

time conviction for selling one ounce, or possessing two ounces of a controlled substance; and

Whereas, According to this report, incarceration was mandated for all Class A, B and C felonies; and
Whereas, According to a recent report by NYS Assembly Speaker Sheldon Silver entitled “Breaking New York’s Addiction to Prison: Reforming New York’s Rockefeller Drug Laws,” the RDLs were enacted on the premise that the only way to quell drug abuse and stop violent crime was to impose harsh maximum prison sentences and mandatory minimum prison terms on drug offenders; and

Whereas, That report notes that before 1973, courts had the discretion and flexibility when sentencing for drug crimes to sentence based upon the individual facts and circumstances of the case before them; and

Whereas, The report further points out that the DRLs eliminated almost all judicial discretion and imposed a “one-size-fits-all” approach to drug abuse and its ramifications; and

Whereas, As demonstrated in the New York Civil Liberties Campaign, “Rockefeller Drug Law Reform,” the RDLs were intended to target major drug dealers (kingpins), but in reality, most of the people incarcerated under these laws are convicted of low-level, nonviolent offenses; and

Whereas, That campaign also indicated that many of those incarcerated under these laws have no prior criminal record, and include those possessing relatively small amounts of drugs for their own use or because they were acting as low-level sellers or couriers; and

Whereas, Several respected New York State Commissions that have called for an end to indeterminacy in sentencing, including the McKay Commission, the Citizens’ Inquiry on Parole and Criminal Justice, the Staff Report of the Assembly Codes Committee, the Executive Advisory Committee on Sentencing, the Liman Commission, and the McQuillan Commission; and

Whereas, The Rand Corporation’s Drug Policy Research Center has concluded that the cost of keeping an inmate in New York State prison for one year is approximately ten times more than the cost for services to that individual in an outpatient drug treatment program, and that the cost of residential drug treatment is approximately half the cost of incarceration; and

Whereas, Although the State particularly and the City also will save money with a shift towards treatment programs, away from incarceration, nevertheless the State and City must adequately prepare the infrastructure for more persons seeking treatment; and

Whereas, As noted in a report of The Legal Aid Society entitled “One Year Later: New York’s Experience With Drug Law Reform,” increased funding for non-incarcerated treatment programs is indispensable to the success of any reform; and

Whereas, That report further concluded that without such increased treatment capability, expanding judicial discretion will be meaningless; and

Whereas, In Spring 2009, the New York State Legislature passed and the Governor signed legislation to reform the RDLs by eliminating mandatory minimum sentences and returning judicial discretion over low-level drug law cases to judges, expanding drug courts and alternatives to incarceration, allocating over 70 million dollars to expand treatment and re-entry services, and allowing approximately 1,500 people incarcerated for low-level nonviolent drug offenses to apply for resentencing; and

Whereas, The bold changes to the RDLs recently enacted by the Governor and the NYS legislature indicates that the viewpoints that motivated the RDLs has shifted, and society now is more likely to view drug addiction as a disease and a mental health issue that is best addressed through treatment, rather than punitive periods of incarceration, for those willing to turn their lives around; now, therefore, be it

Resolved, That the New York City Council congratulates the Governor and the NYS Legislature for their recent bold actions in reforming the Rockefeller Drug laws by returning judicial discretion to judges and justices, in recognition that substance abuse is a chronic health condition that should be treated in a humane manner, and urging the Governor and the NYS Legislature to insure that adequate funding is provided for drug treatment and counseling and for vocational training and rehabilitative support services for both incarcerated and non-incarcerated individuals convicted of violating drug laws.

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