



NEW YORK STATE SENATOR

Dale M. Volker

## Drugs, Drugs, Everywhere!

DALE M. VOLKER March 25, 2009

### **Move to Reform Current Drug Laws Will Destroy New York Families and Communities**

(ALBANY, NY) Dale M. Volker (R-C-I, Depew) today voiced concerns on the Governor, Senate and Assembly Democrats' Agreement to allow drug felons a "get out of jail free card" is shortsighted and a dangerous precedent that will destroy communities, harm families and lead to the decriminalization of illegal narcotics. The Rockefeller Drug Laws, a series of stringent anti-drug measures passed in 1973 which were once considered among the strongest in the nation, have been reformed numerous times since their conception and were dramatically reformed in 2004.

Our citizens should be concerned. Just recently The United State's Secretary of State Hillary Clinton said about the escalating drug violence in Mexico, "We know very well that the drug traffickers are motivated by the demand for illegal drugs in the United States...." Governor Paterson, Senate Democratic Leader Malcolm Smith and Assembly Speaker Sheldon Silver's "pro criminal and pro drugs" agreement will exacerbate this demand of illegal narcotics flowing into our country and state. We are adding fuel to the fire and have turned our backs on those in our society who want to live, work and grow a family free of drug dealers, junkies, violence, and crime that is directly attributed to the drug culture. Looking into the future, one can imagine watching the movie "New Jack City," where drug dealers and crooks control

neighborhoods, poisoning their fellow neighbors and destroying their communities and futures.

The pro criminal and pro drug advocates have done a fine job misrepresenting and skewing the real successes that our district attorneys and law enforcement communities have achieved over the past 20 years. The number of incarcerated drug felons is at its lowest levels in 20 years, the overall prison population has declined to levels not seen since 1991. In fact, in 2008, more drug offenders participated in drug treatment than were sent to prison. It is my opinion that the right balance has been struck by the current drug laws. Additionally, New York has developed a number of programs that mitigate the effects of the Rockefeller Drug Laws either by combining elements of "shock" prison program and treatment with early release or by diverting certain prison-bound offenders into treatment as an alternative to prison. Amendments made to the drug laws in 2004 provided for reduced sentences for nonviolent drug offenders, and expanded "Alternative to Incarceration" programs aimed at diverting some drug addicts treatment so as to allow them to reenter society as productive citizens. From 2003 to 2007 the percentage of those arrested for drug felonies in New York State that resulted in incarceration dropped from 53% to 43% according to the Department of Criminal Justice Services.

One of the most regressive portions of this potential agreement is the stripping of power from district attorneys by not requiring their consent to transfer certain cases to drug court, and allowing drug dealers and users to have their records conditionally sealed. This is a criminal justice recipe for disaster. School districts and nursing homes who do background checks on potential employees will now not have the ability to know if that hire has had a substance abuse problem several times over.

This potential agreement does one thing extremely well. It lets out thousands of felons back on our streets so they can destroy lives, pollute our children's' future and reverse our hard-

fought successes in stemming the scourge of illegal narcotics on our streets and neighborhoods," said Senator Dale M. Volker. "If this drug proposal is adopted, it will undermine existing, demonstrably successful treatment programs for drug addicted users and offers no incentive to convince addicted offenders to enter and remain in treatment. There is no doubt in my mind that communities like Jackson Heights, Central Islip, Watertown, North Hempstead, and Bayside for example could be ground zero for drug turf wars."

For several years now, Senate Republicans have worked diligently to adopt meaningful drug law reform. This is especially true when it concerns first time, nonviolent felony offenders who merit a second chance; as long as the individual is compelled to participate and complete meaningful substance abuse services and treatment. At the same time, we have always believed that stiffening criminal penalties for those drug dealers, especially armed drug dealers and those who use children to peddle their "death trade" must not be watered down.

"The drug law reform agreement not only concerns me greatly, but should be a concern to all law-abiding New Yorkers," said Senator Dale M. Volker. "Ask everyday New Yorkers if they would prefer to live in safe neighborhoods, if they want to educate their children in safe scholastic environments, and if they want to live full, productive lives without the scourge of illegal narcotics destroying their families, children and neighborhoods. The answer to that is simple--Of course! If enacted, the drug agreement would trample these ideals."

We need to stop the political posturing and come together on a drug reform proposal that can, and will, give a second chance to many who are addicted to illegal narcotics; and at the same time severely punish those who destroy futures by preying on vulnerable populations

and our children. Now is the time to make realistic and responsible drug reform a reality. It is not a time to politicize, and insert regressive policy proposals, that would in fact poison a public policy issue of such magnitude simply to gain political points. We all realize that New York State wants to reinvigorate its manufacturing base. However, we should not be encouraging illegal narcotics manufacturing. Lets pass drug reform that is meaningful, not menacing.