

Drug Policy Alliance

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New York State Commission on Sentencing Reform Debates Rockefeller Drug Law Overhaul This Week

Dozens of Advocacy, Community Groups Unite to Reject Half-Steps, Demand Real Reform

Tuesday 11 am: Leading Advocates and Family Members Join Tele- Press Conference to Release Coalition Statement on Commission

What: Tele-Press Conference

When: Tuesday, August 28, 2007. 11 a.m.

Call in information: 800-311-9404; Passcode: 740815

Who: Cheri O'Donoghue, Prison Family Community Forum member and mother of a young man locked up for 7 – 21 years on a first-time, B-felony offense.

Anita Marton, Legal Director, Legal Action Center

Tony Papa, Communications Specialist, Drug Policy Alliance; author; and formerly incarcerated under the Rockefeller Drug Laws

Donna Lieberman, Executive Director, New York Civil Liberties Union

Howard Josepher, Executive Director, Exponents Treatment Program

Bob Gangi, Executive Director, Correctional Association

New York— This week, the New York State Commission on Sentencing Reform will vote on its first round of recommendations, before releasing a preliminary report of findings to the public in October. The Commission, enacted by Governor Elliot Spitzer through Executive Order, is charged with reviewing New York's sentencing structure, sentencing practices, community supervision, and the use of alternatives to incarceration. The Rockefeller Drug Laws, including the Second Felony Offender Act, are high on the Commission's priority list.

The Real Reform Coalition - made up of advocates, academics, activists, families and individuals impacted by the Rockefeller Drug Laws – has been monitoring the Commission closely. Tomorrow, the Coalition will release an open letter to the Commission highlighting what constitutes meaningful reform. Signatories include the leading criminal justice, alternatives to incarceration, and drug treatment advocates in New York, along with families and community members directly impacted by the unjust laws. The leading opponents to reform are some prosecutors who are terrified of losing their power through additional changes in the law. They have been using skewed politically motivated reports to derail reform efforts.

The Rockefeller Drug Laws, enacted in 1973 under Governor Nelson Rockefeller, mandate extremely harsh prison terms for the possession or sale of relatively small amounts of drugs. Supposedly intended to target major dealers (kingpins), most of the people incarcerated under these laws are convicted of low-level, nonviolent offenses, and many of them have no prior criminal records.

Despite modest reforms in 2004 and 2005, the Rockefeller Drug Laws continue to deny people serving under the more punitive sentences to apply for shorter terms, and does not increase the power of judges to place addicts into treatment programs. Currently, more than 14,000 people are locked up for drug offenses in New York State prisons, representing nearly 38 percent of the prison population and costing New Yorkers hundreds of millions of dollars every year.

“My son did not benefit from the so-called reforms of 2004,” said Cheri O’Donoghue, who’s son, Ashley, is incarcerated for 7 – 21 years on a first-time, nonviolent offense. “When do families like ours finally get justice? The Commission’s mandate is clear—the status quo has failed, and we need comprehensive reform.”

“There is tremendous support in New York for real reform,” said Gabriel Sayegh, project director at Drug Policy Alliance. “The so-called reforms of 2004 were a half-step forward, but New Yorkers understand it was not enough. As the Rockefeller Drug Laws continue, so do racial disparities, sentencing disparities, and lack of drug treatment alternatives.”

Real reform of the Rockefeller Drug Laws requires four key elements: restoration of judicial discretion in all drug cases; the expansion of alternative-to-incarceration (ATI) programs, including community based treatment; reductions in the length of sentences for all drug offenses; and retroactive sentencing relief for all prisoners currently incarcerated under the Rockefeller Drug Laws.

“Under its drug-sentencing laws New York State has perpetrated one of the great civil rights injustices of our time,” said Donna Lieberman, executive director of the New York Civil Liberties Union. “The state’s Rockefeller Drug Laws have come to mean a law that is unfair, unjust and cruel; that is destructive, not rehabilitative; that is enforced with a blatant racial and ethnic bias. We hear much these days about an era of reform in Albany – reform of the state’s drug laws is a good place to start.”

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