

DRUG POLICY ALLIANCE

Reason. Compassion. Justice.

Rockefeller Drug Laws

Quick Facts

Updated February 2009

- Enacted in 1973 under Governor Nelson Rockefeller, the Rockefeller Drug Laws require extremely harsh prison terms for the possession or sale of relatively small amounts of drugs.
- The penalties apply without regard to the circumstances of the offense or the individual's character or background. Whether the person is convicted for the first-time, for instance, is irrelevant – the harsh sentences still apply.
- Most of the people incarcerated under these laws are convicted of low-level, nonviolent offenses, and many of them have no prior criminal records. Today almost 12,000 people are locked-up for drug offenses in NY State prisons, comprising over 21% of the prison population. This costs New Yorkers over \$525 million per year in criminal justice costs alone.
- Of the 6,148 new prison commitments under the Rockefeller Drug Laws in 2007: 44% were in prison for possession alone, 66% had never been to prison before, and 94% were convicted of the four lowest offenses – B, C, D, and E felonies. For example, Over 1,200 people are locked up for simple possession of a ½ gram of cocaine, a Class D felony.
- Over 42% of the people incarcerated for drug offenses in New York State prisons are locked up *for simple drug possession alone*. That's more than 5,000 people.
- It costs approximately \$44,000 to incarcerate a person for one year. Treatment costs average from \$1,200 for outpatient treatment to \$19,000 for residential treatment per year, and treatment is proven to be more 15 times more effective at reducing crime and recidivism.
- In New York, people convicted of nonviolent drug offenses are serving years, sometimes decades, in prison, even though education, vocational training, and drug and mental health treatment are cheaper and more effective than incarceration to reduce drug abuse.
- Of all the people sent to New York State prison for drug offenses in 2006, *nearly 75% had never been convicted of a violent felony*.
- The racial disparities associated with the Rockefeller Drug Laws are staggering. Nearly 90% of those incarcerated under the Rockefeller Drug Laws are people of color, despite the fact that white people and people of color use and sell drugs at approximately equal rates.
- Almost 40% of the people incarcerated under the Rockefeller Drug Laws are from New York City.
- New York State has the harshest sentencing scheme for low-level drug sellers with a prior non-violent felony offense conviction of any state. This is a result of the Second Felony Offender Law.
- At the end of 2007, 83% of all inmates in New York prison were identified as having a substance abuse need.

- A conservative estimate by the Legal Action Center concluded that New York State could save over \$100 million alone in the first year of drug law reform.
- Providing treatment as an alternative to incarceration would cut crime, save taxpayer money, and help people, families, and promote public safety and justice in our communities. The Legal Action Center estimates a collateral savings of over \$42,000 per inmate in reduced health care costs, foster care costs, recidivism, and crime.
- In December 2004, the NY State Legislature passed limited reforms of the Rockefeller Drug Laws, including some sentence reductions, increases in “merit time”, and reforms to harsh parole practices. These reforms were a small step forward, but they were not *real reform*. They did not *restore judicial discretion* nor *provide funds for community-based drug treatment*, for example. As Senate Leader Joseph Bruno admitted, “This is only a small step, and we need to do more.”
- The Drug Law Reform Act (DLRA) reforms in 2004/05 have already saved New York state millions of dollars. The total net savings from the DLRA are nearly *\$100 million*.
- New York needs a public health approach to our drug policies, with a focus on community based treatment, prevention, public safety and harm reduction. Incarcerating people for drug use is ineffective, wasteful, unjust, and inhumane.
- Numerous polls show the public supports effective alternatives to incarceration for low-level drug offenses. In a Zogby International poll, 74% of those polled overwhelmingly supported treatment over incarceration. Another survey conducted by the Open Society Institute found that 63% of Americans saw drug abuse as a public health problem and not a criminal justice problem. According to a poll conducted by the New York Times in 2002, 79% of New Yorkers are in favor of restoring sentencing discretion to judges in drug cases.

Towards a Public Health and Safety Approach to Drugs in NY

During the 2008 legislative session, the New York State Assembly held two unprecedented hearings to explore a public health and safety approach to drug policy in New York, one that includes getting rid of the Rockefeller Drug Laws. Drug Policy Alliance and our allies played a vital role driving this discussion forward.

In January of 2009, DPA worked with The New York Academy of Medicine (NYAM) to convene the historic conference, *New Directions for New York*. The conference assembled stakeholders from the community, from government, and the fields of public health, treatment, and criminal justice to explore a public health approach to drug policy. Capitalizing on the vital relationships created from the conference, DPA will continue to work with legislators and stakeholders to advance a *public health and safety approach to drugs* in New York, a coordinated effort by key stakeholders in the community and fields of treatment, public health, and criminal justice to reduce the death, disease, crime and suffering associated with drug misuse and addiction.

The *Drug Policy Alliance* is the nation's leading organization working to end the war on drugs. We envision new drug policies based on science, compassion, health and human rights and a just society in which the fears, prejudices and punitive prohibitions of today are no more.

Visited us today at www.drugpolicy.org

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