



Drug law reform, now

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So here's New York, more than two months into a new gubernatorial administration in which all was supposed to be quite suddenly different. True, Governor Spitzer and the leaders of the Legislature can point to lots of progress in prevailing upon what long had been government by paralysis. But where is the commitment to reform the Rockefeller era drug laws, on the books for coming up on 34 years now?

Mr. Spitzer was just beginning his campaign for governor, in December of 2004, when the collective injustice and futility of those laws were last addressed. It was a modest step that ended life imprisonment for the most serious drug offenses but ignored the plight of all those doing time for less severe drug crimes.

There were 5,657 people sent to prison in New York for nonviolent drug offenses in 2004. That number was up to 5,835 the following year and 6,039 in 2006, according to a review by the Correctional Association of New York. More than half of the drug offenders in state prison have been serving sentences based on convictions for lower-level offenses -- that is, Class C, D and E -- felonies, which involve small amounts of drugs. About 40 percent of those inmates are in prison for simple possession of drugs, not selling them.

Many, if not most, of the drug felons serving sentences for selling drugs have substance abuse problems that need to be treated, according to the Correctional Association. Several studies by the national Institute on Drug Abuse have found that those who take part in drug treatment programs

becomes less inclined to engage in criminal behavior as a result.

All of those inmates would be eligible for rehabilitation rather incarceration if the Rockefeller laws were repealed outright, an admittedly unlikely scenario. About 60 percent of the 6,000 people sentenced to prison last year would be eligible for different and more effective treatment, though, if a reform plan favored by the state Assembly were enacted, according to an analysis by the Correctional Association.

The Assembly, of course, has never been the obstacle to more reasonable drug laws. For New York to truly be different would require the new governor to be far more committed than his predecessor was, and for the Senate to embrace the reforms that it has resisted in the past.

Mr. Spitzer and Senate Majority Leader Joseph Bruno ought to take note, then, of the potential benefits of further drug law reform. Assuming, as the Correctional Association does, that judges would sentence about 3,600 drug offenders a year to alternative punishment and treatment, the savings would be substantial. The Correctional Association estimates a savings of about \$60,000 a year per offender -- \$50,000 in reduced costs to the criminal justice system and \$10,000 in reduced health care and welfare costs, less crime and more tax contributions.

It costs more than \$36,000 a year, remember, to keep an inmate in the state prison system. Treatment is much less expensive -- between \$2,700 and \$4,500 a year for out-patient treatment, according to the Correctional Association, and \$17,000 to \$21,000 a year for residential treatment.

There's more to be done, and a strong incentive to do so.

THE ISSUE: More people are in prison in New York for drug crimes now than when the state last addressed the laws of the Rockefeller era.

THE STAKES: The alternatives to incarceration are less expensive and more effective.