

May 8, 2008

Happy anniversary - not!

New York State is as conflicted as they come when it comes to drug crime and punishment. Policy-makers loathe drug dealers but pursue anti-drug strategies that do little to reduce the number of users; they lament the inefficiencies associated with maintaining half-empty state prisons, but worry more about the job losses and lost political clout that would come with consolidating prisons; many acknowledge the unfairness of our so-called Rockefeller drug laws, which are responsible for imprisoning thousands upon thousands of relatively minor offenders, but fail to muster the political will to untangle the 35-year-old mess. Our drug laws not only are ineffective, but also hinder efforts to pursue policies that might rehabilitate people and whole communities.

Today marks the 35th anniversary of the drug laws passed on then-Gov. Nelson Rockefeller's watch, but there will be no celebrations, just Assembly hearings in Manhattan on their ineffectiveness, 10 a.m. in the Assembly Hearing Room, 250 Broadway, Room 1923. Long-touted legislative reforms enacted in 2004, with an eye toward shortening the sentences of the nonviolent offenders serving the longest mandatory sentences, resulted in freedom for just 400 offenders. Much more should be done to fix drug laws that Robert Gangi, executive director of the Correctional Association of New York, calls "outdated, wasteful, ineffective and marked by racial bias."

Long prison terms

The hallmark of the Rockefeller measures was long, mandatory sentences for those arrested for even small amounts of illegal drugs, curtailing the discretion exercised by judges. Possession of just 4 ounces of cocaine would bring sentences of 15 years to life in prison. The New York measures were among a spate of mandatory drug laws enacted across the nation in the 1970s, spurred in large part by rampant drug violence. Such related crime, though creeping up in some communities, has subsided in New York; what hasn't is the number of drug arrests, which have more than doubled since 1980, with the overwhelming number of arrests for possession, not distribution.

Over the years, several studies have pointed to racial disparities inherent in the measures, which have tended to mete out harsher punishment for offenders caught with small amounts of drugs like crack, more prevalent in minority communities, than even larger amounts of drugs like cocaine, more prevalent among white offenders. About 14,000 people are currently serving time in New York prisons for drug offenses, nearly 40 percent of the prison population, at an annual cost of approximately \$36,000 per inmate. The imprisoned are disproportionately racial minorities.

Resisting change

More and more states, due to widespread fiscal problems, are looking to save money by reducing their prison populations. To the extent that those efforts divert at least some of the savings to treatment, communities will gain. But other interests come into play in New York; in some struggling upstate communities, the prisons *are* the local economy. Additionally, were it not for the prison populations in some upstate Republican Senate districts, there would be insufficient numbers of people to constitute a Senate district. No wonder Republicans, whose majority in the Senate survives by the barest of margins, haven't been clamoring for change. But that is what must come.

New York should celebrate the 36th anniversary of the Rockefeller drug laws with a drug policy that serves taxpayers, people and communities.