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## **PRESS RELEASE**

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# **Imprisoned Drug Felons at a Twenty-Year Low** **More Drug Offenders in Treatment than were Sent to Prison** **43% Fewer Drug Offenders Sent to Prison than in 1998** **Life Sentences for Drug Crimes have been Repealed**

New York State District Attorneys Association President Daniel M. Donovan, Jr., of Richmond County, said:

“The number of incarcerated drug felons is at its lowest level in 20 years, the overall prison population has declined to levels not seen since 1991, and drug treatment as an alternative to prison is increasingly available. In 2008, more drug offenders participated in drug treatment than were sent to prison. The District Attorneys Association, representing New York State’s 62 elected District Attorneys, today recognizes that these successes would not be possible without the collaboration between the District Attorneys, the judiciary, law enforcement, treatment providers and local elected officials. The right balance has been struck by the current drug laws. Public safety has been preserved by the low crime rates statewide, while at the same time, the prison population has decreased significantly.”

In testimony last week, NYS Correction Commissioner Brian Fischer advocated for the closing of prisons and attributed the significant reduction in prison population that would allow for such closings to the 2004 drug law reforms. This reform repealed the Rockefeller Drug laws, and created a new sentencing framework which **eliminated life sentences and reduced prison terms for all drug crimes**. Specifically, there has been a **43% decrease in the number of felony drug offenders sent to state prison** in the past decade and a **23% decline in drug felons imprisoned in the past four years**. While right-sizing the prison population, the 2004 reforms also protected public safety by ensuring that dangerous traffickers and repeat drug dealers went to prison.

President Donovan further continued, “We must continue our collaboration with our partners to insure that crime continues to decline. We cannot allow drug traffickers to believe that there are no consequences for their crimes. If we do not aggressively punish drug traffickers, we will return to the days when drug dens and open air drug markets were plentiful and drive-by shootings between rival drug gangs terrified our communities.”

“Many people continue to labor under the mistaken belief that life sentences are still authorized for drug crimes. In fact, this law has been repealed. Some think that New Yorkers are ending up in prison for possessing a marijuana cigarette or a crack pipe. Mere possession of a marijuana cigarette is a violation – the equivalent of a traffic ticket, and

small-time drug users do not go to prison. Public discussion about the drug issue is ill served by perpetuating myths. New Yorkers deserve to know the facts.”

“It is equally important that the 2004 drug law amendments preserved drug treatment programs supervised by District Attorneys, which are run outside of prison. Begun by the Kings County District Attorney 19 years ago, the Drug Treatment Alternatives to Prison program (DTAP) has a proven track record of returning defendants to meaningful, productive lives. District Attorneys and judges have critical roles to play in assessing appropriate candidates for such programs, and in assuring that the process is fair.”

In addition to DTAP, Drug Courts exist in almost every county. Judges, prosecutors and defense attorneys have worked together in these courts to provide drug treatment to almost 40,000 drug dependent individuals facing felony and misdemeanor drug charges. Most impressively, in the past year, the number of offenders participating in treatment through drug court and DTAP exceeded the number of defendants sent to state prison.

“Some call for eliminating the prosecutors’ role in drug treatment and for further reducing drug sanctions. We oppose these proposals: both will undermine effective treatment. Without the prosecutors’ input and experience, and the threat of sanctions that overcome the powerful urge of the drug dependent to return to crime, public safety will be at risk and these defendants will not remain in treatment.”

A five-year study by the National Center on Addiction and Substance Abuse at Columbia University found that DTAP graduates were 87% less likely to return to prison than a comparison group released from prison. Graduates were also 3½ times likelier to be employed after the program than prior to their arrest. These highly impressive results were achieved at half the cost of incarceration.

“The tough and compassionate approach of DTAP programs run by District Attorneys across the state, with the oversight of the judiciary, must be allowed to grow and flourish. Prosecutors have shown that they use the state’s resources wisely and instill public confidence in their drug treatment programs. The state must continue to support the existing treatment programs for defendants whose crimes are motivated by their addiction.”

President Donovan said members of his association will meet with legislative leaders in coming weeks to answer their questions and inform them about these issues. District Attorneys will ask for an analysis of cost savings realized from the reduced prison population and urge legislators to use the savings to offset proposed budget cuts to the DTAP and Road to Recovery programs.

In his State of the State message, Governor Paterson said we must “expand the availability of drug treatment” and “assure that prisons are used for the most serious drug offenders”. The District Attorneys Association shares these goals. Since the 2004 repeal of the Rockefeller Drug Laws, the District Attorneys and their partners, have diverted thousands of persons addicted to drugs into treatment and significantly reduced the prison population by sending only the most serious drug offenders to prison. Most importantly, these goals were accomplished without jeopardizing public safety. *-end-*