

Newsday

Suffolk officials wary of modifications to drug laws

Jan. 8, 2010 --Suffolk County's top executive, district attorney and sheriff say they are bracing for the release from prison of drug dealers -- possibly many of them -- and they fault recent modifications in the state's harsh drug laws for going too far in the other direction.

But leading advocates for reform of the so-called Rockefeller drug laws, a set of measures reputed to be among the nation's harshest, say the officials could be grandstanding, that the new laws have sufficient safeguards and that it's too early to gauge their effect.

"It's now easy for a drug dealer to avoid jail by simply saying he's an addict," said Suffolk County Executive Steve Levy, who appeared with Suffolk District Attorney Tom Spota and Sheriff Vincent DeMarco in Hauppauge. "The drug dealers themselves are calling the reforms the 'drug dealer's protection law.' "

Levy and Spota circulated an opinion piece they hope will be published across the state that called the reforms well-intended but flawed.

The original measures were enacted under Gov. Nelson Rockefeller in the 1970s, but have been widely criticized as an retributive approach to a public health problem and responsible for a bloated prison population.

The State Legislature last spring enacted reforms that allow for diversion of more drug offenders into treatment rather than incarcerating them. The changes took effect in October.

Spota, Levy and DeMarco fear big-time drug dealers with criminal records could escape prison by claiming they, too, are victims of a drug epidemic.

But Robert Gangi, executive director of the Correctional Association of New York, said the officials were providing a "misleading" synopsis. Defendants must take certain steps to verify their addiction, he said.

"The court doesn't automatically believe the claim that he or she is an addict and divert them to an alternative setting," Gangi said. "The case has to be made that the person is in fact an addict and has a history of drug abuse."

DeMarco also said that the new laws reduce some sentences from felonies to misdemeanors. That could put extra strain on jails since fewer people will be sentenced to time in state prisons.

Nassau District Attorney Kathleen Rice said she, too, has "serious concerns" about the possibility of drug dealers pretending to be addicts and avoiding jail time.

The Suffolk officials played a recording of an exchange they said took place involving a jailed drug dealer a few days after the reforms were signed by Gov. David A. Paterson. One speaker says he's going to "burn up the streets" when he gets out, and that he will claim he's an addict if he's caught dealing drugs.

Glenn Martin of the Fortune Society in Manhattan, which provides re-entry services for formerly incarcerated people, said he's heard the arguments -- and telephone exchange -- before, and that he's unimpressed.

"The fact that they're focusing on one case and one idiot who has it all wrong shows me this is not some systemic thing where people in prison realize there's this hole in the law," Martin said.

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