

Mandatory Injustice:
Case Histories of Women Convicted
under New York's Rockefeller Drug Laws

A Report of the Women in Prison Project
of the Correctional Association of New York

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INTRODUCTION

With active support from then Governor Nelson Rockefeller, the New York State Legislature enacted the New York Drug Laws in 1973, instituting harsh prison sentences for a wide range of drug offenses. Amended in 1979 mainly to reduce penalties for offenses involving marijuana, these laws still require punishments for the possession or sale of heroin, cocaine, and other hard drugs that rank among the most severe in the nation.

The Rockefeller Drug Laws mandate a judge to impose a prison term of no less than fifteen years to life for anyone convicted of selling two ounces or possessing four ounces of a narcotic substance. The penalties apply without regard to the circumstances of the offense or the individual's character or background. Whether the person is a first-time or repeat offender, a big-time drug trafficker or a small-time junkie is irrelevant. Thus, a person convicted of a single sale of two ounces of cocaine will receive the same mandatory minimum sentence in New York State as a person convicted of murder -- 15 years to life. Rape, the sexual abuse of a child and armed robbery carry lesser sanctions.

These mandatory drug laws have contributed to New York's skyrocketing prison population over the past twenty-five years, which has climbed from 12,500 in 1973 to over 70,000 in 1998. There are more than 3,500 women in New York State prisons, up from 400 in 1973. Nearly 60% of these women are there for drug offenses, compared with 32% of men. Of those women in prison on drug charges, 91% are women of color. Approximately 75% of women in custody report they are mothers. Eighty-five percent report having been physically abused at some point in the past. Ninety-two percent report incomes of under \$10,000 a year at the time of incarceration.

The intensity of the public debate about the merits of the Rockefeller Drug Laws has increased significantly over the past five years. Proponents claim that mandatory sentencing guarantees that serious drug offenders will be put behind bars, deters prospective offenders, provides a powerful incentive for defendants to plead guilty, and induces people to cooperate with the police. Opponents, including the Correctional Association, argue that the laws result in the unwise restriction of judicial discretion, the confinement of less serious felons who could be punished in other ways, and a staggering waste of correctional resources.

Missing from the debate have been information and understanding about the individuals who are locked up -- often for very long periods -- pursuant to these laws. Who are they? What crimes did they commit and why? What impact does prison have on them and their families? Was the prison term a fair punishment? These questions have not been adequately addressed.

To contribute to a fuller understanding of the impact of the Rockefeller Drug Laws, the Correctional Association initiated the Women in Prison Case Histories Project. This effort has involved the preparation of accounts about women offenders serving prison terms under the drug laws. By telling the stories of these women, we seek to put a human face on the prison population and to educate political leaders and the public about the circumstances and policies that send certain people to prison.

It costs \$32,000 to keep one inmate in a New York State prison for a year. In the past fifteen years, the annual operating budget for state prisons has climbed from \$450 million to \$1.8 billion. Despite the cost, it is widely agreed among criminal justice professionals and government officials that the Rockefeller Drug Laws have failed to curb the drug trade. What follows are the individual stories of a handful of women who have been sentenced under the Rockefeller Drug Laws.

Jan Warren

Conviction: Possession and Sale of a Controlled Substance
Prior Criminal History: None
Plea Bargain Offer: 8 1/3 years to life
Sentence: 15 years to life, sentenced October 8, 1987
Status: Clemency petition denied in 1996 and 1998

“You’ve gone through the looking glass when you come here,” says Jan Warren about adjusting to life in prison. She says it without a hint of irony or self-pity. Jan is currently serving a sentence of 15 years to life for selling eight ounces of cocaine to a friend of a friend who was the target of an undercover sting operation. That was 12 long years ago. Jan was 35 and the single mother of a teenaged daughter when she was arrested for the first time in her life. She expects to be released from prison one month before her fifty-first birthday.

Jan’s daughter, Erin, was 16 at the time of the conviction and was present in the courtroom when the verdict was read. “When the judge said 15-to-life, it hit me like a ton of bricks,” Jan recalls. “The reality of it sank in almost immediately because I kept measuring it in terms of the life of my daughter. Her whole life as I knew it from the day she was born up through high school, that’s what my sentence was. That was the reality of a 15-year sentence for me.” The night Jan went into prison, Erin got on a plane and went to live with her father in Idaho.

Jan grew up in California. In 1969, the year she turned 18, she married a man returning from Vietnam. Three years later, Erin was born and the young family moved to a small town in Idaho. Unfortunately, the marriage slowly disintegrated because of her husband’s drug and alcohol abuse. Seeking a better environment for herself and her young daughter, Jan finally separated from her husband seven years after they married. Shortly thereafter, she met and married her second husband and the three of them moved to Bergen County, New Jersey, where her husband worked as a corporate consultant.

When her second marriage ended, Jan found herself without a stable income. Erin’s father did not pay child support, and the money from Jan’s job as a bookkeeper was barely enough to make ends meet. She began dating a man named Jim. Although he was a drug dealer, he went to great lengths to shield both Jan and Erin from that aspect of his life. After they had lived together for two years, the relationship began to fall apart and Jan decided to move back to California. She needed money for the move and recalls that she was “too proud to ask for help from Jim or anyone else.”

When Jan’s cousin called from Rochester asking to buy cocaine for a friend, Jan decided to get the drugs from Jim and make the sale herself. She planned to use the money to take Erin back home to California with her. The transaction in Rochester was a sting operation, and Jan was arrested at her cousin’s home. It was her first and only drug sale. She was offered a plea bargain of 8 1/3 years to life in prison. However, a condition of the plea was that Jan provide

authorities with information on other drug dealers. She was unwilling to offer any information about Jim, and so refused the offer. After conviction, the judge sentenced her to the mandatory minimum of 15 years to life.

“Humiliation was the most shocking element of incarceration,” Jan remembers. “The daily degradation of having an 18-year-old guard regulating every aspect of your life is a difficult thing for me.” The process of acclimating to a long-term sentence has been an ongoing struggle. “First you feel sorry for yourself,” she says. “In a way it’s like dying and being reborn. You have to grieve for the life you’ve lost. I grieved for the first couple of years. I used to say that if tears were rocket fuel, I’d have been to Mars and back.” After grief, Jan went through a period of anger and then entered a phase where she became more in tune with what was going on outside the prison walls than with what was going on inside. “That’s still the phase I’m in now,” she says. “In time, the pain dulls. But it never goes away.”

The impact of Jan’s sentence on her relationship with Erin has been profound, and is still a source of deep pain. Since the night of her conviction, Jan has seen Erin only six times, forced to rely instead on phone calls and written correspondence to maintain their long-distance relationship. When Erin went to live with her father in Idaho, she went from one unstable situation to another. Her father had remarried and that marriage, too, was coming apart. Erin’s father divorced and, after high school, Erin fell in with the wrong crowd and began using drugs. Her addiction culminated in a drug-related arrest. Jan’s eyes fill with tears as she describes the situation. “I feel very guilty about what happened,” she whispers. Erin has since completed rehabilitation and has been drug-free for some time. She is now 26, married and expecting her first child.

Jan takes responsibility for her actions. She believes, in fact, she should have been punished for her crime. “I don’t believe in saying, ‘I didn’t hurt anyone but myself and my child in doing this.’ That’s a cop-out. I have faced the truth about what brought me here, and I know it was wrong. But there also has to be room for common sense. A 15-year mandatory minimum doesn’t allow for common sense.”

When asked how she has changed over the past 12 years, Jan becomes quiet. After a moment she says, “I notice that I don’t smile as much as I used to, and even when I do, it doesn’t quite make it to my eyes.” She pauses and then adds, “I wonder if I’ll ever get that back.”

Jan was denied clemency in 1996 and again in 1998. She will be eligible for parole in 2001.

Elaine Bartlett

Conviction: Criminal Sale of a Controlled Substance
Prior Criminal History: None
Plea Bargain Offer: 5 years to life
Sentence: 20 years to life, sentenced on January 26, 1984
Status: Clemency petition denied in 1996 and 1998

“As time goes on, you get to the point where old coping mechanisms stop working and you get worn out,” says Elaine Bartlett. “You might be able to go through the days pretending things are fine, but when you’re locked up in your cell at night there are no more masks to wear, and that’s when you find yourself pleading with God to turn your mind off.” Elaine smiles sadly and leans back in her chair. She has been behind bars for the past 15 years, and has five years left to serve before she will be eligible for parole.

Elaine was a 26-year-old single mother of four young children when she was convicted of selling four ounces of cocaine for a police informant. It was her first and only contact with the criminal justice system. Elaine grew up in a housing project in New York City. Her father died when she was very young, leaving her mother alone to raise a family of seven children. At the age of 16, Elaine dropped out of high school when she gave birth to her first child. Like her mother before her, by the time she reached her early 20’s, Elaine was dependent on welfare, struggling to raise her children in the projects.

Her four children, two boys and two girls, became the center of her life. Elaine found work at a beauty parlor where she made extra money to supplement her meager welfare income, and it was there that she met George. George eventually approached Elaine and offered her \$2,500 if she would carry a small amount of drugs to Albany for him. Elaine knew that George was asking her to break the law, but she couldn’t stop thinking about how much the extra money would mean to her family and finally agreed to do it.

On a bleak November day in 1983, Elaine traveled to Albany with a four-ounce package of cocaine. In accordance with their prearranged plan, George met Elaine at the train station and took her to a nearby hotel. Unbeknownst to Elaine, George was acting as a police informant and, shortly after arriving at the hotel, she was arrested. Unaware of New York’s stiff mandatory drug laws, Elaine rejected the District Attorney’s plea offer of five years to life. “Had I known then what I know now, there’s no way I would’ve gone to trial,” Elaine says. “A lot of us didn’t know that going to trial is like committing suicide.” At trial, Elaine was found guilty and sentenced to 20 years to life in prison -- five years more than the mandatory minimum of 15 years to life. “I still don’t know why I got 20 years instead of 15,” she says.

Now 41 years old, Elaine is poised and friendly, but obviously weary. Her children, who were ten, six, two and one at the time of her arrest, have grown up without a mother. Her large brown eyes fill with tears when the conversation turns to them. Elaine’s mother cared for the children until her death early in 1998. Upon the illness of his grandmother, Elaine’s older son,

now 25, dropped out of college and returned to New York to step in as the primary caretaker of his two teenaged sisters. Elaine's younger son, who was six when Elaine was incarcerated, is now 21 years old and serving a two-to-six year prison term for selling drugs. "My son blames me for his incarceration," Elaine says, "and I know he's right."

Parenting from behind bars has been a frustrating, painful process for Elaine. Often she feels as though she doesn't really know her kids. "The same way that I don't want my kids to worry about me," she explains, "they don't want me to worry about them. So you start building relationships on the phrase, 'Everything's all right.' Then, when things explode, it comes as a complete shock." Elaine also acknowledges that as the years wear on, a certain fatigue takes over. "It's not that they love you less," she says, "it's just that they've gotten tired and I've gotten tired, and sometimes it can be too much."

The recent death of her mother has added to Elaine's sorrow. "Her death was the one thing I feared the most," she explains. "My mother was always my source of strength, and I didn't think I could go on without her. I wanted so much for her to be there when I got out." Elaine feels that her incarceration was deeply disappointing to her mother, and was something she was never fully able to accept. Elaine has begun making a quilt in her memory.

During the past 15 years, Elaine has participated in as many programs as possible. She earned her GED and associate's degree, completed parenting and domestic violence workshops, became computer literate, learned how to install electrical wiring and how to lay floor tile. She currently works as a senior facilitator in the Children's Center and is completing a bachelor's degree in Sociology through the College Bound program. She's confident she possesses the skills necessary to find a job, but worries that time is running out. "I have participated in all these programs and worked on self-improvement on many different levels and I've accomplished a lot," she says. "But when will I have an opportunity to put all the things I've learned to use?"

"I know what I did was wrong," she admits, "but I am not the kind of drug kingpin these laws were intended to punish. When I was arrested I had \$5 in my pocket." In the end, Elaine realizes that it all boils down to waiting. "In here," she explains, "you spend your life waiting -- to eat a meal, to go to the bathroom, to make a phone call and, most of all, to go home."

Julia Blanco

Conviction: Criminal Sale of a Controlled Substance
Prior Criminal History: None
Plea Bargain Offer: 3 years to life
Sentence: 15 years to life, sentenced on May 3, 1988
Status: Clemency denied in 1995 and 1998

Julia Blanco has received a letter from her husband every day for the past 12 years. The letters and a 20-minute phone call once every six months are how they've maintained their relationship since both were convicted on drug charges in 1986. Prior to their arrest, the Blancos lived an ordinary life in New Jersey. Julia owned a record shop and cared for their only child while her husband was a computer engineer. Both the Blancos and their attorney, Richard Ross, continue to maintain that they were wrongly convicted. Ross speculates that the Blancos may have been presumed guilty because of the fact that they're Colombian.

Their nightmare began when a friend from Colombia came to visit and asked Julia and her husband to take him to see a woman in Yonkers. The Blancos agreed. After picking up the woman in Yonkers, the four of them drove to New York, where they visited for a couple of hours. On their way back to the car, they were surrounded by a group of police officers and arrested for the sale of drugs. No drugs were found in their possession. Neither Julia nor her husband had any idea what was happening, nor could they have imagined what was about to happen. Later, Julia would learn that during their visit in Yonkers, their host's husband was arrested at a nearby hotel with seven kilos of cocaine. Knowing that the Blancos and their friend were at his home, he told the police that it was the Blancos who had supplied him with the drugs. In exchange for his testimony against the Blancos, he was granted full immunity and never faced charges in relation to the drugs found in his possession.

"When I was offered a plea of three years to life, I didn't realize that I could get a sentence of 15 years to life if I chose to go to trial," explains Julia. "My lawyer wanted to take the case to trial because he truly thought he could win." The Blancos sold their house and spent all their savings to pay legal fees but, in the end, both were convicted. Julia was sentenced to 15 years to life, and her husband received a term of 17 years to life. Neither of them had any previous contact with the criminal justice system. In the blink of an eye their lives and that of their 16-year-old daughter were shattered.

Following the conviction of both her parents, Julia's daughter went to live with her uncle. The devastation of losing both parents to prison is a trauma from which she has not recovered. "My daughter is still very angry," says Julia. "She doesn't believe in the concept of justice any more, especially after the appeal. When I lost the appeal, she lost all hope. It was terrible for her." Julia's daughter is now 28 and has two children of her own, but the memories of visiting her mother in prison are still vivid and painful. "My daughter doesn't want to bring my grandchildren to see me in prison. She remembers what she went through when she was younger

-- the bars, the guards, the questions -- and she doesn't want that for her kids. It's hard for me, but I understand," Julia explains.

"It took me three or four years to adapt to the daily routine of prison life," she says. "After four years it feels like normal life. That's when you start to forget about the life you left on the outside." At Bedford Hills Correctional Facility, Julia works as an aide in the chaplain's office and assists corrections officials when they need Spanish translations. Additionally, she lives on the "super honor" block with 26 other women and tries to make the best of her time. Yet Julia also tries hard to hold onto the memories of her life before prison. "Sleep is the only time I'm ever able to forget I'm incarcerated. Sometimes I try to program myself to dream of being free, back in New Jersey with my husband and daughter. But I have a recurring dream," she confides. "In my dream I'm racing to make it to the parole board before they leave the facility." Despite the sadness in her eyes, she laughs and says, "Even in my dreams there's no escape."

Leah Bundy

Conviction: Criminal Possession of a Controlled Substance
Prior Criminal History: Youthful Offender Misdemeanor Drug Conviction in 1986
Plea Bargain Offer: 1 to 3 years
Sentence: 15 years to life, sentenced on February 26, 1991
Status: Clemency petition denied in 1998

When she was 21 years old, Leah Bundy was convicted of “constructive” drug possession. The evidence against her showed that when police entered an apartment containing drugs, Leah was among those present. In short, she was convicted because she was there. Being there cost her 15 years to life in prison.

Leah’s conviction was affirmed on appeal. But in her dissenting opinion, Justice Betty Ellerin stated that “the evidence supported no other inference than that, rather than being a drug dealer herself, defendant was dating a drug dealer. While this may be an inadvisable personal choice, it is not, by itself, evidence of participation in a crime.” The trial court judge, who sentenced Leah in accordance with New York’s mandatory drug laws, expressed discomfort with the lengthy sentence he was forced to impose. At sentencing, Judge Richard Lowe III remarked, “I believe that this is a harsh sentence and if it wasn’t required by law, perhaps this Court would not impose such a harsh sentence.”

Leah knew her boyfriend, Henry, was a drug dealer, but she was not involved in his illicit activities. On the night of her arrest, Leah and Henry’s brother, Chris, gathered at Henry’s Manhattan apartment to celebrate Chris’s departure for Wharton College, where he had received a scholarship. While she was in the bathroom, police officers responding to a call about a shooting elsewhere in the building mistakenly arrived at Henry’s apartment. Hearing the police banging on the door, Chris panicked and threw Henry’s crack vials out of the window. Officers on the street saw what Chris was doing and subsequently searched the apartment, finding cocaine and two handguns.

Prosecutors offered Leah and Chris, her co-defendant, a plea agreement of one to three years in prison. However, because Chris refused to accept the plea offer, Leah was also denied the opportunity to plead guilty and receive a one-to-three-year sentence. “The fact that I didn’t take a plea still haunts me,” says Leah, “ I feel like I should have spoken up. I feel like I shouldn’t have allowed them [my lawyers] to take my life in their hands.” Hoping to overcome the constructive possession argument put forth by the government, Leah’s attorney took the case to trial and lost. That was eight years ago. Leah is now 29 years old. When she went to prison, she left behind three children, two of whom are now in foster care. At the time of her sentencing, the children were one, two and three years old. They will be 16, 17 and 18 by the time she’s eligible for parole. “My first reaction when I heard 15 years,” she remembers, “was ‘Oh my God. You may as well sentence me to death.’ I thought my life was over.”

Being separated from her children is especially painful for Leah, because she knows how it feels to lose a mother to incarceration. When she was 17, her own mother was sentenced to a term of 25 years to life in prison for a drug-related homicide. “It was devastating when my mother went to prison,” Leah recalls. In 1986, while still a teenager, Leah received a misdemeanor conviction for bringing drugs to her mother at the Rikers Island jail. Understanding how her mother’s incarceration has affected her own life, Leah now worries about her children. “I had no direction or parental guidance,” she says. “I didn’t have anyone to turn to except people on the streets. Now I worry about my own kids. They act out in school. They have so much built-up anger.”

Despite their separation, Leah goes to great lengths to maintain meaningful relationships with her children. She receives regular visits from her two children in foster care. She also speaks to them weekly and maintains contact with their caregivers and teachers. When necessary, she has enlisted the aid of a family law attorney to compel visitation with her child who is not in foster care. Additionally, she has completed many parenting classes in prison. “Still,” Leah admits, “I don’t feel like a mom. My kids love me and they call me ‘mom,’ but the truth is that they don’t really know me as a mom. It makes me feel worthless and like I’ve failed them. I don’t know if they’ll ever really trust me, and that just hurts so much.”

Donna Charles

Conviction: Criminal Possession and Sale of a Controlled Substance
Prior Criminal History: None
Plea Bargain Offer: 3 years to life
Sentence: 17 years to life, sentenced on July 9, 1987
Status: Clemency petition denied in 1998

In 1987 Judge Ann B. Dufficy sentenced Donna Charles to 17 years to life in prison pursuant to New York's Rockefeller Drug Laws. Over a decade later, Judge Dufficy has come forward in support of Donna's petition for clemency. "She should not be in here; it's a waste of taxpayers' money," says Dufficy who is now retired from the Supreme Court bench. "I feel Donna has done her time and that she is completely rehabbed." After 11 years of imprisonment, Donna reflects on the impact that time has had on her life and the lives of the children she left behind.

"Being separated from my kids," Donna recalls, "was like having my insides ripped out. It's still the hardest part about being here." In 1987 Donna's daughter was five and her son was nine. "At first I couldn't bear to tell my kids how long my sentence was," she says. "Seventeen years seemed like forever to me. I couldn't imagine what it would seem like to a child. I didn't tell them until 1993. Up until that point, every time they came to visit they'd ask when I was coming home and all I could say was, 'soon, soon...' But eventually I had to tell them the truth. It was devastating."

Donna's children have spent most of the past 11 years in the care and custody of an elderly family friend. However, when she turned 77, the friend said that she could no longer care for Donna's 17-year-old daughter. While Donna's son was old enough to live independently, the only remaining option for her daughter was foster care. The transition to foster care has been extremely difficult. Donna's daughter has repeatedly run away from the group home where she now lives. "Before it got to this point," Donna explains, "my children and I were very close. Then they started pulling away. The last time she came here, my daughter couldn't stop crying and telling me how much she needs me. Right after that visit, she went AWOL from foster care, and I don't know where she is now." Donna's eyes fill with tears as she continues, "And my son has stopped coming altogether. He's 21 years old now, and he says it's just too difficult for him to come. My son says I've robbed him of 17 years of his life."

In 1983, when her children were five and one years old, Donna immigrated to the United States from the West Indies, hoping for a better life. Upon her arrival in New York, Donna and her kids went to live with her father. Growing up, Donna had not known her father, and living with him ultimately proved disastrous. Shortly after settling in, Donna found work in a uniform factory, but her father demanded that she turn over her entire paycheck to him. "We were sleeping on the floor," she recalls, "and he often hit the kids. He would get angry when I spent money on them." Eventually, he threw them out of the house.

With nowhere to go, Donna and her children turned to social services. Although they received emergency shelter for a single night, the following day they were turned out onto the streets because Donna had not been in New York long enough to qualify for government services. Through a friend at the uniform factory, Donna found a second job living with and caring for an elderly woman. As a result of her new job, Donna was forced to send her children to live with her father's mother-in-law, where she visited them on weekends. Despite the two jobs, money continued to be tight.

When an acquaintance offered her \$1,500 to carry a package of cocaine from New York to Memphis, Donna agreed. "I was desperate for money," she explains. "I was thinking that I could rent an apartment, that I could live with my kids again, that I could get a new start..." But things didn't proceed as planned. Donna was arrested with the drugs at LaGuardia airport. It was her first encounter with the criminal justice system. Although prosecutors offered Donna a plea agreement of three years to life in prison, Donna followed the advice of her attorney and took her case to trial. Upon Donna's conviction, Judge Dufficy was left with no choice other than to impose a lengthy prison term in accordance with New York's mandatory sentencing laws.

"I try not to be negative," Donna says. "When I first came here I was very angry, but over the years I have learned to accept it. I have learned patience and peace. I care for the mentally ill here, and that has taught me a lot about patience." Nonetheless, Donna worries constantly about her children. "My biggest fear," she confides, "is that something bad will happen to my kids before I get out. When the television says, 'It's 10:00 p.m. do you know where your kids are?' I just pray they're safe. So much has happened to them. I just hope there's a little corner of them that's able to forgive."

Veronica Flournoy

Conviction: Criminal Possession and Sale of a Controlled Substance
Prior Criminal History: Attempted Robbery, sent for drug rehabilitation
Sentence: 8 years to life, sentenced on November 11, 1996
Status: Eligible for parole in 2004

Veronica Flournoy's relationship with drugs began when she was still a child. At a very young age she was sexually abused. Veronica points to the abuse as well as the fact that she was adopted for the feelings of alienation that plagued her childhood. "It wasn't something I could've talked to my parents about," says Veronica. "I grew up in a strict, Catholic home and my parents were older and we just didn't have the vocabulary to talk about things like that." Feeling isolated and confused, Veronica turned away from her family. By the time she was thirteen, she was hanging out in the neighborhood with older kids who drank and used drugs. Seduced by the numbing effect of drugs and alcohol, Veronica was quickly addicted. When she was 16, her father died. Veronica remembers this as a watershed event in her adolescence, a point when her drug use sharply escalated. She was out of control, an accident waiting to happen.

When she was 23, Veronica and a friend were arrested for snatching a woman's purse. She was subsequently convicted of attempted robbery and sent to the Day Top Village drug rehabilitation center as a condition of probation. Veronica credits the program with saving her life. She graduated from Day Top and was sober for the next six years. During that time, Veronica enrolled in college, became engaged and had her first child. However, soon after the baby was born, Veronica's fiance, himself a recovering substance abuser, relapsed. Knowing that she did not want her child to grow up in that environment, Veronica immediately left the relationship and returned to her mother's house. Unfortunately, Veronica's brother was also living at home and he was also now addicted to drugs. The situation was more than Veronica could handle. She felt stranded and hopeless and ultimately returned to old coping mechanisms.

"I should've gone running back to Day Top," Veronica acknowledges, "but I didn't. Pride and shame got in my way. That was my decision, and it's a decision I've suffered for." Not only did Veronica not seek help for her addiction, but she also began dating James, a small-time drug dealer. When James asked Veronica to deliver a package for him, she agreed. Although she didn't know the precise contents of the package, she knew it contained contraband. James, she later discovered, was under police surveillance and Veronica was arrested before she ever reached her destination. The package in Veronica's possession contained guns, scales and four ounces of cocaine.

Released on bail pending trial, Veronica continued her downward spiral. When an old acquaintance called her asking for drugs, she capitulated and was subsequently arrested for the sale of two-and-a-half ounces of heroin in an undercover "buy and bust" operation. As a result of this new arrest, Veronica's bail was revoked and she was sent to jail to await trial.

“That was a terrifying, rude awakening,” Veronica admits. “When my attorney told me I was facing a 15-year mandatory minimum sentence, I couldn’t believe it. I was stunned.” Simultaneously, Veronica discovered she was pregnant with her second child. Fearing a 15-sentence, which would have kept her behind bars until she was 44 years old, Veronica accepted the government’s plea offer of eight years to life.

Her daughter was born at the Bedford Hills Correctional Facility. Children born to inmates of Bedford Hills are allowed to remain with their mothers for the first year of their lives. Veronica opted to keep her daughter with her rather than immediately send her to live with her 72-year-old mother along with her older daughter. “It was a gift to be able to have her here with me,” Veronica says. “She was my strength in the beginning. But I wonder now if keeping her with me was a good idea.” Veronica continues to second-guess the choice she made. “I think the transition was difficult for her, and I think she’s angry,” she admits. “I can see it in her behavior, young as she is.”

Additionally, Veronica worries about the impact her imprisonment is having on her elder child. “It’s confusing for my three-year-old as well,” she continues. “She calls both me and my mother ‘mommy.’” Veronica sees her children as often as she can, but also agonizes over the memories and experiences she’s creating for them. “My oldest daughter already knows the drill about raising her arms for the metal detectors when she comes here,” Veronica says quietly. “That’s not something a three-year-old little girl should know about.”

“I don’t claim to be the victim. That’s not what this is about,” she admits. “But I don’t think I needed to be here for eight years to repay my debt to society. I needed rehab.” Nonetheless, Veronica is determined to make the best of her time in prison. She is continuing her education and hopes to work in the field of drug abuse rehabilitation and prevention when she gets out. “I’m determined to make the most of every day, no matter where I am,” Veronica explains. “I refuse to let one more day be lost. Every day counts. I’ve lost too many days to drugs.”

Kenia Tatis

Conviction: Criminal Possession of a Controlled Substance
Prior Criminal History: None
Plea Bargain Offer: 3 years to life
Sentence: 15 years to life, sentenced on January 30, 1998
Status: Appeal of criminal case pending;
Eligible for parole in 2012

Twenty-nine-year-old Kenia Tatis has served a little more than a year of her 15-year-to-life sentence. With the majority of her sentence looming in front of her, Kenia is candid about her feelings. “At the beginning it didn’t hit me,” she recalls. “But now it’s starting to because I see other women here who’ve been sentenced under the Rockefeller Drug Laws and they’ve been here 10, 15 years. They’re growing old here. Their children are growing up without them. I look at them and realize that could be me.” She smiles sadly and adds, “But I try not to think about it too much. If I did, I’d go crazy.”

Kenia left behind three children: an eight-year-old son and two daughters, aged three and one and a half. Her son lives with his father and the girls are now with Kenia’s mother and sister. “Being away from them is so hard,” Kenia says. “The holidays are the hardest times, and summertime, too, because that’s when I used to take them to the park...” her voice trails off. Kenia’s son hasn’t yet been told that his mother is incarcerated. “He thinks I’m away at school,” says Kenia. Her younger daughter was born just two months prior to her conviction. Because of her pregnancy, the trial court accommodated Kenia’s request to push back the date of trial so that she would not risk giving birth while incarcerated. That’s a decision about which Kenia has ambivalent feelings, because children born to inmates at the Bedford Hills Correctional Facility are allowed to remain with their mothers for the first year of their lives. “I didn’t think I’d be convicted and have to face separation from her,” says Kenia. “Maybe I’d have been happier if I’d had my baby with me in here. But on the other hand, I wouldn’t ever have wanted to tell her that she was born in prison.”

Born in the Bronx, Kenia is the eldest of four children. She recalls her childhood as loving and happy. “My parents have always been hard-working, respectful, decent people,” Kenia says, not wanting the stigma of her incarceration to reflect badly on them. In 1989 she graduated from high school and went on to City College where she was enrolled in a nursing program. In addition to school, she worked as a salesperson in a clothing store. While in her first year of college, Kenia became pregnant with her son. After her son was born, she returned to school. “My mother was very supportive,” Kenia says. “That’s why I was able to go back.” Eventually, however, the demands of motherhood, school and work caught up with her and Kenia dropped out of the nursing program in order to devote more time to her son.

In August of 1997, Kenia was convicted of possession of 20 ounces of cocaine. An appeal of both her conviction and the sentence is currently pending. Kenia maintains that she had no involvement in the criminal conduct that resulted in her incarceration and believes she

was convicted as a result of the perjured testimony of a woman who received a lighter sentence in exchange for testimony against Kenia. Prosecutors offered Kenia a plea bargain of three years to life in prison. However, accepting the plea would have involved an admission of guilt. Kenia was unwilling to admit culpability for a crime she says she didn't commit, and therefore rejected the plea. No drugs were ever found in Kenia's possession and she has no prior criminal history of any kind. She remains cautiously optimistic about her appeal, vacillating between hopefulness and fear. "I'm hoping at least for a time cut," Kenia says. "If I lose this appeal, I don't know how I'll react."

Kenia works hard to make the most of her time in prison. She is an active member of the NOW (National Organization for Women) chapter at Bedford Hills, and has completed several programs including Parenting, African-American Studies and WomenCare. Additionally, she works in the prison nursery. "But I try not to get too attached," she says, "because they're going home in about twelve months." Ultimately, Kenia explains that while she is mindful of the big picture, she tries to look at the little picture instead. "By the time I'm eligible for parole, I'll be over 40 and my kids will be teenagers," she explains. "But I can't always look at it like that. Some days are better than others, and I just take it day by day."

Cherie Gallipoli

Conviction: Criminal Possession and Sale of a Controlled Substance
Prior Criminal History: Misdemeanor conviction in 1972 for writing a bad check
Sentence: 15 years to life, sentenced on August 15, 1991
Status: Clemency petition denied in 1998

Cherie Gallipoli got married when she was still a teenager. In that marriage, which lasted 16 years, Cherie was the victim of severe physical and emotional abuse. She frequently landed in the hospital as a result of injuries inflicted by her husband. When Cherie looks back on those years, she realizes that her husband not only broke her bones, but also her spirit and sense of self-worth. Cherie and her husband had two children, a boy and a girl. It was not until Cherie discovered that her husband was sexually abusing their 12-year-old daughter that she gathered up her children and left him.

Shortly after divorcing her first husband, Cherie remarried. "I was feeling vulnerable," she explains, "and this man offered me the protection and comfort I craved." It was not until after they married that she learned her new husband was a drug smuggler. Although initially Cherie pleaded with her husband to leave the drug trade, the couple moved to Florida and Cherie eventually became involved in her husband's drug dealings. She also became pregnant with her third child. When she moved to Florida, her son, John, remained in New York with Cherie's mother to finish high school. While John lived with his grandmother, his life spun out of control. He began hanging out with drug dealers, and was soon a fledgling dealer himself. When Cherie refused to assist her son in making connections with other dealers, John threatened to contact major suppliers on his own.

Cherie didn't know how to help her son, but was adamant about not wanting him to deal drugs. Fearing for his safety, she made a disastrous decision. "I panicked," Cherie admits. "In an effort to protect my son, my husband and I decided to travel to New York to make a drug sale for him." It was a decision that would have far-reaching and devastating repercussions. Although Cherie's husband handled the actual transaction, at the time of the sale, Cherie and her stepfather waited outside in the car. When her husband was arrested, so were Cherie and her stepfather. In an instant, her family was shattered. Cherie's stepfather served three years in prison as a result of this arrest, and her husband remains incarcerated, awaiting deportation to his native Colombia.

For her role in the illicit activity, Cherie pleaded guilty. Her plea agreement stipulated that if she provided information leading to the arrest of a major drug dealer, she would be eligible for a reduced sentence. Although she gave authorities the name and address of a major supplier in Florida, police did not arrest him based on the information she provided. As a result, Cherie was sentenced to the mandatory minimum of 15 years to life. She has spent most of the past decade in prison. Cherie's arrest also resulted in her estrangement from both children from her first marriage. Her son subsequently served eight years in prison on a drug-related charge. He is now out of jail and lives in Brooklyn with relatives of his father. Her daughter is now

married with two children of her own. “They’re angry,” Cherie says, “and I understand that. It’s painful, but I understand. Let’s face it, I’ve ruined their lives.”

At the time of her arrest, Cherie’s younger son was only 18 months old. He is now 11, and she maintains a close relationship with him. When Cherie went to prison, her son went to live with her mother, where he remained until her recent death. Currently he resides with another relative. “The worst part of my incarceration is not being able to raise my son, not being able to give him a stable home,” she says. “I’m the mother, and I want to be the one making the parenting decisions. I want to be there to say ‘Do your homework, or finish your dinner.’ I worry constantly about him -- Is he riding his bike in the street? Is he doing okay in school?”

Despite the difficulty of being separated from her family, Cherie admits that she learned a great deal during her first few years of incarceration. “For example,” she says, “I no longer need or want a relationship with a man. Also, my values have changed. I’m no longer materialistic. I’ve learned that I don’t need *things* to make me happy.” In addition, Cherie received her GED, an associate’s degree and a bachelor’s degree in Human Behavior while incarcerated. After New York State eliminated college programs in prisons, Cherie finished a four-year degree by piecing together different programs to create her own degree. Her studies were sponsored by Mercy College.

After 10 years of incarceration, Cherie admits she has adjusted to life behind bars. “When I first came here,” she recalls, “someone told me I’d adjust, and I remember thinking that was a terrible thing to say. But she was right. The mind adjusts to everything over time. This is my entire world, and even though I dream of something better, I have adjusted.”

Arlene O’Berg

Conviction: Criminal Sale of a Controlled Substance
Prior Criminal History: None
Plea Bargain Offer: 3 years to life
Sentence: 20 years to life, sentenced on August 1, 1990
Status: Clemency petition denied in 1998

“I’ve been locked up her whole life,” says Arlene O’Berg about her 11-year-old daughter. “Her first day of school, first tooth, first step... I’ve missed it all. For a while my daughter was in counseling because she had trouble when she started school. She used to beat up other kids. Every week a different mother would volunteer in her classroom and my daughter would pick on the kid whose mother was there that day. I was never there, and that made her angry.”

Arlene was pregnant when she was arrested and her daughter was born while she was at Rikers Island awaiting trial. Immediately after she was born, the baby was sent to live with Arlene’s mother. Since the very beginning, their mother-daughter relationship has been defined by absence. At the time of her arrest, Arlene was 22, recently divorced and the mother of a three-year-old little girl. And she was addicted to cocaine. As a result of her addiction, she relinquished custody of her elder daughter to her ex-husband. “It was a difficult thing to do, but I knew I couldn’t take care of her,” Arlene says. “Of all the things drugs have cost me, the loss of my relationship with my oldest daughter is the most painful.”

Arlene’s older child has lived with her father and stepmother for the past 10 years. Now almost 14, she has no contact whatsoever with Arlene. The most recent photograph Arlene has of her is from two years ago. “I wanted to go to court for visitation rights, but I was afraid of doing more harm than good,” she explains. “She’s got a good life with my ex-husband and his new wife, and I don’t want to disrupt that. I don’t want to hurt her. I only hope that some day her father will be honest with her about me... I think he told her I died.”

Arlene’s drug use began when she was 20. “I tried it once,” she recalls, “and I was hooked.” By the time she was 22, Arlene’s addiction ruled her life, which was out of control. When she discovered she was pregnant, Arlene knew she had to stop using drugs. “I wanted a way out,” she says, “but I didn’t know how. My life was a mess and I felt suicidal. I wanted treatment, but you needed money to get into treatment in those days. I went to someone for money to get into a program -- but I went to the wrong person for help.”

The “friend” Arlene turned to for help ended up being a police informant who lured her into the middle of an undercover sting operation. Though Arlene had never before sold drugs, she agreed now to take part in a series of transactions, ironically in exchange for a promise of assistance in finding a treatment program. Although not the target of the operation, Arlene was arrested in Brooklyn along with two other individuals who had been under surveillance for several months. It was her first arrest.

At arraignment, Arlene was offered a plea agreement of three years to life, but when she failed to accept the offer immediately, the prosecutor upped it to eight years to life. “When I found out the mandatory minimum sentence was 15 years to life I decided to take the eight-year plea, but I didn’t act quickly enough, and they increased the offer to 15 years to life. So, I thought I had nothing to lose by going to trial. I assumed that if I was convicted, I’d get the minimum of 15 years.” But she didn’t receive the minimum sentence. “My judge was very angry,” Arlene recalls. “The district attorney actually argued for the minimum sentence, but the judge gave me 20 years instead.”

Surprisingly, Arlene is not bitter about her situation. “I try to be positive,” she says. “And I don’t blame anyone but myself for what happened. The DA and judge just did their jobs. At first I was angry with the person who set me up. But even that -- it was a trap I fell into. Nobody really pushed me.”

Once a high school dropout, Arlene completed her GED while in prison. She also earned an associate’s degree in Behavioral Science and successfully completed a drug treatment program. She works full time for facility maintenance, is Vice-President of the NOW chapter at Bedford Hills and serves as a peer counselor for women coming into prison with long-term sentences. When Arlene completed her rehab, her counselor wrote: “She not only acquired the skills for change, but went on to serve as a coordinator and clerk for the rehab office. I have a great deal of respect for Arlene -- she is a young woman of quality.”

Wanda Collazo

Conviction: Criminal Possession & Sale of a Controlled Substance
Prior Criminal History: None
Sentence: 16 1/2 years to life, sentenced on August 6, 1987
Status: Clemency granted in 1997

After serving ten years in prison on a first offense conviction for assisting in the sale of four ounces of cocaine, Wanda Collazo was granted executive clemency in January of 1997. “When I found out I was going home, I couldn’t believe it,” Wanda recalls. “People didn’t understand how I could be so calm, but I just said I wouldn’t believe it until I walked out the gate, and that’s how it was. It wasn’t until I was outside, in the car with my family, that I believed I was really going home.”

Wanda was arrested in an undercover “buy and bust” drug transaction in which she played a peripheral role. When a buyer seeking a drug supplier approached Wanda for assistance, she agreed to help. Wanda led the buyer to two dealers who sold four ounces of cocaine to the buyer. The buyer turned out to be an undercover police officer. Wanda’s role in facilitating the transaction exposed her to criminal liability as a co-conspirator of the actual sellers. Wanda refused to plead guilty and took her case to trial. After conviction, she was sentenced to 16 ½ years to life in prison. She served 10 years of her sentence before being granted executive clemency.

Wanda went home to Brooklyn after a decade at the maximum-security Bedford Hills prison and began the slow process of reconstructing her life. “After 10 years,” she says, “you feel like you’re on another planet. The simplest things, like crossing the street by myself or riding the subway or paying for things with real money -- they all felt strange. For the first six months I just felt like I didn’t belong on the outside.”

Although Wanda’s mother and sisters offered to take her in, she decided that she wanted to start out on her own. While still at Bedford Hills, Wanda learned of Providence House from Sister Elaine Roulet, who works in the Children’s Center there. “Providence House is similar to a half-way house,” explains Wanda. “You can stay up to six months. They put you on welfare at the beginning, and then they help you find a job.” Within a month of arriving at Providence House, Wanda found employment as a dispatcher for a limousine service. After four months Wanda moved out of the house and into a friend’s home, where she helps with the rent.

“Finding a job, finding a place to live, those were the easy things,” recalls Wanda. Rebuilding relationships with her children has proven more difficult. “It’s not at all like I thought it would be,” she says. When Wanda was convicted, she was pregnant with her fourth child. Her son stayed with her at the Children’s Center for the first year of his life and then went to live in Brooklyn with Wanda’s cousin. Her older children, ages eight, seven and four, were sent to Puerto Rico to live with their paternal grandparents. While incarcerated, Wanda maintained contact with all her children. She had frequent visits with her youngest son and used

letters and monthly phone calls to keep up with her older children. Today, her children are 22, 21, 18 and 11.

“I feel like I lost my children,” Wanda confides. “They are good kids, but they are not the people I would have raised. They have their own way of being in the world, and it didn’t come from me.” Although Wanda sees her youngest son frequently, he is happy living with her cousin. Her three oldest children visited once from Puerto Rico, but they are busy with their own lives, and no longer write. “The truth is,” Wanda says, “I have less contact with my oldest children now than I did when I was at Bedford.” She pauses and then adds, “I have all their letters in a box though, all of them...” Redefining her role in the lives of her children has been a painful process for Wanda. “I tell them that I’m here for them, and I know that’s the best I can do,” she explains. “It’s too late for anything else.”

Two years after her release, Wanda continues to live with her friend and work for the limousine service. She’s on lifetime parole, and meets with her parole officer once a month. She also plans for the future. “I’m grateful to have this job,” she says, “but now I’m looking for something more. A job with benefits, something that will offer me more security.” Wanda hopes one day to own her own home. Although she knows that her history of incarceration makes her goal an uphill battle, Wanda is determined to succeed. “I’ve seen other women with prison records who’ve gone on to do well, so I know it can be done. I know if I work hard, I can do it.”

When asked what advice she’d give other women coming home from prison after lengthy sentences, Wanda says, “First, be very grateful that you’re going home. But never expect to pick up where you left off. It’s a whole different world out there, and you will have to adjust.”

Conclusion

The women in this report do not fit the widely held stereotypes of inmates, namely that they are predatory offenders with long criminal histories. Neither are the women profiled on these pages Girl Scouts. Most were complicit in some crime. The penalty they received, however, did not suit the offense they committed. Many (like Cherie Gallipoli) suffered from abusive relationships. Most (like Donna Charles and Elaine Bartlett) were poor and struggling to raise children. Some (like Veronica Flournoy and Arlene O’Berg) battled drug addiction. Some (like Julia Blanco and Leah Bundy) were simply in the wrong place at the wrong time. Nevertheless, the women portrayed are not “hardened criminals,” a term frequently applied to prisoners. All received excessively long sentences because mandatory sentencing laws precluded the availability of other, less severe options.

How the Rockefeller Drug Laws are Enforced

The Rockefeller Drug Laws too often result in the long-term imprisonment of minor dealers or of persons only marginally involved in drug transactions. Major traffickers usually escape sanctions. The problem is that these statutes place the main criterion for culpability on the weight of the drugs in a person’s possession when he or she is apprehended, rather than on the actual role he or she played in the narcotics transaction. Aware of the law’s emphasis, drug kingpins are rarely foolish or reckless enough to be caught carrying narcotics. Yet a young mother, like Elaine Bartlett or Donna Charles, employed as a courier by that same kingpin is more likely to be picked up and charged with a serious felony for having a small amount of drugs in her possession.

Another problem with the laws is that major dealers often take advantage of provisions permitting lifetime probation sentences in exchange for cooperation in turning other offenders over to the authorities. Less culpable persons, very often women, generally do not possess information that would be useful to law enforcement officials. These people often decline to plea bargain and insist on a trial instead. If a jury finds a defendant guilty of an A-1 felony, a judge must sentence her to a mandatory minimum term of fifteen years to life.

The Rockefeller Drug Laws result in many individual cases of injustice, where people with no histories of violent or predatory behavior, who function barely on the margins of the drug trade, are slammed with the harshest punishments our criminal justice system can dispense. Seven out of the ten women profiled in this report are serving long prison sentences even though they had absolutely no prior criminal history. This is because law enforcement agencies focus their efforts on those minor actors in the trade who are most easily arrested, prosecuted and penalized, rather than on the middle and high-level criminals who are the drug trade’s true profiteers. Police often use informants to set up others, usually low level dealers and users, in exchange for reduction of their own punishment. Three women presented in this report – Elaine Bartlett, Veronica Flournoy, and Jan Warren – were ensnared in this way.

These laws are especially harsh when applied to “drug mules,” individuals, often poor and uneducated women, who are tricked or coerced into transporting drugs. Research in New York has shown that ninety-five percent of women charged as drug couriers had no previous criminal involvement.¹ Many of these women, especially those who are mothers, facing fifteen years to life in prison, will plead guilty to a lesser offense, despite their innocence, in exchange for shorter terms of incarceration. They explain that they are afraid to risk long-term separation from their families by presenting their cases at trial. In effect, the Rockefeller Drug Laws are used to bludgeon guilty pleas from people who are facing long prison sentences and do not have the resources or the savvy to defend themselves.

Racial and Class Disparities in Drug Law Enforcement

The Drug Laws have a harsh and disproportionate impact on communities of color. Studies by the FBI and National Institute for Drug Abuse have shown that whites make up the vast majority of people who consume drugs. Yet, most people serving time in New York State prisons for drug offenses are people of color. This disparity affects women of color with particular severity. Of all women incarcerated on drug charges, ninety-one percent are women of color: fifty-four percent are African-American and thirty-six percent are Latina. Only nine percent are white.

Much of the drug activity of higher-income people takes place behind the closed doors of corporate offices and suburban homes. By contrast, much of the drug trade in low-income, inner city communities is carried out on the streets where it is much easier to make arrests. Moreover, middle and upper class people involved in drugs often have the resources and political influence to resist law enforcement attempts to punish them. Well-paid attorneys are just one of the means such people can use to derail the effective prosecution of their crimes. Another means is through treatment. White, middle and upper class women with drug abuse problems tend to go into privately-funded treatment programs. Poor women of color with similar problems often end up in the criminal justice system, where treatment is usually not a viable option because of lack of available programs and mandatory sentencing laws. These practices are devastating in their impact – uprooting individuals and breaking up families already vulnerable to the effects of poverty and abuse.

The Injustices of Mandatory Sentencing

The mandatory sentences in this report represent a restrictive and harsh approach to the administration of justice. Courts have little or no opportunity to respond appropriately to individual cases and the persons that come before them. The low plea bargains that prosecutors offered to most of the women profiled in this report (ranging from minimum sentences of one to eight years) indicates that even they did not attribute a

¹ Data provided by the Queens District Attorney’s Office indicate that, of the 59 cases disposed of between January 1, 1990, and December 20, 1991, involving women arrested at JFK airport on drug charges, 45 (96%) had no prior criminal record at all, not even an arrest.

very high level of seriousness to many of the offenses for which the women were convicted. Yet many of the women chose not to accept the plea bargain that was offered. Some, like Julia Blanco, because they felt certain of their innocence. Others, like Jan Warren, because of they were unwilling or unable to expose the men in their lives. Yet by turning down a plea bargain offer, women risk conviction and a mandatory minimum sentence of fifteen years to life in prison.

Long terms of incarceration severely diminish the ability of families and communities to successfully raise children. Over 10,000 children in New York State have a mother who is incarcerated. Locking up large numbers of parents results in a neglected class of children whose lives are very likely damaged as well as disrupted. Children of incarcerated parents commonly suffer from anxiety, depression, isolation, guilt, and from the stigma associated with having a parent in prison. Studies have shown that the problems of the children of imprisoned parents become especially apparent during the transition from adolescence to adulthood, in ways that include not only delinquency and crime, but also educational failure, precocious sexuality, premature departures from home, early childbearing and idleness linked to joblessness.² All of the women profiled in this report have children. Elaine Bartlett and Cherie Gallipoli also have children who have been incarcerated. Several, including Wanda Collazo and Veronica Flournoy, were pregnant at the time of arrest. Each acknowledges the pain of separation from their children and the difficulty of parenting from behind a prison wall. Women of the children grew up to struggle with their own problems of drug addiction and criminal involvement. These children's problems are a largely ignored and uncalculated cost of imprisonment.

Effective Alternative Punishments

Recognition is growing that New York's drug laws are wasteful, ineffective, unjust, and marked by racial bias. John Dunne, former Assistant Attorney General under President George Bush and a Republican New York State Senator, stated in a recent report to the Legislature that the Rockefeller Drug Laws have "handcuffed our judges, filled our prisons to dangerously overcrowded conditions and denied sufficient drug treatment alternatives to nonviolent addicted offenders who need help."³ As the cases in this report attest, criminal justice intervention can provide opportunities for women to complete drug treatment and improve parenting and vocational skills, especially at a model prison like Bedford Hills Correctional Facility for Women. Still, the cost of lengthy sentences is far too great, not only because of the money squandered, but also because long prison terms detract from a woman's ability to make a successful transition back to her family and community.

Flexibility in sentencing would allow judges to utilize more productive punishments for many minor drug offenders at a much lower cost to society. Suitable

²Women's Prison Association. 1995, *Breaking the Cycle of Despair: Children of Incarcerated Mothers*. January 1995, New York City.

³ *New York Times* editorial, August 8, 1998.

penalties for these non-violent, drug-involved people integrate *custody* and *punishment*, such as intensive supervision probation, electronic monitoring, and community service, with *treatment* and *rehabilitation*, such as mandated drug treatment, job training, and parenting skills development. Research confirms that providing treatment in lieu of incarceration to drug-involved offenders can lead to a significant reduction in anti-social behavior. A 1997 study by RAND's Drug Policy Research Center found that treatment reduces fifteen times more serious crime than mandatory minimum sentences.⁴

Women are especially suited for these types of community-based programs because they are disproportionately imprisoned for nonviolent offenses. Significantly, community-based programs also allow offenders to remain with or close to their children. Implemented properly, these programs hold offenders accountable for their crimes, offer opportunities to reimburse victims where appropriate, and help offenders become more productive members of society. As Elaine Bartlett's son, Robert Paschall, Jr., wrote to the New York State Executive Clemency Bureau, "after...years of paying her debt to society for a first offense drug charge, we want and need our mother to come home."

⁴ Several studies sponsored by the National Institute on Drug Abuse have also shown that drug treatment programs, on the whole, are successful in reducing the levels of drug abuse and crime among participants and in enhancing their ability to hold a job.