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Joint Public Hearing on the Rockefeller Drug Laws

**Conducted by the
Assembly Committees on Codes, Judiciary, Correction,
Health, Alcoholism and Drug Abuse and Social Services**

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TESTIMONY GIVEN BY

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I'm Ellen Morehouse, the Executive Director of Student Assistance Services, a non-profit substance abuse prevention agency based in Tarrytown, New York. SAS is an affiliate of both the National Council on Alcoholism and Drug Dependence and the National Association for Children of Alcoholics. We provide prevention services primarily to schools and communities throughout Westchester County. I'm also on the Executive Committee of the Alcoholism and Substance Abuse Providers of New York.

As a prevention professional and provider for 30 years, I am aware of the research that clearly documents the risk factors for teen substance abuse. It is important to note that most of those risk factors are also risk factors for delinquency, violence, school drop out and teen pregnancy (1).

When a parent or older sibling is incarcerated for drug possession and that parent has never been charged with a violent offense, the risk factors multiply. Unfortunately, the greater the number of risk factors, the more likely the child will become a substance abuser, become delinquent, become violent, and drop out of school (2-5). I'm going to spend the next few minutes explaining how this happens.

When a parent or older sibling is incarcerated for drug possession there is a strong probability that he or she has a multi-day supply of drugs and is chemically dependent. Just based on genetics, we know that the biological child of that parent is two to four times more likely to become a substance abuser than children without a biological parent who is chemically dependent (6-8). When the other risk factors exacerbated by incarceration are added, the chances that the youth will have problems increase dramatically.

A young person whose parent is incarcerated for a non-violent drug possession offense views the system as unfair when they hear that someone else who was convicted of sexually abusing a child, reckless manslaughter, or criminally negligent homicide received a shorter prison sentence or even probation. When a child or teen sees the system as unfair, he/she blames the police, the court system, the lawyer who represented the parent, and the other adults in the community who didn't get help for the parent. These feelings and attitudes decrease the youth's attachment to the community thereby increasing the likelihood of violating the community's norms (9-12).

Incarceration of a parent or older sibling often results in decreased supervision of the child. Decreased supervision increases the risks for the child being physically or sexually abused by strangers as well as increasing the risk for substance abuse, delinquency, violence, school drop out and teen pregnancy (8,9,13-15)

Parental and older sibling incarceration also causes feelings of shame and stigmatization for the child who begins to withdraw from peers and from families

that don't want their child to associate with a child whose parent or sibling is in prison for drug use. As this child withdraws or is rejected by what may be a healthier peer group, the child begins to associate with a more deviant peer group since they accept him and don't make him feel ashamed (8, 13, 16-17).

Last but not least, incarceration of a parent often results in a move for a child to a relative or to the foster care system. It is estimated that approximately 15% of children in the foster care system have a parent that has been incarcerated. Again, research documents that moving frequently is correlated with substance abuse delinquency and youth violence (9, 10).

Finally, I would urge the assembly to think of the impact of the Rockefeller Drug Laws on the youth of our state. When they were adopted, they were designed to serve as a deterrent to both drug users and drug sellers. It is clear to me for the reasons I've mentioned that they may have done more harm than good and may be responsible for contributing to drug abuse, delinquency, violence, teen pregnancy and school dropouts in our state. Therefore, I would urge you to change the "Rockefeller Drug Laws", give judges discretion, and require that chemically dependent persons convicted of non violent offenses for drug possession, attend treatment programs. Referring parents to treatment programs gives parents an opportunity to recover from their drug use, thereby reducing, instead of exacerbating, the risk factors for their children.

Risk Factors That Inhibit Healthy Youth Development

RISK FACTORS	Problem Behaviors				
	Substance Abuse	Delinquency	Teen Pregnancy	School Drop-Out	Violence
Community					
1. Availability of Drugs	√				√
2. Community Laws and Norms Favorable Toward Drug Use, Firearms and Crime	√	√			√
3. Transitions and Mobility ¹	√	√		√	
4. Low Neighborhood Attachment	√	√			√
5. Community Disorganization	√	√			√
6. Extreme Economic Deprivation ¹	√	√	√	√	√
Family					
7. Family History of the Problem Behavior	√	√	√	√	√
8. Family Management Problems	√	√	√	√	√
9. Family Conflict	√	√	√	√	√
10. Parental Attitudes Favorable Towards Drugs / Other Problem Behavior	√	√			√
School					
11. Academic Failure	√	√	√	√	√
12. Low of Commitment to School	√	√	√	√	√
Individual and Peer					
13. Early Initiation of Drug Use	√	√	√	√	√
14. Early Initiation of Problem Behavior	√	√	√	√	√
15. Rebelliousness	√	√		√	
16. Friends Who Use Drugs / Engage in Other Problem Behavior	√	√	√	√	√
17. Favorable Attitudes Toward Drug Use / Other Problem Behavior	√	√	√	√	
18. Perceived Risk of Drug Use	√				
19. Peer Rewards for Drug Use	√				
20. Depressive Symptoms	√				

¹ Not measured in all surveys, archival indicator data may better assess these risk factors.

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