill, signed by Governor Pataki, was widely hailed as a small but significant step forward in the battle for real reform. But it was not enough. The sentencing reform does not constitute real reform.

Finish by restating your main "Ask":

- As your constituent/s, I/we encourage you to publicly support the Rockefeller sentencing reform and to place a statement in the Legislative Record calling for reform to the Rockefeller Drug Laws.

* Offer to provide a sample/draft statement for your Senator to work from for inclusion in the Congressional Record. For assistance drafting the statement or for help finding additional answers, contact Gabriel Sayegh at the Real Reform New York Coalition (gsayegh@drugpolicy.org or 212.613.0848).



ROCKEFELLER DRUG LAW REFORM ISSUE BRIEF - APRIL 2007

Enacted in 1973, by New York State Governor, Nelson Rockefeller, the Rockefeller Drug Laws (RDL) were a response to the Nixon Administration's concern over "the growing drug epidemic". This legislation was intended to stop the flow of drugs in the state of New York by targeting major drug dealers. Unfortunately, the RDL failed to distinguish between low-level drug dealers and major "kingpins". As a result, RDL actually became a tool to perpetuate racism and decimate impoverished communities. In 2004, the New York legislature finally began first steps towards reform of New York's infamous drug laws. **But much more needs to be done.**

State legislative leaders promised to continue the reforms and to create more alternatives to prison. They promised that hundreds of people would get out of prison quickly. However, the reality has proved to be quite different. New York's Drug Law Reform Act of 2004 (DLRA) lowered some drug sentences, but it fell short of allowing most people serving under the more punitive sentences to apply for shorter terms and did not increase the power of judges to place addicts into treatment programs, a key element of real reform. Additionally, reform is slowed by some district attorneys who often fight re-sentencing by asking for high sentences for people convicted of nonviolent offenses. The reforms were a step in the right direction, *yet further reform must take place if New Yorkers are to realize our demand for real reform.*

The NY State Legislature is now considering A. 6663 / S.4352. This bill will serve to expand drug treatment diversion options for nonviolent people convicted of low-level drug offenses and increase funding for community-based drug treatment and harm reduction programs. A 1997 RAND Drug Policy Center study found that treatment reduced serious crime 15 times more than mandatory minimum sentences. The bill will also serve to continue sentencing reform and will allow people serving time for B, C, and D RDL felonies to apply for re-sentencing under the new reforms — a key piece missing in the 2004/2005 changes. Additionally, the bill will increase judicial discretion - allowing judges, not just the District Attorney, to decide who gets into treatment. According 2002 New York Times poll, 79% of New Yorkers are in favor of restoring sentencing discretion to judges in drug cases. The bill will allow for increased diversion, allowing for some people convicted of first-time and second time drug offenses to receive treatment or probation instead of prison. Finally, the bill will require the State Comptroller to annually monitor the savings accrued from the increased provision of treatment instead of incarceration; those funds will be re-invested in community programs and treatment.

The Real Reform New York Coalition recommends that the New York State Legislature pass A. 6663 / S.4352. By doing so, New York State will save thousands of lives, hundreds of communities and hundreds of thousands of New York State tax dollars in incarceration costs.

HOW TO LOBBY YOUR LEGISLATOR

After you've identified your representative or a committee member to talk about Rockefeller reform, you are ready to conduct a lobby visit. You should bring all information that is pertinent to the issue you will be asking him or her to act on. You should also be prepared to present key points that affect the importance and impact of the issue.

If you are part of a group making a visit, you should choose one person to facilitate the meeting to keep track of time (no more than 5-10 minutes), make sure the key points are made, ask the representatives to act on the issue, and leave informative materials for the legislator's review. During or immediately after the visit is completed, you should record the visit.

7 Steps for an Effective Citizen Lobby Visit

1. **Introduction**

- **Introduce** yourself. Make sure to give your full address if you are a constituent. You may also want to give a brief description of what your job is or what organizations you work with that give you special knowledge on the issue.
- **Identify** yourself with the Real Reform New York Campaign.
- **Explain** that you are there to talk about Rockefeller Drug Law reform, one or more of the relevant bills currently pending in NYS and identify the status of their support for the bills.

2. **Support** your argument with the examples from the Kit Fact Sheets.

3. **Connect** the legislation either directly or indirectly to the representative's constituents.

4. **Ask** him or her to **ACT** by voting in support of the legislation in committee and getting others to support it also. Once the bill is out of committee, request their support when the bill is voted on by the New York State Legislature.

5. **Distribute** relevant materials, including the **April 2007 – Rockefeller Drug Law Reform - Issue Brief**, before you leave.

6. **Use** the Record Sheet to make notes.

7. **Follow up** with the representative, especially those who were undecided or needed more information.

Tip # 1: To build a working relationship and get action, you need to be a credible source of information. Never bluff. If you don't know something, just say so. Tell them you will find out and get back to them. Call the Real Reform New York Coalition for help finding the answers (in this case, the best person to contact is **Naoma Nagahawatte**, at nnagahawatte@drugpolicy.org or 212.613.0878).

The Do's and Don'ts When Walking the Halls of Albany

DO

- Tell a Good Story.
- Make the Issue about a Person.
- Be Respectful.
- Give Good, Clear Information.
- Be a Resource.
- Know How the Legislature Works.
- Work Incrementally.
- Remember You Are One of Many.
- Think About All the Consequences of Your Bill.
- Understand Legislators are Risk Averse.
- LISTEN!

DON'T

- Don't Lie or Exaggerate.
- Don't Be A "Know It All".
- Don't Be Rude.
- DEBATE - DON'T ARGUE!

10 Things to Remember

1. BE Nice and Respectful.
2. LEARN about the Legislator/Person with whom you are meeting.
3. BE BRIEF.
4. Tell the Legislator why supporting the bill is good for them.
5. BE honest about the strengths and weaknesses of your position.
6. BE LOCAL.
7. ASK FOR SOMETHING!
8. FOLLOW UP.
9. UPDATE.
10. BE A RESOURCE.

CHECKLIST - FOR USE BEFORE A MEETING WITH YOUR LEGISLATOR

Be sure to remember the items listed below for your meeting with your legislators. We suggest you go over the list the night before a meeting and put all documents you are taking with you for the visit in one place - so as not to forget anything.

What to take with you to your meeting (or meetings):

- Bring with you a couple of copies of the Issue Brief (included on Pg. 7 of this guide).
- Bring with you a pen and pad of paper to take notes at your meeting. Be sure to get the contact information of the person with whom you meet so you can report that information back to Real Reform New York.

Other items to keep in mind:

- If possible, dress in business attire for any office visit you make. This will create a more professional environment.
- Plan on introducing the Real Reform Coalition to the Legislator or his/her staff at the beginning of the meeting. See Pg. 14 of this Kit for information about Real Reform New York. You can also get additional information from: www.realreformny.org.
- Be sure to thank the person with whom you meet for taking time to see you.
- Send a follow up hand written thank you letter, even if the meeting does not go well. This will help build your relationship with the office!
- Consider bringing copies of any meeting agenda you develop for your Senate visit(s) to keep everyone who is participating on track.
- Finally, once you have completed your meeting, please report it immediately at gsayegh@drugpolicy.org.
- Leave your contact information with the office.

RECORD SHEET FOR LEGISLATIVE VISITS

One of the most important steps to an effective legislative visit is the follow-up. We need to make sure that we are strategically communicating with ally legislators, providing educational materials for those requesting more information, and aware of any opposition that legislators express for our legislation. Please use copies of this form to take short notes on each visit for the purpose of follow-up calls, email, visits, and thank you notes.

1. Name of Representative: _____ District: _____

Does he or she support real Rockefeller Drug Law reform?

If no, why not? _____

Does he or she have family members who have been incarcerated under the Rockefeller drug laws?

Comments: _____

2. Name of Representative: _____ District: _____

Does he or she support real Rockefeller Drug Law reform?

If no, why not? _____

Does he or she have family members who have been incarcerated under the Rockefeller drug laws?

Comments: _____

3. Name of Representative: _____ District: _____

Does he or she support real Rockefeller Drug Law reform?

If no, why not? _____

Does he or she have family members who have been incarcerated under the Rockefeller drug laws?

Comments: _____

THREE WAYS TO FIND YOUR STATE LEGISLATORS

To contact your State Legislators (Assembly and Senate), you can:

1. Visit the New York 's State Senator website at:

<http://www.senate.state.ny.us/senatehomepage.nsf/senators?OpenForm>

- After clicking on the above link, click on the name of your Senator to find out how to contact her/him and where his/her offices are located.
- *Find Your Senator by Zip Code:* If you want to find your NYS Senate Representative by zip code, look on the Senator page, under "Who Is My Senator?" and select "Search by Zip Code." This link will open a new window that will have panel that will allow you to enter your zip code.

2. Visit the New York State Assembly website at:

<http://assembly.state.ny.us/mem/>

- After clicking on the above link, click on the name of your Assembly representative to find out how to contact her/him and where his/her offices are located.
- *Find Your Assembly Representative by Zip Code:* If you want to find your NYS Assembly representative by zip code, look on the Assembly page, under "Assembly Members" This link will open a new window that will have panel that will allow you to enter your zip code.

If you do not have internet access or are not sure who your Assembly representative or Senator is, please contact Naoma Nagahawatte at 212.613.8078.

ABOUT THE REAL REFORM NEW YORK COALITION

The Real Reform New York Coalition is committed to replacing the ineffective, racist and wasteful Rockefeller Drug Laws with community-based, cost effective alternatives that promote real justice. Real Reform New York is made up of dozens of organizations representing thousands of community members, activists, advocates, policy and treatment experts, and Rockefeller Drug Law survivors and their friends and families.

Real Reform New York defines *real reform* as:

- **Reducing sentences** and expanding alternatives to incarceration for nonviolent and low-level drug offenses;
- **Restoring judicial discretion** and ending mandatory minimums for low-level drug offenses;
- **Delivering retroactive sentencing relief** to currently incarcerated Rockefeller prisoners serving unjustly long sentences;
- **Expanding and funding community-based drug treatment programs**, including as alternatives to incarceration for people convicted of drug offenses.