



NEW YORK STATE SENATOR

Jeffrey D. Klein

Klein Investigation Finds Gaps in Rockefeller Reform Implementation

JEFFREY D. KLEIN February 26, 2012

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NEW YORK, NY – More than half of substance abuse treatment providers have reported no increase in patients in the three years since Rockefeller Drug Law reform, raising serious questions about the implementation of the revamped statutes, according to a report released Sunday by State Senator Jeffrey D. Klein, (D-Bronx/ Westchester), the chairman of the Senate Standing Committee on Alcoholism & Drug Abuse.

The report, “Assessing the Effectiveness of Substance Abuse Treatment Under Rockefeller Drug Law Reform,” also found widespread communication problems between criminal justice agencies and recovery providers, as well as funding issues that threaten the effectiveness of the reforms.

“With Rockefeller Drug Reform we made a commitment to treat addiction instead of warehousing addicts, to simultaneously see that justice was served and help those in need,” Senator Klein said. “This report highlights the serious gaps we still face in meeting that commitment and I intend to use it as a launching pad to ensure that these reforms are implemented correctly and that this state lives up to the promise we made when we reformed New York’s Draconian Rockefeller-era drug laws.”

“With Rockefeller Reform, we rightly said New York must treat addiction as the disease that it is. I’m committed to ensuring that we have a system that works, where people can get the treatment they need, and where no one falls through the cracks,” said Assembly Member Richard Gottfried, Chair of the NYS Assembly Health Committee.

Among the findings:

- Only 47 percent of survey respondents have seen an increase in the number of patients since October 2009 reforms. 46 percent of respondents reported no change in their caseloads and 7 percent actually reported a decrease. These numbers point to an uneven use of judicial diversion across New York State.
- New York lacks a cohesive state-wide strategy to tackle treatment alternatives to incarceration. For example: Parallel alternative treatment programs, also known as Alternatives-to-Incarceration, that existed before Rockefeller Reform remain in place, yet

are underutilized.

- Widespread communication problems between the treatment providers and the criminal justice agencies were reported. Specifically, the providers have complained about lack of access to criminal tracking numbers, case records, and other documents required to ensure continued care of criminal justice patients.
- While many providers indicated no post-reform increase, 21 percent of respondents reported that they have wait lists for their programs – some as long as three months. The longer the wait, the greater chance a patient will relapse.
- Funding for these programs remains an issue. When the reforms were passed, \$65 million in state and federal funding over two years has been allocated for expanded treatment programs. Only \$40 million of that has been released, according to ASAP. This has been a particular challenge with treating the uninsured.

“Treating addiction as a health problem instead of a crime has been an important policy shift,” said John Coppola, Executive Director of the NY Association of Alcoholism and Substance Abuse Providers. “Now practice must catch up with policy. More resources are needed for prevention, treatment, and recovery services and better protocols must be used by the courts to ensure appropriate alternatives to incarceration.”

Senator Klein will be holding a public hearing in March on the implementation of Rockefeller Reform. The purpose of this hearing will be to solicit testimony from all stakeholders on how to best form a cohesive drug treatment strategy in New York State.

The report additionally recommends that:

- The Legislature, via resolution, or a separate law, set clear, concise and uniform guidelines regarding alternatives for incarceration.
- Additional funding be secured through the budget process.

Howard Josepher, President & CEO of Exponents, a treatment center based in Manhattan, said: "Having 40 years of experience in the field of addiction treatment, I see how much more skilled and successful we have become in bringing people into recovery but with services being underfunded and underutilized, we continue to send people to prison while better and less expensive options are available."

Alan Brand, CEO of Narco Freedom Inc., a substance abuse treatment program based in Brooklyn, Queens and the Bronx, said: "A coordinated effort between state agencies and treatment providers utilizing a comprehensive patient centered service model would attract and retain these patients in treatment."

Ricky Cottingham Sr. Clinical Program Director of Queens Village Committee of Mental Health for J-Cap Programs Inc., said: "Incarcerating individuals who have committed crimes because of their substance abuse will never be the answer. The answer lies in alternatives to incarceration and residential treatment. It is there, that custody and control is superseded by love, guidance and support. It is vital that we have the resources and structure to properly implement the Rockefeller Reforms."

