

Testimony before the New York State Commission on Sentencing Reform, November 15, 2007

## The Future of Sentencing in New York State

### Support for Reform of the Rockefeller Era Drug Laws

Interfaith IMPACT of New York State represents faith communities, clergy and individuals across New York State who are concerned about the large number of people incarcerated each year for drug offenses and the negative effect of these mass incarcerations on individuals, on families and on community life.

The discriminatory enforcement of New York's Drug Laws is a moral stain on our state. It is well known that illegal drug use is evenly spread out among all segments of the population; nonetheless, the vast majority of drug offenders imprisoned under the Rockefeller Drug Laws are people of color from seven neighborhoods in New York City and a handful of inner cities in upstate New York. This situation appears on its face to be racist and unacceptable. After more than 30 years, it is clear that these Draconian drug laws have not accomplished their original purpose, which was to eliminate illegal drug use and addiction.

In 2004 and 2005, there was partial reform when the Legislature approved initial steps to reform these dysfunctional drug laws and the former Governor signed them into law, but much work remains to be done.

We urge the Commission on Sentencing Reform, Governor Spitzer, Legislators and Legislative staff to once again take up the issue of reform, and this time to bear in mind that public safety is best served by laws that effectively deter crime in communities that are healthy. The purpose of reform should be to deal with chemical dependency as a public health problem. To address the problems of drug addiction and associated criminal activities, we recommend the following benchmarks for reform:

- Emphasize treatment and education, not incarceration. We need to end the current revolving-door system of justice created by the Rockefeller Drug Laws. Education, assessment, treatment, and rehabilitation that includes adequate housing and jobs are necessities when dealing with the chemically dependent. This approach heals individuals, families, and communities and it reduces crime.
- Make penalties proportional to the crime. Excessive penalties destroy hope and alienate people from our society. New laws should provide retroactive sentencing opportunities for those already serving time in prison for drug offenses and place greater emphasis on sentencing diversion and community-building programs such as restorative justice, community accountability boards, drug courts and mandatory treatment options.

- Allow greater judicial discretion in drug-related cases. A balance of governmental powers is a cornerstone of democracy. The effect of New York's Drug Laws is to place the power of discretion primarily in the hands of District Attorneys who exercise it in the plea bargaining process, which puts the system out of balance.

We offer this spiritual and ethical guidance in the hope that the Governor and the Legislature will better serve New York by repealing the discriminatory Rockefeller Drug Laws and putting the emphasis where it should be—on community health and well being.

Interfaith Impact of New York State, Inc. is a coalition of congregations and individuals from Protestant, Reform Jewish, Unitarian Universalist and other faith traditions. We advocate from progressive and liberal religious points of view for compassion, reason and justice in New York State public policies.

Respectfully Submitted by  
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*Interfaith Impact of New York State: A statewide coalition of congregations and individuals from Unitarian Universalist, Protestant, Reform Jewish and other faith traditions advocating from progressive and liberal religious points of view for compassion, reason and justice in New York State public policies.*

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