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New York Assembly Holds Unprecedented Joint Committee Hearings on Rockefeller Drug Law Reform on 35th Anniversary of the Laws

Hearing Brings Together Leadership from Codes, Corrections, Judiciary, Public Health, Alcohol and Drug Addiction and Social Services Committees to Discuss Public Health Approach to Drug Policy in New York

Elected Officials, Families of Rockefeller Prisoners, Formerly Incarcerated People, Religious Leaders, Treatment Advocates Hold Rally on in Support of Hearings

New York—Today, coinciding with the 35th anniversary of the draconian Rockefeller Drug Laws, the New York State Assembly held the first of two unprecedented hearings to explore a public health approach to drug policy in New York. In a first-time development, the joint hearing was convened by six different Assembly committees -- Codes, Corrections, Judiciary, Public Health, Alcohol and Drug Addiction, and Social Services. This type of hearing has never been assembled regarding issues surrounding the Rockefeller Drug Laws.

New York drug policy has been dominated by the Rockefeller Drug Law for 35 years, with disastrous results that have been well documented. While the general consensus is that these failed laws should be scrapped, no effective alternative approach has been seriously considered by the New York State Legislature—until now. Under the Rockefeller Drug Laws, New York has been the national leader in racial disparities resulting from disastrous drug policies – more than 90 percent of those incarcerated under the laws are Black and Latino, even though whites use and sell drugs at higher rates.

“The Rockefeller Drug Laws are outdated, wasteful, ineffective, and marked by racial bias,” said Robert Gangi, executive director of the Correctional Association. “They distort law enforcement practices and foster imbalance in the adjudication of drug cases. It is time that Gov. Paterson and legislative leaders achieved the long overdue objective of removing the 35 year-old stain of these statutes from New York’s penal code.”

The joint hearings of the Assembly offer an opportunity for New York to become a national leader in coordinated, sensible, and effective drug policies based in a public health paradigm and guided by science, reason, and compassion. A public health approach focuses on saving lives and increasing community health and safety by developing programs that reduce the death, disease, and suffering associated with drug abuse and addiction.

“For too many years New York has suffered under these draconian laws,” said Tony Papa, communications specialist at the Drug Policy Alliance, and formerly incarcerated under the Rockefeller Drug Laws. “It is time that we treat drug use and abuse as a public health issue and expand programs that enhance community health and safety.”

A public health approach would create a new bottom line in New York. It will focus on saving lives and increasing community health and safety by fostering programs that reduce the spread of HIV/AIDS, Hepatitis C, and other blood-borne diseases, offer more overdose prevention programs, and a Good Samaritan policy that provides immunity to those that call 911 in the event of a drug overdose. It also would greatly expand harm reduction programs that have proven effective in reducing death and disease associated with drug use.

Outside the New York City hearing, advocates rallied in support of scrapping the Rockefeller Drug Laws and advancing a public health approach to drug policy. This rally included an array of stakeholders, including people formerly incarcerated under the Rockefeller Drug Laws, family members, treatment providers, criminal justice reform advocates, and religious leaders and elected officials. The collective demand was for a public health approach to drug policy in New York.

Enacted in 1973, the Rockefeller Drug Laws 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, many of whom have no prior criminal record.

“We urge legislative leaders to fundamentally reform a sentencing structure that ties the hands of judges, grants prosecutors enormous and essentially unreviewable powers, and results in the routine miscarriage of justice,” said Bob Perry, legislative director of the NYCLU.

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 do not increase the power of judges to place addicts into treatment programs. More than 13,000 people are locked up for drug offenses in New York State prisons, representing nearly 22 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, whose son, Ashley, was incarcerated for five years on a 7 – 21 year sentence, on a first-time, nonviolent offense. “When do families like ours finally get justice? The Assembly’s mandate is clear—the status quo has failed, and we need a new approach based in public health, not prison politics.”

The next Assembly Joint Committee hearing will be held on Thursday, May 15, in Rochester, NY.