



## The Campaign to Repeal the Rockefeller Drug Laws

Enacted in 1973, when Nelson Rockefeller was Governor of New York State, the Rockefeller Drug Laws require harsh prison terms for the possession or sale of relatively small amounts of drugs. **The penalties apply without regard to the circumstances of the offense or the individual's character or background**, so whether the person is a first-time or repeat offender is irrelevant.

Despite the fanfare, changes to the laws passed in December 2004 and August 2005 do not amount to real reform. The severe aspects of these laws are still on the books. Mandatory sentencing provisions remain intact, meaning that **judges still do not have discretion in deciding whether to send someone to prison** or to an appropriate alternative-to-incarceration. Prison terms, though reduced, remain unduly long—for example, under the new system, instead of 15 years to life, the most serious provision of the drug laws carries a **determinate (or flat) sentence of between eight to 20 years for first time, non-violent offenders**. The main criterion for guilt remains the amount of drugs in a person's possession at arrest and not a person's actual role in the drug transaction, which allows the major profiteers who rarely carry drugs to continue to escape the laws' sanctions.

### 1. At great expense to the taxpayer, these laws fill our prisons with low-level, non-violent offenders.

- Notwithstanding the recent drug law modifications, 5,191 people were sent to state prison for non-violent drug offenses in 2008.
- There are nearly 12,000 drug offenders locked up in New York State prisons. It cost the state about **\$1.5 billion** to construct the prisons to house drug offenders, and the operating expense for incarcerating them comes to over **\$525 million** per year.
- In 2008, about **33%** of the people sent to state prison were drug offenders. In 1980, the figure was only **11%**.
- Over **42%** of the drug offenders in New York State prisons—more than **5,000** people—were locked up for drug possession, as opposed to drug selling.
- Of all drug offenders sent to New York State prisons in 1999, nearly **80%** were never convicted of a violent felony.
- Nearly **50%** of the drug offenders in New York State prisons were convicted of the three lowest level felonies – Class C, D, or E – which involve only minute drug amounts. For example, only **1/2 gram** of cocaine is required for conviction of Class D felony possession, and there are currently **1,098 people** locked up for that offense.

## 2. These laws are marked by racial bias.

- Studies have shown that the majority of people who use and sell drugs in NYS and the nation are white.
- African Americans and Latinos comprise nearly **90%** of the drug offenders in NYS prisons (African Americans, **59.2%**; Latinos, **30%**); whereas whites make up only **9.7%**.

## 3. Alternatives are available that save money and cut crime.

- A 1997 study by RAND's Drug Policy Research Center concluded that treatment is the most effective tool in the fight against drug abuse. The RAND study found that treatment reduces 15 times more serious crime than mandatory minimum sentences.
- Studies, including several sponsored by the National Institute on Drug Abuse, have shown that drug treatment programs are successful both in reducing the levels of drug abuse and crime rates among participants while simultaneously increasing their ability to hold a job.
- The cost of keeping an inmate in New York State prison for one year is about **\$44,000**. In comparison, the cost of most outpatient drug treatment runs between **\$2,700-\$4,500** per person per year; and the cost of residential drug treatment is **\$17,000-\$21,000** per participant per year.
- According to a recent report prepared by the Legal Action Center, New York State could save almost **\$270 million** annually from an overhaul of the Rockefeller Drug Laws.

## 4. By wide margins, the public shows support for drug law reform.

- According to a recent Zogby International poll:
  - **64%** of the public do not consider a legislator who votes for drug law reform "soft on drugs;" more than double those who do (**31%**).
  - **51%** are more likely to vote for a legislator who supports a bill to reduce drug sentences; **25%** are less likely.
  - **74%** chose treatment over jail/prison for those convicted of drug possession, whereas only **19%** chose jail/prison.
- According to an October 2002 *New York Times* poll:
  - **79%** of New Yorkers favor restoring sentencing discretion to judges in drug cases.

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*Drop the Rock is a statewide coalition of individuals and organizations dedicated to promoting the repeal of the Rockefeller Drug laws. The Drop the Rock Campaign is coordinated by the Public Policy Project of the Correctional Association of New York.*

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