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NEW YORKERS STRONGLY SUPPORT ROCKEFELLER DRUG LAW REFORM, NEW POLL SHOWS

New York City – An overwhelming majority of New Yorkers believe that the state’s Rockefeller-era drug laws should be changed to allow non-violent, addicted offenders to be sent to treatment instead of prison and to give judges discretion in making those sentencing decisions, according to a poll released today by the Legal Action Center. In a statewide poll 75% of New Yorkers responded that judges should have discretion to sentence nonviolent drug offenders to treatment even if they sell small amounts of drugs to support their own addiction. 62% support changing current law to allow non-violent, addicted offenders to be sent to treatment instead of prison even if they have a prior felony conviction, and that figure climbs to 81% when respondents are told that treatment costs less than prison. 71% believe that treatment is the best approach to preventing future drug-related crimes by non-violent, addicted offenders; only 18% think that prison is. Of those who believe that the law should be changed to allow discretion to send predicate offenders convicted of non-violent drug offenses to treatment instead of prison, 64% felt that judges should have that authority to make sentencing decisions, while 22% thought prosecutors should have the discretion.

The poll also shows that New Yorkers feel strongly about these issues. 63% were more likely – nearly 20% much more likely and nearly 44% somewhat more likely – to vote for a candidate or an elected official who supported reform giving judges discretion in sentencing addicted non-violent second felony offenders to treatment.

In a survey of 1,340 registered voters conducted April 15-19, 2002 for the Legal Action Center by Strategic Moves, LLC, an Albany-based consulting firm and publishers of The New York Report, majorities support reform in every region of the state and virtually every demographic category, including ethnicity, religion, age, party, and gender (see summaries below). The survey has a margin of error of 2.8%. Survey results for your region of the state follow.

Anita Marton, Senior Attorney with the Legal Action Center, observed: "This poll shows that the public recognizes that many of the sentences that have been imposed under New York's current mandatory sentencing scheme are too harsh. Instead, New Yorkers want the law changed to allow judges to decide appropriate sentences for non-violent addicted offenders on a case-by-case basis." Paul Samuels, Director and President of the Legal Action Center, noted: "The public does not want to continue the costly warehousing of nonviolent drug offenders in prison that does little to prevent recidivism. Instead they believe that the best way to prevent criminal activity by non-violent, addicted offenders is to send them to treatment."

Selected Results by Region and Demographics

Results by Region of the State

When asked whether an individual with no prior violent convictions who sells a small quantity of drugs to support an addiction should automatically be sent to prison, as is often the case under current law, or should have the option of being mandated into drug treatment if a judge finds that appropriate, overwhelming majorities in every region of the state say the judge should have the discretion to mandate treatment, ranging from 79% in both the rural North Country and western New York and 78% in New York City to 65% in central New York and the Catskills, with overall support outside of New York City at 74%. Similarly, when asked about non-violent, addicted offenders with two felony convictions, who currently must go to prison if the convictions occur within 10 years no matter the circumstances, support for changing the law to allow discretion to mandate treatment instead of prison ranges from 50% in the Finger Lakes, 55% on Long Island, and 56% in central New York to 65% in the Southern Tier and western New York and 66% in New York City. Again, support for reform outside New York City was nearly as high (59%) as support in New York City. When asked whether sending non-violent addicted offenders to treatment or prison was the best way to prevent future drug-related crimes,

75% of those polled in New York City and 68% outside New York City choose treatment, including 75% in the Capital District, 72% in the North Country, and 71% in the Southern Tier.

Results by Ethnicity

Support for reform of the Rockefeller-era drug laws was strong across all ethnicities. 76% of whites, 78% of Hispanics, and 81% of African-Americans support giving judges discretion to send individuals to treatment with no prior violent felony convictions even if they sell small quantities of drugs to support their own addiction. 61% of whites, 62% of Hispanics, and 70% of African-Americans support changing New York's sentencing laws to allow discretion in sentencing non-violent, second felony offenders to drug treatment. 70% of whites and 78% of both Hispanics and African-Americans polled feel that sending nonviolent addicted offenders to treatment, not prison, is the best approach to preventing future drug-related crimes. 63% of whites, 68% of Hispanics, and 74% of African-Americans polled are more likely to vote for a candidate or an elected official who supports reform that would give judges discretion in sentencing addicted non-violent second felony offenders to treatment.

Results by Gender and Religion

76% of women, 75% of men, 75% of Catholics, 73% of Protestants, and 81% of Jews support giving judges discretion to send individuals to treatment with no prior violent felony convictions even if they sell small quantities of drugs to support their own addiction. 61% of women, 63% of men, 59% of Catholics, 63% of Protestants, and 67% of Jews support changing New York's sentencing laws to allow discretion in sentencing non-violent, second felony offenders to drug treatment. 73% of women, 69% of men, 71% of Catholics, 70% of Protestants, and 72% of Jews polled feel that sending nonviolent addicted offenders to treatment, not prison, is the best approach to preventing future drug-related crimes. 64% of women, 63% of men, 63% of Catholics, 66% of Protestants, and 64% of Jews polled are more likely to vote for a candidate or an elected official who supports reform that would give judges discretion in sentencing addicted non-violent second felony offenders to treatment.

Results by Party Affiliation

69% of Republicans, 80% of Democrats, and 76% of Independence Party members support giving judges discretion to send individuals to treatment with no prior violent felony convictions even if they sell small quantities of drugs to support their own addiction. 51% of Republicans, 68% of Democrats, and 76% of Independence Party members support changing New York's sentencing laws to allow discretion in sentencing non-violent, second felony offenders to drug treatment. 62% of Republicans, 77% of Democrats, and 71% of Independence Party members polled feel that sending nonviolent addicted offenders to treatment, not prison, is the best approach to preventing future drug-related crimes. 53% of Republicans, 69% of Democrats, and 71% of Independence Party members polled are more likely to vote for a candidate or an elected official who supports reform that would give judges discretion in sentencing addicted non-violent second felony offenders to treatment.

The entire set of poll questions and cross-tabs are available upon request.

The Legal Action Center is a non-profit law and policy organization specializing in criminal justice, addiction and AIDS. The Center works closely with criminal justice agencies, policy makers, including legislators on the local, state and national level, and community-based organizations providing information and assistance on a wide range of criminal justice issues, including sentencing reform, ex-offender employment, community-sanctions, and funding issues. The Center has conducted a variety of studies addressing issues relating to criminal justice and addiction.

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RESULTS OF DRUG LAW REFORM POLL CONDUCTED APRIL 15 - 19, 2002

1. Do you agree with the current law that individuals convicted of two felony drug offenses should automatically be sent to prison, or do you believe that the law should be changed to allow discretion in sentencing of non-violent, second-felony offenders who are addicted to drugs to a mandatory non-prison drug treatment program.

1. Agree with current law	(32.4%)
2. Change law to allow discretion in sentencing	(61.8%)
3. Undecided	(5.3%)
4. Refused	(0.5%)

If answer was #1 or #3, the following was asked:

1-A) With New York State confronting a budget deficit, would you support sentencing of a non-violent, second-felony offender who is addicted to drugs to a mandatory non-prison drug treatment program if you knew the cost of drug treatment is less than the cost of sentencing that same individual to a term in prison?

1. Yes	(49.9%)
2. No	(30.5%)
3. Undecided	(19.4%)
4. Refused	(0.2%)

If answer was #2, the following was asked:

1-B) If you believe that there should be discretion in sentencing, who should have the authority to decide if an individual who has been convicted of two non-violent felony drug offenses, but is addicted to drugs, should be sent to prison or a mandatory non-prison drug treatment program, judges or prosecutors?

1. Judges	(64.4%)
2. Prosecutors	(21.8%)
3. Undecided	(11.9%)
4. Refused	(2.0%)

The next questions were asked of everyone polled:

2. Which statement more closely reflects your opinion:

- a. An individual who sells a small quantity of drugs to support his or her own addiction and has no prior violent convictions should automatically be sentenced to prison.

- b. A judge should have the discretion in sentencing to allow an individual who sells a small quantity of drugs to support his or her own addiction and has no prior violent convictions to be sentenced to either prison or a mandatory non-prison drug treatment program.

1.	1	(19.3%)
2.	2	(75.5%)
3.	Undecided	(4.8%)
4.	Refused	(0.4%)

3. Which is the best approach to preventing future drug-related crimes: Sentencing non-violent addicted offenders to a mandatory non-prison drug treatment program or sentencing non-violent addicted offenders to prison.

1.	Treatment	(71.1%)
2.	Prison	(17.6%)
3.	Undecided	(11.0%)
4.	Refused	(0.3%)

4. Would a candidate's or an elected official's position supporting reform of New York's drug law that would give judges the discretion in sentencing of non-violent, second-felony offenders who are addicted to drugs to non-prison drug treatment programs make you: much more likely, somewhat more likely, somewhat less likely or much less likely to vote for that person?

1.	Much more likely	(19.5%)
2.	Somewhat more likely	(43.9%)
3.	Somewhat less likely	(10.2%)
4.	Much less likely	(8.5%)